

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 3rd June, 2020

Virtual Meeting - via Skype

This is a public meeting and members of the public are welcome watch the live webcast on the Council's website.

Contacts

Email: jamie.macrae@edinburgh.gov.uk / louise.p.williamson@edinburgh.gov.uk

Tel: 0131 553 8242 / 0131 529 4264

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 1 June 2020** (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 Minute of the Development Management Sub-Committee of 20 May 2020 – submitted for approval as a correct record 11 - 16

4. General Applications and Miscellaneous Business Reports

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.

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|---|---|----------|
| 4.1 | 15 Albert Terrace, Edinburgh EH10 5EA - This proposal is to form a new door opening to access roof terrace with barrier and new glazed opening giving access to garden. Change existing ground floor windows to door - application no 20/00593/FUL – Report by the Chief Planning Officer | 17 - 26 |
| It is recommended that this application be GRANTED . | | |
| 4.2 | 89 Constitution Street, Edinburgh EH6 7AS - Proposed change of use from existing offices to form 9 new dwelling flats - application no 20/00272/FUL – Report by the Chief Planning Officer | 27 - 46 |
| It is recommended that this application be GRANTED . | | |
| 4.3 | 89 Constitution Street, Edinburgh EH6 7AS - Proposed change of use from existing offices to form 9 new dwelling flats - application no 20/00271/LBC – Report by the Chief Planning Officer | 47 - 58 |
| It is recommended that this application be GRANTED . | | |
| 4.4 | 48 Duddingston Road West, Edinburgh EH15 3PS - Erection of 7 residential dwellings with driveways, associated infrastructure, hard and soft landscaping (as amended) - application no 19/05014/FUL – Report by the Chief Planning Officer | 59 - 76 |
| It is recommended that this application be GRANTED | | |
| 4.5 | 48 Duddingston Road West, Edinburgh EH15 3PS - Proposed demolition of garage and rear boundary wall and part demolition of boundary wall - application no 19/05013/LBC – Report by the Chief Planning Officer | 77 - 86 |
| It is recommended that this application be GRANTED . | | |
| 4.6 | 11 - 23 Montrose Terrace, Edinburgh - Proposed purpose-built student accommodation development with community space, | 87 - 114 |

associated infrastructure and amenity space, bicycle parking, landscaping and upgrade of pedestrian path and steps - application no 20/00496/FUL – Report by the Chief Planning Officer

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

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|------------|---|-----------|
| 4.7 | 11 - 23 Montrose Terrace, Edinburgh - Proposed removal of rubble wall, steps, railing and gate and rebuilding of stone steps as part of redevelopment of site and re-provision of pedestrian route - application no 20/00497/LBC – Report by the Chief Planning Officer | 115 - 124 |
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It is recommended that this application be **GRANTED**.

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| 4.8 | 11 - 23 Montrose Terrace, Edinburgh - Complete demolition of a wall in a Conservation Area - application no 20/00498/CON – Report by the Chief Planning Officer | 125 - 134 |
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It is recommended that this application be **GRANTED**.

5. Returning Applications

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

- 5.1** None.

6. Applications for Hearing

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

- 6.1** 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.

- 7.1 500 Gorgie Road, Edinburgh, EH11 3YJ - Proposed development of former car park site to erect 35 flats with associated parking, access and services (as amended) - application no 19/02560/FUL – Report by the Chief Planning Officer 135 - 164
- It is recommended that this application be **GRANTED**.

8. Returning Applications Following Site Visit

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

- 8.1 None.

9. Pre-Application Notices

The Pre-Application reports listed below are for noting only and provides the opportunity to raise key issues. Any comments should be emailed direct to the case officer.

- 9.1 Forthcoming application by Hero Catalyst Hospitality Ventures (Elgin House Edin.) Ltd. for Proposal of Application Notice at Elgin House, 20 Haymarket Yards, Edinburgh - Proposed Demolition and Re-development of Site for a mix of uses including office (class 4), hotel (class 7) and student accommodation - application no 20/01591/PAN – Report by the Chief Planning Officer 165 - 170

- 9.2** Forthcoming application by Drum (Steads Place) Ltd and CAMVO 171 - 178
123 LTD. for Proposal of Application Notice at 106 - 162 Leith Walk, Edinburgh EH6 5DX - Proposed Demolition of Industrial Units and Development of Residential Led Uses. Retention of existing 2-Storey Sandstone Building with Potential to Include Class 1 (Shops), Class 2 (Financial Professional and Other Services), Class3 Food and Drink), CLASS 4 (Business), Class 10 (Non-Residential Institutions) Class 11 (Assembly and Leisure) and Sui Generis Uses, With Associated Landscaping, Open Space and Infrastructure - application no 20/01447/PAN – Report by the Chief Planning Officer

10. Extended Delegation Decisions

The reports listed below have been decided by the Chief Planning Officer, in consultation with the Convener and Vice-Convener of the Development Management Sub-Committee, using the Extended Delegated Powers agreed by the Leadership Advisory Panel held on 31 March 2020.

- 10.1** Corstorphine Hospital, 136 Corstorphine Road, Edinburgh EH12 6TT - 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

This application was Granted by the Chief Planning Officer under Extended Delegated Authority.

- 10.2** 65, 67 And 69 Cowgate, Edinburgh EH1 1JW - Change of use from temporary arts venue to hotel, bar/restaurant and function room; alterations to form new hotel, bar/restaurant retaining existing nightclub; alterations and erection of two kitchen extract ducts - application no 19/03174/FUL

This application was Granted by the Chief Planning Officer under Extended Delegated Authority.

- 10.3** 65, 67 And 69 Cowgate, Edinburgh EH1 1JW - External and internal alterations to convert from temporary arts venue to hotel, bar/restaurant and function room - application no 19/03175/LBC

This application was Granted by the Chief Planning Officer under Extended Delegated Authority.

- 10.4** 11 Cumberland Street, North West Lane, Edinburgh (Land 17 Metres West Of) - Proposed new mews house on existing car park to west of no. 11 North West Cumberland Street Lane - application no 19/04576/FUL

This application was Granted by the Chief Planning Officer under Extended Delegated Authority.

- 10.5** 11 Cumberland Street, North West Lane, Edinburgh - Proposed mews house will be built upon existing B listed boundary wall - application no 19/04577/LBC

This application was Granted by the Chief Planning Officer under Extended Delegated Authority.

- 10.6** 49 - 51 Eyre Place, Edinburgh EH3 5EY - Planning in principle for the demolition of the existing public house at 49-51 Eyre Place and to erect housing on the site - application no 19/05565/PPP

This application was Granted by the Chief Planning Officer under Extended Delegated Authority.

- 10.7** 18 Fairholm Mews, Edinburgh EH10 4FE - To convert existing garage into a sitting / family room. French doors to be installed in existing garage door opening, no change to lintel - application no 20/00695/FUL

This application was Granted by the Chief Planning Officer under Extended Delegated Authority.

- 10.8** 469 Gorgie Road, Edinburgh EH11 3AD - Removal of existing vacant mixed residential /light industrial buildings. Erect 11 flats with associated access, parking and garden ground. Flats arranged in two blocks to front and rear of site, 6 flats over 3 storeys to front block; 5 flats over 2 storeys to rear block -

application no 19/05579/FUL

This application was Refused by the Chief Planning Officer under Extended Delegated Authority.

- 10.9** 7 Joppa Grove, Edinburgh EH15 2HX - Single storey flat roof extension to the side and attic conversion with new rear dormer (as amended) - application no 19/05656/FUL

This application was Granted by the Chief Planning Officer under Extended Delegated Authority.

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 meeting will be held by Skype and will be webcast live for viewing by 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.

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 20 May 2020

Present:

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

1. Minutes

Decision

- 1) To approve the minute of the Development Management Sub-Committee of 6 November 2019 as a correct record subject to amending the list of members present to note Councillor Staniforth substituted for Councillor Booth.
- 2) To approve the minute of the Development Management Sub-Committee of 4 March 2020 as a correct record.
- 3) To approve the minute of the Development Management Sub-Committee of 18 March 2020 as a correct record.

2. General Applications and Miscellaneous Business

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

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda item 4.3 – Headstart Nursery, 64-68 Morningside Drive, Edinburgh– Requested by Ward Councillor Neil Ross.

The Chief Planning Officer gave a presentation on agenda item 4.4 – Headstart Nursery, 64-68 Morningside Drive, Edinburgh– Requested by Ward Councillor Neil Ross.

The Chief Planning Officer gave a presentation on agenda item 9.3 – Forthcoming application by Gladman Developments Ltd for Proposal of Application Notice at Land at the Wisp, Edinburgh– Requested by Councillor Gardiner.

Decision

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

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

Appendix

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|---|---|--|
| Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register. | | |
| 4.1 - <u>Comely Bank Road, Edinburgh</u> | Rebuild 1912 South Boundary wall of the former Grange & Academicals Trust playing field. Restore in its original form and position fronting Comely Bank Road. The wall will be built using any surviving and retrievable original stone with new matching squared rock-faced red sandstone with half-round copes, all bedded in hot-mixed lime mortar - application no 19/04744/FUL | To note application was WITHDRAWN by the applicant. |
| 4.2 - <u>30 Corbiehill Road, Edinburgh, EH4 5DZ</u> | Alterations and roof extension to existing detached house to form 5 flats - application no 19/03387/FUL | To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer. |
| 4.3 – <u>Headstart Nursery, 64-68 Morningside Drive, Edinburgh</u> | Planning application for demolition of existing nursery school and construction of 3 No. townhouses with landscaping, cycle and bin stores and, ancillary infrastructure (as amended) - application no 20/00549/FUL | To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer. |
| 4.4 - <u>Headstart Nursery, 64-68 Morningside Drive, Edinburgh</u> | Complete demolition in a conservation area. Demolition of an existing nursery school - application no 20/00550/CON | To GRANT Conservation Area Consent subject to the addition of the following informative: The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent. |

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|---|--|---|
| 7.1 - <u>19 Turnhouse Road, Edinburgh (At Site 100 Metres North East Of)</u> | Approval of Matters Specified in Conditions of planning permission in principle 16/04738/PPP in respect of conditions 1,2,3,4 and 5 (site masterplan) - application no 19/05599/AMC | To APPROVE Matters Specified in Conditions subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer. |
| 7.2 - <u>19 Turnhouse Road, Edinburgh (At Site 100 Metres North East Of)</u> | Approval of Matters Specified in Conditions of planning permission in principle 16/04738/PPP, in respect of conditions 6(c), 6(d), 6(e), 7,8,10,11,12,13.14,16,18,19.20 and 21 (relating to landscape and enabling infrastructure) - application no 19/05514/AMC | To APPROVE Matters Specified in Conditions subject to informatives set out in section 3 of the report by the Chief Planning Officer, and an additional informative that developer will engage to discuss the content of the signage. |
| 7.3 - <u>West Craigs Cottage, 85 Craigs Road, Edinburgh (At Land 195 Metres South Of)</u> | Application for approval of matters specified in conditions 1,2,3,4 and 5 of planning permission 16/05681/PPP for erection of 250 residential dwellings (Scheme 2) - application no 19/05051/AMC | To APPROVE Matters Specified in Conditions subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer. |
| 9.1 - <u>Forthcoming application by Parabola Edinburgh Ltd for Proposal of Application Notice at Land Adjacent to Lochside Way, Edinburgh</u> | Development of southern phase of Edinburgh Park to comprise mix of uses including residential (class 9 houses and sui generis flats), student accommodation and serviced apartments (sui generis), offices (class 4), hotel (class 7), creche (class 10), leisure (class 11), ancillary class 1/class 2/class 3 and sui generis public house – application no 20/00260/PAN | To note application was WITHDRAWN . |
| 9.2 - <u>Forthcoming application by Teague Homes (UK) Ltd for Proposal of Application Notice at Former 9-21 Salamander Place, Edinburgh</u> | Phase 5 and 6 Proposed residential development and associated open space, car parking and landscaping - application no 20/00906/PAN | <ol style="list-style-type: none"> 1) To note the key issues at this stage. 2) To take into account connectivity in terms of pedestrian and cycle routes. |

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|--|---|--|
| 9.3 - Forthcoming application by Gladman Developments Ltd for Proposal of Application Notice at Land at the Wisp, Edinburgh | Planning permission in principle for proposed residential development with associated SUDS, landscaping, infrastructure and engineering works - 20/00529/PAN | <ol style="list-style-type: none"> 1) To note the key issues at this stage. 2) To take into account the following issues: <ul style="list-style-type: none"> • consider the use for small-scale mixed-use business usage to consider relationship with Craigmillar Masterplan, Hunters Hall public open space, potential for mixed use development and connectivity including with adjacent retail park. |
| 10.1 - 10 Croall Place, Edinburgh EH7 4LT | Hoarding with LED digital display - application no 19/06049/ADV | <ol style="list-style-type: none"> 1) To note this application was Granted by the Chief Planning Officer under Extended Delegated Authority. 2) To note that the Chief Planning Officer would liaise with Cllr Munn regarding the reasons for considering this application under delegated authority. |
| 10.2 - East Garden Suite, 32 Hailes Avenue, Edinburgh | Change of use of existing category B listed Hailes House from commercial office to residential to provide 10 dwellings. Conversion includes construction of external bin & bike store and associated parking and shared amenity space (as amended to delete proposed new build residential units) - application no 19/04894/FUL | To note this application was Granted by the Chief Planning Officer under Extended Delegated Authority |

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|---|--|---|
| 10.3 - East Garden Suite, 32 Hailes Avenue, Edinburgh | Alterations to convert existing category B listed Hailes House from commercial office use to residential to provide 10 dwelling houses. Conversion includes internal down takings, enlarging existing external openings and the formation of new openings (as amended) - application no 19/04892/LBC | To note this application was Granted by the Chief Planning Officer under Extended Delegated Authority |
| 10.4 - 9 Inverleith Terrace, Edinburgh | Tree Preservation Order - application no TPO/191 | To note this application was Confirmed by the Chief Planning Officer under Extended Delegated Authority |
| 10.5 - 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 | To note this application was Granted by the Chief Planning Officer under Extended Delegated Authority |
| 10.6 - 1A Old Liston Road, Newbridge EH28 8SJ | To address conditions 1,4,5,6,7,8,9,11,13,14,15,18,19 and 20 with further required design details in accordance with requirements of original Planning Permission in Principle - application no 19/01848/AMC | To note this application was Approved by the Chief Planning Officer under Extended Delegated Authority. |

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Development Management Sub Committee

Wednesday 3 June 2020

**Application for Planning Permission 20/00593/FUL
at 15 Albert Terrace, Edinburgh, EH10 5EA.**

This proposal is to form a new door opening to access roof terrace with barrier and new glazed opening giving access to garden. Change existing ground floor windows to door.

Item number

Report number

Wards

B10 - Morningside

Summary

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area.

The proposal would be compatible with the existing building and the character of the surrounding streetscape. It would not have an unacceptable impact on neighbouring amenity and complies with the Edinburgh Local Development Plan (LDP).

Links

[Policies and guidance for this application](#)

LDPP, LEN06, LDES12, NSG, NSHOU, NSLBCA, CRPMER,

Report

Application for Planning Permission 20/00593/FUL at 15 Albert Terrace, Edinburgh, EH10 5EA.

This proposal is to form a new door opening to access roof terrace with barrier and new glazed opening giving access to garden. Change existing ground floor windows to door.

Recommendations

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

Background

2.1 Site description

The site is located on a corner plot at the intersection between Albert Terrace and Tipperlin Road. The application site relates to a three storey, 2-bedroom dwellinghouse which extends from the south elevation of a large subdivided three storey stone built detached villa (10 Tipperlin Road) which comprises three individual dwellings. A window for the first floor property is to the west of the proposed roof terrace on the same level, and a bay window for the upper floor property sits directly above the proposed roof terrace.

The application site is contemporary to the original house and would have historically been ancillary accommodation. The application site has a garden courtyard extending from the south elevation.

The surrounding architecture is primarily traditional stone dwelling houses, of similar architectural style, in a predominantly residential area.

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

2.2 Site History

There is no relevant site planning history.

Main report

3.1 Description of the Proposal

The proposal seeks the formation of a roof terrace on an existing flat roof of the host property. The roof terrace, measuring 1.8m x 1.8m, with surrounding balustrade would be accessed from a new door opening on the first floor.

The proposal also includes the combination of two windows on the ground floor to create one glazed doorway, providing access to the garden courtyard. The existing stone reclaimed from the window openings would be utilised to infill an existing door opening on the same elevation.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposals preserve or enhance the character and appearance of the conservation area;
- b) the proposed scale, form and design are acceptable;
- c) the proposal will cause an unreasonable loss to neighbouring amenity and
- d) any comments raised have been addressed.

a) Character and Appearance of the Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 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 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The Merchiston and Greenhill Conservation Area Character Appraisal states that:

'The architectural character of the area is dominated by Victorian villas interspersed with substantial terraces of outstanding quality. The buildings are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.'

'The stone boundary walls, which typify boundary treatments contribute to the visual and physical seclusion of the villa development, give definition to the street layout and create a clear distinction between public and private spaces.'

Whilst not a notable characteristic of the conservation area, the modest roof terrace would utilise an area of existing flat roof space set back from the street elevation and well screened by existing mature trees. The proposal would not erode any key characteristics of the conservation area whilst the distinction between public and private space would remain. The proposal would not cause any detrimental impact on the character or appearance of the conservation area.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

b) Scale, form and design

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

The creation of doors to replace existing windows at ground level is an appropriate design response for this elevation. The proposed roof terrace would create an acceptable addition to the roof of the property. The location of the property on a corner plot and the set back of the roof from the principal street elevation would ensure that it would have a minimal impact on the appearance of the historic villa building, as well as the adjoining building.

The roof terrace sits comfortably within the context of the building, and the lightweight design ensures there would be no detrimental impact on the characteristics of the surrounding streetscape. The proposal is of an appropriate scale, form and design.

The proposal complies with LDP Policy Des 12 and the non-statutory Guidance for Householders.

c) Neighbouring amenity

The context of the neighbouring properties in relation to the application site is explained in section 2.1 above. Representations have been received regarding the potential detrimental impact of the proposed roof terrace on neighbouring amenity, particularly the impact on the window directly to the west and the bay window above which overlooks the proposal - both relating to separate properties.

The Council's non-statutory Guidance for Householders states that 'permission for roof terraces will not be granted where there is significant overlooking into neighbouring property due to positioning and height or if the terracing results in loss of privacy to neighbouring properties'.

The proposal was assessed in terms of neighbouring residential amenity and in terms of overlooking and privacy, no adverse impact was identified for the adjoining properties. The proposed roof terrace overlooks the garden of the host property and Albert Terrace and is set back from the front of the extension. Therefore, there is no overlooking into the garden ground of other properties.

With regards to noise, the Council's non-statutory Guidance for Householders states that roof terraces can be a source of noise for neighbouring properties. Whilst it is acknowledged that the roof terrace will be utilised as an outdoor space for the residents, this will effectively have the same noise impact on neighbouring properties as the residents using the garden ground. It has also been considered that the overall floor area of the roof terrace (3.2m²) is not excessive and given the modest size of the property, this is likely to dictate the small number of people using the terrace. It is unlikely to generate a significant level of noise and the impact on the neighbour's window will be limited.

The proposed utilisation of the existing roof as a private roof terrace will not present an unreasonable loss of amenity to existing neighbouring properties, in accordance with LDP Policy Des12 and the non-statutory Guidance for Householders.

d) Public Comments

Material comments - Objection:

- Against the principle of a roof terrace - addressed in section 3.3b);
- Potential noise disturbance - addressed in section 3.3c);
- Roof terrace not in-keeping with building character - addressed in section 3.3b);
- Roof terrace not in-keeping with conservation area - addressed in section 3.3a).

Non-material comments - Objection:

- Property may be used a short term let; this cannot be taken into consideration as part of this application and would require planning permission.
- Applicant requires permission from others in building to attach anything to gable wall; this is a legal matter rather than a planning issue.

This has been requested for committee consideration by a Local Member.

Conclusion

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997. The proposal is in accordance with LDP Policies Env 6 and Des 12 and the non- statutory Guidance for Householders and Guidance for Listed Buildings and Conservation Areas. It would not have an adverse impact upon the character or appearance of the Merchiston and Greenhill Conservation Area or neighbouring amenity.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

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

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application 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

Five representations were received objecting to the development. A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

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

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan.

Date registered

11 February 2020

Drawing numbers/Scheme

01-03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nicola Orr, Planning Officer

E-mail: nicola.orr@edinburgh.gov.uk Tel: 0131 469 3712

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

Relevant Non-Statutory Guidelines

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

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

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

Appendix 1

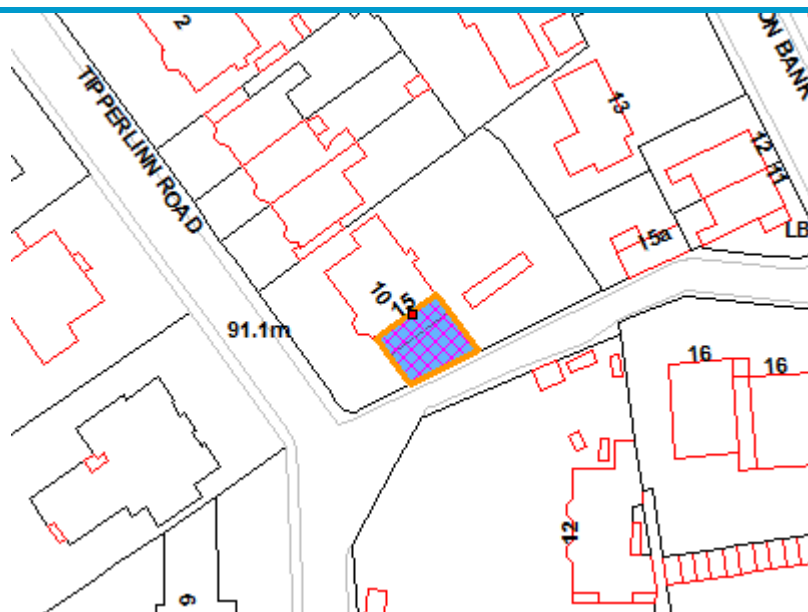
**Application for Planning Permission 20/00593/FUL
at 15 Albert Terrace, Edinburgh, EH10 5EA.**

This proposal is to form a new door opening to access roof terrace with barrier and new glazed opening giving access to garden. Change existing ground floor windows to door.

Consultations

No consultations undertaken.

Location Plan



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END

Development Management Sub Committee

Wednesday 3 June 2020

**Application for Planning Permission 20/00272/FUL
at 89 Constitution Street, Edinburgh, EH6 7AS
Proposed change of use from existing offices to form 9 new
dwelling flats.**

Item number

Report number

Wards

B13 - Leith

Summary

This proposal will deliver a new use for this significant listed building whilst preserving its main features of architectural and historic interest.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area. The proposals largely comply with the adopted Edinburgh Local Development Plan. The development delivers an acceptable level of amenity for future occupiers bearing in mind the constraints of the building and the infringement of policy in terms of private amenity space and cycle parking are acceptable as this is the conversion of an existing building. The impacts on neighbouring amenity are acceptable in this tight urban context. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LHOU07, LEN03, LEN04, LEN06, LDES01, LDES05, LTRA02, LTRA03, LTRA04, HES, HEPS, HESUSE, HESINT, HESWIN, NSG, CRPLEI,

Report

Application for Planning Permission 20/00272/FUL at 89 Constitution Street, Edinburgh, EH6 7AS. Proposed change of use from existing offices to form 9 new dwelling flats.

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 a 19th century commercial building on the east side of Constitution Street. The building is two storeys high on the Constitution Street elevation with a single storey section to the side (north) that also faces the street. To the rear of the front section there is an attached three storey warehouse building with a pitched roof. Access from Constitution Street is between the two storey section and the single storey section where internal stairs lead up to the ground floor. There is then a separate internal stair up to the first floor and direct access to the rear staircase which is currently accessed from John's Lane.

Internally, the front section has many ornate features typical of Victorian architecture of the time. The rear warehouse is much plainer but has some original columns and beams.

The building takes up the whole site. It was listed category B on 29 April 1977 (LB Ref: 27201). It is currently a class 2 office.

There is a narrow lane to the south that is not within the application site and a warehouse converted to residential use is on the other side of it. To the north, there is a public house at ground floor with flats above. The north east section of the warehouse is attached to another warehouse converted to flats with a frontage onto 46 Queen Charlotte Street and accessed from John's Lane. The application site warehouse and the adjacent converted warehouse share an access stair. To the rear of the site there is a derelict warehouse (John's Lane) which is currently the subject of a planning application for conversion to residential use.

The wider area has a mixed character including residential and commercial uses. The tram will go directly in front of the building.

This application site is located within the Leith Conservation Area.

2.2 Site History

18 December 2018 - Applications withdrawn for proposed change of use from existing offices to form 11 new dwelling flats (Application references 18/09277/FUL and 18/09279/LBC)

26 August 2019 - Planning permission and listed building consent refused for change of use to 11 flats (Application references 19/01267/FUL and 19/01268/LBC).

30 January 2020 - A parallel application for listed building consent has been submitted. This is pending decision (application reference 20/00271/LBC).

Main report

3.1 Description of the Proposal

It is proposed to convert the building to nine flats. The accommodation is proposed as follows:

- Flat 1 is a studio flat (31.7 sq.m.) in the single storey section to the front;
- Flat 2 is a studio flat (43 sq.m.) on the ground floor of the two storey section to the front;
- Flat 3 is a one bedroomed flat (56.8 sq.m.) on the first floor of the two storey section to the front;
- Flat 4 is a duplex two bedroomed flat (86.4 sq.m) on the ground and first floors of the rear section;
- Flat 5 is a duplex two bedroomed flat (89.8 sq.m) on the ground and first floors of the rear section;
- Flat 6 is a two bedroomed flat (66.2 sq.m.) on the second floor of the rear section;
- Flat 7 is a one bedroomed flat (53.4 sq.m.) on the second floor of the rear section;
- Flat 8 is a one bedroomed flat (58.4 sq.m.) on the third floor of the rear section;
- Flat 9 is a one bedroomed flat (56sq.m.) on the third floor of the rear section.
- Flats 2,3,4, and 5 have basement storage.

Externally, the frontage will remain as existing. The side elevation to the south will have a number of new windows and there will be an additional three windows on the north elevation. These will be timber sash and case. Eight new roof windows will be formed to light the third floors flats.

Internally, the existing rooms in the front section will be largely re-used and new partitions will be inserted into the warehouse structure at the rear.

There is no open space provision and no car parking proposed. Bin storage and cycle storage for 12 bikes will be located in an internal courtyard area.

Previous Scheme

The ground floor plan has been amended to include an en-suite in Flat 2.

Supporting Documents

The following documents have been submitted and are available to view on the Planning and Building Standards Online Services:

- Design and Access 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 development is acceptable;
- b) the proposals preserve the character and setting of the listed building;
- c) the proposals preserve or enhance the character or appearance of the conservation area
- d) there will be any detrimental impact on the residential amenity of neighbours;
- e) there are any other material considerations and
- f) any comments have been addressed.

a) Principle of Development

Policy Hou 1 of the Local Development Plan (LDP) supports the delivery of additional housing on suitable sites within the urban area provided they are compatible with other policies in the plan.

The previous use of the building was class 2 offices (only a small part of the ground floor remains in use). There is no policy in the Local Development Plan (LDP) which protects this type of use. It is acknowledged that creating sustainable communities is a Council aim but the quality of office provision here does not meet modern requirements.

Policy Hou 5 (Conversion to Housing) of the Edinburgh Local Development Plan (LDP) states that planning permission will be granted for the change of use of existing buildings in non-residential use to housing provided that a satisfactory residential environment can be achieved; housing would be compatible with nearby uses; appropriate open space, amenity and car and cycle parking standards are met; and the change of use is acceptable having regard to other policies in the plan. These are assessed below:

Residential amenity

The proposed sub-division creates flats which largely meet the standards set out in the Edinburgh Design Guidance. Flat 1 does not meet the required 36 sq.m. for a studio flat but this cannot be achieved in this portion of the building as the room is separated by the access stair from the rest of the building. An infringement of the guidance is acceptable in this instance.

A daylighting analysis has been submitted which shows adequate levels of daylight will be achieved in the flats. However, due to the nature of the building, outlook from the flats will be restricted. Only three of the units will be dual aspect; the top two flats will be lit by roof windows; and the other flats will have an outlook onto the side lane and the warehouse conversion on the other side of it. Privacy will also be limited for those flats facing the side lane as the warehouse conversion on the other side also has windows. This configuration is typical of flats in this former industrial townscape where warehouse and office conversions create living conditions which are bespoke and suit those seeking a lifestyle other than suburban living. This diversity of accommodation is part of the Leith urban grain.

Environmental Protection has recommended refusal due to the likely impacts the public house/restaurant would have on future residents' amenity with regards to noise and cooking odours. The Compass Bar is located on the ground floor of 44-46 Queen Charlotte Street. The tenement immediately above the premises, and that to the immediate east, are already residential and have been so for many years. The proposed flats will be further away than the existing flats apart from Flat 1 but there is a doorway and corridor directly adjacent to this flat. There are other flats facing the area where the restaurant vents and there have been no record of complaints. It would therefore be unreasonable to refuse the application on this basis. A noise impact assessment has been requested but due to the coronavirus lockdown this has not been able to be commissioned. A condition has been added that this should be submitted, agreed and implemented prior to occupation.

It is acknowledged that the previous application was refused on the basis that living conditions of occupiers would not be satisfactory but the building remains on the market and a new use needs to be found for it. On balance, the reduced standards in terms outlook and privacy for future occupiers are outweighed by the advantages of finding a new use for the building and providing additional housing in this popular area.

Overall the amenity for future occupiers will be acceptable in this context.

Nearby uses

The surrounding area has a mix of residential, tourist, business and other commercial uses and the residential use proposed is compatible with this character.

Open Space and Parking

Policy Hou 3 (Private Green Space) expects provision to be made for private amenity space. The development is fully within its own site and there is no opportunity to provide private amenity space. Leith Links is located a short distance away and, in these circumstances, an infringement of this policy is justified.

Policies Tra 2 (Car Parking) and Tra 3 (Cycle Parking) of the LDP sets out the requirement for private car and cycle parking. There is no car parking proposed and this complies with parking standards. The amount of car parking complies with parking standards. Twelve cycle parking spaces are being provided in a rear courtyard. This is slightly under the required 16 spaces and the location is not fully compliant with policy Tra 4 (Design of Off street car and cycle parking) but the Roads Authority has accepted this infringement on the basis that it is the conversion of an existing building.

Therefore, whilst the proposals do not fully comply with policy Hou 5 the infringements are justified.

In addition, the proposals provide a mix of units in accordance with policy Hou 2 (Housing Mix) and the density is compatible with the surrounding area in compliance with policy Hou 4 (Housing Density). The number of units fits well into the building and does not represent overdevelopment of the site. Creating a smaller number of larger units would not make a significant difference to the residential environment.

Overall, the principle of residential use is acceptable on this site.

b) Setting and Character of the 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 (HES) guidance note Managing Change: Use and Adaptation of Listed buildings, sets out the principles that apply to converting historic buildings to new uses. Other HES Managing Change guidance which applies to this case includes Interiors and Windows.

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 or character of the building or its setting.

LDP Policy Env 4 (Listed buildings- Alterations and Extensions) states that proposals to alter or to extend listed buildings will be permitted where those alterations are justified; would not result unnecessary damage to historic structures or diminution of its interests; and where any additions would be in keeping with other parts of the building.

In terms of setting, there will be no change to the envelope of the building and the addition of new windows in the side elevations and roof will have minimal impact on the setting of the building.

Externally, the main change is the addition of windows to the south elevation. These have been designed as traditional timber sash and case. This elevation is plain and the new windows are compatible with its character. The addition of new roof windows will also have little impact on the industrial character of the rear warehouse.

The internal alterations are covered in more detail in the application for listed building consent but Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states *that for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm.*

The building is a vestige of Leith's industrial and commercial heritage. Many traditional industries in the area have been replaced and the warehouse was originally used as a wireworks but this has long since gone. The building is now largely disused: there is a lawyers' office on the ground floor. The upper floors of the warehouse section to the rear are in poor condition and although the architecturally important features of the front building remain, they lie unappreciated with these rooms all used for storage. The proposals bring a new use to a redundant listed building with minimal intervention to its special interest.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting and character of the listed building.

c) Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 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 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

Leith Conservation Area Character Appraisal places this building within the Old Leith and Shore section of the conservation area. In terms of grain and density it states - *A dense fabric of closely grouped buildings separated by narrow lanes creates a distinctive character. The main routes through the area are those which define its edges: the Shore along the Water of Leith, Constitution Street and Great Junction Street.* It also states - *Leith's urban heritage and identity also make it a pleasant and stimulating place to live, work and visit. The range of mixed uses contributes considerable pedestrian movement and an active 'street life', an important feature in the area's character.*

Bringing this building into use again with minimal alterations is compatible with the area's essential character. In addition, there will be no adverse impact on the appearance of the conservation area as the building will appear the same from the street and changes to the elevations will not be evident.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

d) Neighbouring Amenity

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) considers whether proposed new uses would harm existing residential amenity. In addition, policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The proposed new use is within the existing building envelope and there will be no adverse impact in terms of daylighting and overshadowing.

In terms of privacy, it is acknowledged that the new windows on the side elevations will be relatively close to existing residential properties. The Edinburgh Design Guidance (EDG) states - *The pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. This means that there may be higher expectations for separation in suburban areas than in historic areas such as the Old Town.*

The new windows on the north elevation relate to bathrooms and one bedroom so the impacts will be minimal. The main change to privacy for neighbours will be on the south elevation where a number of new windows are proposed. However, there are already windows on this elevation. In addition, the neighbouring property on the other side of the lane does not meet privacy standards so normal privacy distances cannot be expected.

The addition of nine residential units will have no impact in terms of noise and disturbance in this busy mixed used area.

Overall, amenity for surrounding neighbours will be acceptable.

e) **Other Material Planning Considerations**

Waste

A waste strategy has been developed based on private collections. It is proposed that the development would access the existing bin storage area to the rear of the building, as accessed off John's Lane. In addition, residents will have full rights of access to the lane and combined with the internal storage in the central courtyard have sufficient provision to ensure the development is properly served. Waste Planning has accepted this as a solution.

f) **Public Comments**

Material Comments - Objection:

- overdevelopment - addressed in 3.3a);
- loss of employment use - addressed in 3.3a);
- loss of sustainable community grain - addressed in 3.3a);
- lack of open space - addressed in 3.3a);
- poor design standards - addressed in 3.3a);
- poor residential environment for future occupiers - addressed in 3.3a);
- traffic and parking - addressed in 3.3a);
- adverse impact on listed building and conservation area - addressed in 3.3b) and c);
- privacy impacts - addressed in 3.3d);
- noise and disturbance - addressed in 3.3d);
- waste collection inadequate - addressed in 3.3e);

Non-material Comments

- possible use as short stay tourist accommodation or HMO - this is not what has been applied for and a new application for planning permission would be required for this.

Community Council

Leith Links Community Council objected as a statutory consultee. Its full response can be found in the consultations section but key points raised are:

- poor quality of accommodation and residential environment - addressed in 3.3a);
- adverse impacts on listed building and conservation area addressed in 3.3b) and c);
- lack of provision for waste and recycling - addressed in 3.3e);
- lack of housing mix - addressed in 3.3a).

Conclusion

This proposal will deliver a new use for this significant listed building whilst preserving its main features of architectural and historic interest.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area. The proposals largely comply with the adopted Edinburgh Local Development Plan. The development delivers acceptable level of amenity for future occupiers bearing in mind the constraints of the building and the infringement of policy in terms of private amenity space and cycle parking are acceptable as this is the conversion of an existing building. The impacts on neighbouring amenity are acceptable in this tight urban context. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A noise impact assessment shall be submitted for the further approval of the planning authority and any identified actions implemented prior to the occupation of the development hereby approved.

Reasons:-

1. In order to protect the amenity of the occupiers of the development.

Informatives

It should be noted that:

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

4. In support of the Council's LTS Cars¹ policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area
5. The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement. Further discussions with the Tram Team will be required. 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:
 - 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;
 - Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
 - Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
 - Any excavation within 3m of any pole supporting overhead lines;
 - 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;
 - 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.

See our full guidance on how to get permission to work near a tram way at <http://edinburghtrams.com/community/working-around-trams>

6. 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) and timetables for local public transport.

7. The applicant should satisfy themselves that they have reasonably addressed their responsibilities under the Equality Act 2010. In particular it is noted that existing steps are to be retained.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application attracted seven objection comments.

Leith Links Community Council objected as a statutory consultee.

Background reading/external references

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

Statutory Development**Plan Provision**

The site is located within the urban area in the Local Development Plan on a route to be safeguarded for the tram.

Date registered

30 January 2020

Drawing numbers/Scheme

01-04, 5B, 6-11,

Scheme 3

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager

E-mail: nancy.jamieson@edinburgh.gov.uk Tel: 0131 529 3916

Links - Policies

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

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

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

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

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

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

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

LDP Policy Env 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 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 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 Government Guidance on Historic Environment.

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

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

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

Relevant Non-Statutory Guidelines

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

Appendix 1

Application for Planning Permission 20/00272/FUL At 89 Constitution Street, Edinburgh, EH6 7AS Proposed change of use from existing offices to form 9 new dwelling flats.

Consultations

Roads Authority

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

- 1. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;*
- 2. The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement. Further discussions with the Tram Team will be required;*
- 3. 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) and timetables for local public transport;*
- 4. The applicant should satisfy themselves that they have reasonably addressed their responsibilities under the Equality Act 2010. In particular it is noted that existing steps are to be retained.*

Note:

- I. Zero car parking is considered acceptable for this development based on it being a conversion of an existing property and the site's proximity to public transport;*
- II. It is noted that the proposals include 12 cycle parking spaces. The current parking standards would require a development of this size and nature to provide 16 spaces. This is considered acceptable as this is conversion of an existing property;*
- III. The combined cycle and bin store is not an ideal solution but again as this proposal is for a conversion of an existing building this proposal is considered acceptable;*
- IV. There is no net tram contribution, based on the proposed use of approximately 700m² office - £64,000 and the proposed 9 residential units - £25,000.*
- V. In terms of trip generation, it would be expected that conversion of office to residential would likely see a reduction in peak time trips.*

TRAMS - Important Note: The proposed site is on or adjacent to the proposed 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:

- 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;*
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;*
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;*
- Any excavation within 3m of any pole supporting overhead lines;*
- 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;*
- 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.*

Environmental Protection

The applicant proposes introducing new residential uses next to a public house. The public house offers a significant menu of food including many deep fried product and curry. The public house operates until midnight but the hours of use are not restricted through planning. The public house has a commercial ventilation system that terminates at a low level into a courtyard area. This is not an ideal termination point as cooking odours will not be adequately diluted and dispersed into the atmosphere. Plant noise from commercial ventilation systems is a common source of noise complaint as well as the other typical noises associated with public houses. It is noted that there are some residential properties located in the area already and we do not receive complaints from them regarding noise or odours, however this application will significantly increase the number of people to a low level of amenity and significantly increase the chance of complaints being received.

Environmental Protection will not be able to support this application due to the likely impacts the public house/restaurant would have on future residents amenity with regards noise and cooking odours. Therefore Environmental Protection recommend the application is refused.

Communities and Families

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil. Using the pupil generation rates set out in the Supplementary Guidance, the development of 9 flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Leith Links Community Council

Leith Links Community Council hereby OBJECTS.

This listed building in the heart of the Leith Conservation Area is still for sale. It is still occupied and used as a centre of employment, namely solicitors' offices. To allow it to be turned into a sub-standard multiple-occupancy block of poor quality, with poor resident amenity and minimal consideration of its context and impact on neighbours, would seem a dereliction of civic duty.

The property has been the subject of two previous planning applications, the first of which was withdrawn after multiple objections (October 2018), the second (March 2019) rejected by planners - again after multiple objections.

These new applications - 20/00272/FUL and its related listed building consent application 20/00271/LBC - have been resubmitted by the same agent and architect firm, and show some attempt to improve on previous proposals, in part by reducing the number of dwelling units from 11 to 9. But it's still unacceptable, contravening many of the guidelines and statutory demands put in place to protect listed buildings and conservation areas.

It may or not be associated with the surrounding "significant landlord" that owns and controls much of the neighbourhood's temporary accommodation offering - e.g. at numbers 57, 111-115, and 130 Constitution St, plus numerous outlets on John's Place and Links Place (Abbots House B&B) - but that is one of the concerns people have in the immediate neighbourhood of this proposed development, and beyond. What would its tenure be? More short-term let/"guest house" type accommodation, of which Leith already has more than its fair share, as is acknowledged by the city council?

We think the city council and its planning department should be bothered about this, and, as a statutory consultee on this application, we will seek the opportunity to impress that on the Development Management sub-committee.

To wave this through would be to further degrade this historic, essentially completely listed street - the main artery through the heart of the Leith conservation area, along which the tram will run, if all goes well - putting it at risk of a kind of ghetto-isation, which no one will be glad of or much benefit from. Apart, potentially, from the applicant group, whoever that is (Haynes Asset Management anybody?).

The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the density of the proposed development will not create a satisfactory residential environment.

It is also contrary to the Edinburgh Design Guidance as the proposals fail to provide an appropriate mix of unit sizes, a satisfactory residential environment in terms of daylighting and to make appropriate provision for waste and recycling.

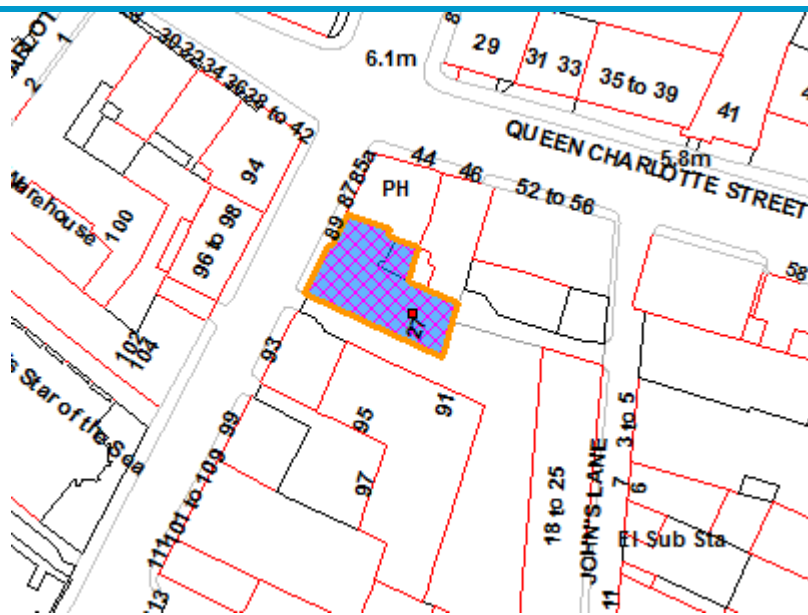
LLCC would also like to reiterate the comments made by CEC chief planning officer, David Leslie, when explaining the reasons for the council's rejection of the last

application for this property, in the summer of 2019. And we suggest that they are just as valid and pertinent now as they were back then:

1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposals are not justified, will diminish the buildings interest and do unnecessary damage to the historic structure.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposals will neither preserve nor enhance the character of the conservation area.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposals will detract from and alter the character of the listed building.

In summary, these proposals will harm the special character of the listed building and will neither preserve nor enhance the character of the conservation area. In fact, quite the reverse. And we strongly believe that they should be rejected again.

Location Plan



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END

Development Management Sub Committee

Wednesday 3 June 2020

**Application for Listed Building Consent 20/00271/LBC
at 89 Constitution Street, Edinburgh, EH6 7AS.
Proposed change of use from existing offices to form 9 new
dwelling flats.**

Item number

Report number

Wards

B13 - Leith

Summary

This proposal will deliver a new use for this significant listed building whilst preserving its main features of architectural and historic interest.

The works comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed building and preserve the character and appearance of the conservation area. The internal alterations do not involve the loss of any features which contribute to the special interest of the listed building and the external works preserve the frontage and involve acceptable change to the exterior.

Links

[Policies and guidance for this application](#)

HES, HEPS, HESINT, HESUSE, LDPP, LEN03, LEN04, LEN06, NSG, CRPLEI,

Report

Application for Listed Building Consent 20/00271/LBC at 89 Constitution Street, Edinburgh, EH6 7AS. Proposed change of use from existing offices to form 9 new dwelling flats.

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 a 19th century commercial building on the east side of Constitution Street. The building is two storeys high on the Constitution Street elevation with a single storey section to the side (north) that also faces the street. To the rear of the front section there is an attached three storey warehouse building with a pitched roof. Access from Constitution Street is between the two storey section and the single storey section where internal stairs lead up to the ground floor. There is then a separate internal stair up to the first floor and direct access to the rear staircase which is currently accessed from John's Lane.

Internally, the front section has many ornate features typical of Victorian architecture of the time. The rear warehouse is much plainer but has some original columns and beams.

The building takes up the whole site. It was listed category B on 29 April 1977 (LB Ref: 27201). The building is currently a class 2 office.

There is a narrow lane to the south that is not within the application site and a warehouse converted to residential use is on the other side of it. To the north, there is a public house at ground floor with flats above. The north east section of the warehouse is attached to another warehouse converted to flats with a frontage onto 46 Queen Charlotte Street and accessed from John's Lane. The application site warehouse and the adjacent converted warehouse share an access stair. To the rear of the site there is a derelict warehouse (John's Lane) which is currently the subject of a planning application for conversion to residential use.

The wider area has a mixed character including residential and commercial uses. The tram will go directly in front of the building.

This application site is located within the Leith Conservation Area.

2.2 Site History

18 December 2018 - Applications withdrawn for proposed change of use from existing offices to form 11 new dwelling flats (application references 18/09277/FUL and 18/09279/LBC)

26 August 2019 - Planning permission and listed building consent refused for change of use to 11 flats (application references 19/01267/FUL and 19/01268/LBC).

30 January 2020 - A parallel application for planning permission has been submitted. This is pending decision (application reference 20/00272/FUL).

Main report

3.1 Description Of The Proposal

It is proposed to convert the building to nine flats. The accommodation is proposed as follows:

- Flat 1 is a studio flat (31.7 sq.m.) in the single storey section to the front;
- Flat 2 is a studio flat (43 sq.m.) on the ground floor of the two storey section to the front;
- Flat 3 is a one bedroomed flat (56.8 sq.m.) on the first floor of the two storey section to the front;
- Flat 4 is a duplex two bedroomed flat (86.4 sq.m) on the ground and first floors of the rear section;
- Flat 5 is a duplex two bedroomed flat (89.8 sq.m) on the ground and first floors of the rear section;
- Flat 6 is a two bedroomed flat (66.2 sq.m.) on the second floor of the rear section;
- Flat 7 is a one bedroomed flat (53.4 sq.m.) on the second floor of the rear section;
- Flat 8 is a one bedroomed flat (58.4 sq.m.) on the third floor of the rear section;
- Flat 9 is a one bedroomed flat (56sq.m.) on the third floor of the rear section.
- Flats 2,3,4, and 5 have basement storage.

Externally, the frontage will remain as existing. The side elevation to the south will have a number of new windows and there will be an additional three windows on the north elevation. These will be timber sash and case. Eight new roof windows will be formed to light the third floors flats.

Internally, flat 1 will be formed from the existing single storey side section. This is a former office with good cornices, panelling and a fireplace. These features will be retained, and kitchen units placed at the back of the room. A cupboard to the rear will form the en-suite.

Flats 2 and 3 will also be located in rooms with good detailing but these features will be retained.

The remaining flats will be in the rear warehouse section and new partitions will be formed to create the flats. The existing partitions to this area are non-loadbearing timber studs and not historic.

There is no open space provision and no car parking proposed. Bin storage and cycle storage for 14 bikes will be located in an internal courtyard area which forms a lightwell for the buildings around it.

Previous Scheme

The ground floor plan was amended to include an en-suite in Flat 2.

Supporting Documents

The following documents have been submitted and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

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

- a) the proposals preserve the character of the listed building;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) All public comments received have been addressed.

a) Character of the Listed Building

In determining applications for planning permission or listed building consent, the Council is required to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest that it possesses.

Paragraph 4 of Historic Environment Policy for Scotland 2019 (HEPS) identifies that:

The documents that should be referenced for the management of the historic environment are Scottish Planning Policy, Our Place in Time: The Historic Environment Strategy for Scotland, the associated primary and secondary legislation and Historic Environment Scotland's Managing Change series of guidance notes.

HEPS outlines how we should undertake our duty of care whenever a decision affects the historic environment. It contains a number of policies including a policy statement that decisions affecting the historic environment should be informed by an inclusive understanding of its breadth and cultural significance. Other policies stress that detrimental impacts should be avoided. Where appropriate opportunities for enhancement should be sought.

Historic Environment Scotland (HES) guidance note Managing Change: Use and Adaptation of Listed buildings, sets out the principles that apply to converting historic buildings to new uses. Other HES Managing Change guidance which applies to this case includes Interiors and Windows.

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 or character of the building or its setting.

Policy Env 4 (Listed Buildings - Alterations and Extensions) in the Edinburgh Local Development Plan (LDP) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the building's interest; and any additions would be in keeping with other parts of the building.

In terms of setting, there will be no change to the envelope of the building and the addition of new windows in the side elevations and roof will have minimal impact on the setting of the building.

Externally, the main change is the addition of windows to the south elevation. These have been designed as traditional timber sash and case. This elevation is plain and has no features of special interest: the new windows will not affect its character. The addition of new roof windows will also have little impact on the industrial character of the rear warehouse.

Historic Environment Scotland's guidance document entitled Managing Change in the Historic Environment: Interiors states *the interior of a historic building is important in defining its character and special interest. The interest, experience and enjoyment of a historic interior can be derived from a number of factors including its design, structural plan and layout, the quality of its decorative scheme, materials and craftsmanship, fixtures and fittings, any associated archaeology, and historical and cultural associations. Decorative schemes can illustrate much about the function/status of a room and broader stylistic movements. The design of chimneypieces, cornicing, doors and architraves were often coordinated throughout a room or a building in one style or a contemporary variety of styles. Some schemes have a theme or purpose reflecting the outlook of a patron and/or designer or reflect the use of the space.*

The rear section of the building is plain and has no features of architectural or historic interest apart from some original columns and beams which will be kept.

The front section has some ornate Victorian detailing. In particular, the room in the single storey section to the front is of very good quality and the main change here will be the insertion of a minimal kitchen. Otherwise it will retain its former office character.

The ground floor and first floor of the front building in the two storey section are also of good quality and the flats have been designed to keep these spaces intact. Overall, the internal alterations have been sensitively designed to ensure the architectural and historic character of the listed building is preserved.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is also applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm.*

The building is a vestige of Leith's industrial and commercial heritage. Many traditional industries in the area have been replaced and the warehouse was originally used as a wireworks but this has long since gone. The building is now largely disused: there is a lawyers' office on the ground floor. The upper floors of the warehouse section to the rear are in poor condition and although the architecturally important features of the front building remain, they lie unappreciated with these rooms all used for storage. The proposals bring a new use to a redundant listed building with minimal intervention to its special interest.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting and character of the listed building.

b) Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 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 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

Leith Conservation Area Character Appraisal places this building within the Old Leith and Shore section of the conservation area. In terms of grain and density it states - *A dense fabric of closely grouped buildings separated by narrow lanes creates a distinctive character. The main routes through the area are those which define its edges: the Shore along the Water of Leith, Constitution Street and Great Junction Street. It also states - Leith's urban heritage and identity also make it a pleasant and stimulating place to live, work and visit. The range of mixed uses contributes considerable pedestrian movement and an active 'street life', an important feature in the area's character.*

Bringing this building into use again with minimal alterations is compatible with the area's essential character. In addition, there will be no adverse impact on the appearance of the conservation area as the building will appear the same from the street and changes to the elevations will not be evident.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

Public Comments

Material Comments - objections

- sub-division is vandalism - addressed in 3.3a);
- contrary to development plan - addressed in 3.3a) and b) and
- adverse impact on listed building and conservation area - addressed in 3.3a) and b);

Non-material comments

- possible use as short stay tourist accommodation or HMO - this is not a consideration in listed building consent.

Conclusion

This proposal will deliver a new use for this significant listed building whilst preserving its main features of architectural and historic interest.

The works comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed building and preserve the character and appearance of the conservation area. The internal alterations do not involve the loss of any features which contribute to the special interest of the listed building and the external works preserve the frontage and involve acceptable change to the exterior.

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 the works, a full photographic survey shall be undertaken of the building and submitted to the planning authority

Reasons:-

1. To ensure the current condition of the building is recorded for posterity

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

Four objection comments have been received including one from the Leith Links Community Council.

The comments 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**

The site is located within the urban area in the Local Development Plan on a route to be safeguarded for the tram.

Date registered

30 January 2020

Drawing numbers/Scheme

01-04, 05A, 06-11,

Scheme 3

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager

E-mail: nancy.jamieson@edinburgh.gov.uk Tel: 0131 529 3916

Links - Policies

Relevant Policies:

Relevant Government Guidance on Historic Environment.

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

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

Relevant policies of the Local Development Plan.

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.

Relevant Non-Statutory Guidelines

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

Appendix 1

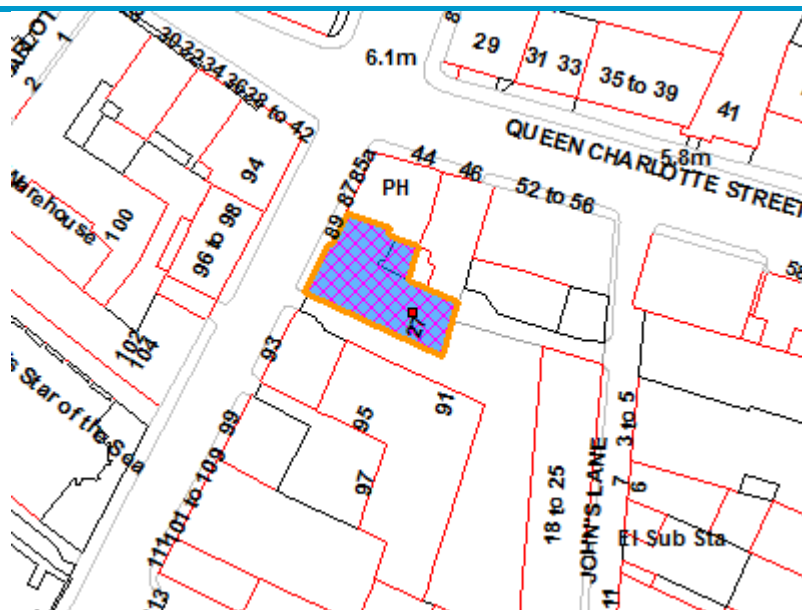
**Application for Listed Building Consent 20/00271/LBC
At 89 Constitution Street, Edinburgh, EH6 7AS
Proposed change of use from existing offices to form 9 new
dwelling flats.**

Consultations

Historic Environment Scotland

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Location Plan



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END

Development Management Sub Committee

Wednesday 3 June 2020

**Application for Planning Permission 19/05014/FUL
at 48 Duddingston Road West, Edinburgh, EH15 3PS
Erection of 7 residential dwellings with driveways,
associated infrastructure, hard and soft landscaping (as
amended).**

Item number

Report number

Wards

B14 - Craigentinny/Duddingston

Summary

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and setting of the listed building.

The principle of residential development on this site within the urban area is acceptable. The proposed development is of an acceptable design, scale and layout and provides suitable 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.

Links

[Policies and guidance for this application](#)

HES, HESSET, LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LEN03, LEN07, LEN12, LEN16, LEN21, LDES01, LDES03, LDES04, LDES05, LTRA02, LTRA03, NSG, NSGD02, NSHOU,

Report

Application for Planning Permission 19/05014/FUL at 48 Duddingston Road West, Edinburgh, EH15 3PS. Erection of 7 residential dwellings with driveways, associated infrastructure, hard and soft landscaping (as amended).

Recommendations

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

Background

2.1 Site description

The application site is the grounds of a category B listed building known as Cairn Lodge. It was listed on the 9 September 1988 (Reference LB28698). The building was built circa 1923 in the style of J Dick Peddie. It is a two storey villa with projecting bays, painted render and a slate roof. The villa is set within relatively substantial garden grounds.

The site stretches between two parallel residential streets. The front of the villa faces Duddingston Road West, though with a notable set back from other properties. To the rear, a high boundary wall runs the length of the site along Meadowfield Terrace.

In the immediate vicinity, Duddingston Road West is characterised by two storey villas in a range of styles dating from around 1950s. Meadowfield Terrace is more mixed in character predominantly consisting of single storey bungalows dating from the 1950s and 60s along with more recent properties.

Duddingston House Inventory Garden and Designed Landscape and Duddingston Conservation Area lies opposite the site across Duddingston Road West.

2.2 Site History

18 October 2019 - concurrent listed building application for demolition of garage and part demolition of boundary wall (application reference: 19/05013/LBC)

3 March 2020 - listed building application currently pending decision for internal alterations to Cairn Lodge (application reference: 20/01073/LBC)

Main report

3.1 Description Of The Proposal

This application seeks planning permission for seven residential dwellings. This consists of six semi-detached three and four bedroom dwellings, facing Meadowfield Terrace and one detached four bedroom dwelling facing Duddingston Road West.

The dwellings are two storeys in height with accommodation arranged over three floors including within the roof space. All of the dwellings have off street parking and three of the semi-detached dwellings and the detached dwelling have integral garages.

The walled boundaries to Meadowfield Terrace will be removed and replaced with a low level walls to front gardens. The wall to Duddingston Road West will also be partially removed to provide access to the proposed detached dwelling.

Previous scheme

The original scheme proposed the construction of eight semi-detached dwellings. This has been reduced with a proposed semi-detached dwelling to Duddingston Road West amended to a single detached dwelling in order to maintain the setting of the listed building.

Supporting Information

The following documents were submitted in support of the application:

- Archaeological Assessment
- Design and Access Statement
- Ecological Constraints Study
- Tree Survey
- Landscape Appraisal
- Drainage Strategy
- Surface Water Management Plan

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 housing is acceptable;
- b) the proposals preserve or enhance the setting of the listed building;
- c) the scale, form and design are appropriate;
- d) impact on neighbouring amenity is acceptable;
- e) amenity for future occupiers is acceptable;
- f) the proposal will have any parking, traffic or road safety issues;
- g) other matters have been addressed and
- h) any public comments have been addressed.

a) Principle of Housing

Policy Hou 1 (Housing Development) of the Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply on suitable sites in the urban area provided the proposals are compatible with other policies in the plan.

The application site lies within an existing residential neighbourhood within the urban area. The principle of housing is therefore acceptable under Hou 1 provided it is compatible with other policies in the plan.

Policy Hou 2 (Housing Mix) states that the Council will seek the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility. The dwellings include semi-detached and a detached property with the number of bedrooms ranging between three and four. Whilst this is not a substantial variance, the site is small and therefore provides a limited range. The proposal therefore contributes to the provision of a mix of housing types and sizes within the area. The proposal complies with Policy Hou 2.

Policy Hou 4 (Housing Density) states that the Council will seek an appropriate density of development on a site having regard to its characteristics and those of the surrounding area, the need to create an attractive residential environment and safeguard living conditions within the development, the accessibility of the site in relation to public transport and the need to encourage and support local facilities.

The immediate character of the area is of detached villas and bungalows set in garden grounds. However, there are also semi-detached dwellings in the wider area. The introduction of semi-detached dwellings to the north of the site will represent a slight increase in density over the very immediate vicinity.

However, the development has good public transport access with services running along Duddingston Road West and services accessible on the A1 Milton Road West five minutes' walk away. These services link to the city centre and to Newcraighall Commercial Centre. The residential environment and living conditions are addressed in sections c) to d). The proposals are compatible with policy Hou 4.

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.

Historic Environment Scotland (HES) guidance note Managing Change: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

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 or character of the building or its setting.

The application site is within the grounds of the category B listed building Cairn Lodge.

The proposal retains a sufficient amount of garden ground around the Cairn Lodge ensuring that the building's features and presence within the wider setting can still be read. To the front, the detached dwelling whilst sitting forward in the plot, will be located to the west of the lodge creating a visual gap between the old and the new and maintaining views to the lodge's principal elevation with an equal amount of garden ground to either side. To the rear, the proposed semi-detached dwellings will be separated from the lodge by tree planting.

Removal of the rendered wall to the rear of Cairn Lodge and an existing garage outbuilding, whilst included within the listing of the Cairn Lodge, will not have an adverse impact on special interest of the building or its setting. The loss of these elements is considered under corresponding listed building application.

Concerns have been raised that the development will significantly alter principal views to the Cairn Lodge and detrimentally alter its landscape setting. As noted above, the location of the detached dwelling, reduced from a semi-detached dwelling, will maintain views. The remaining garden ground is considered acceptable to maintain appreciation and interpretation of the lodge.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting and character of the listed building.

c) Scale, form and design

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.

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 regards to its height and form; scale and proportions, including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

The site is a large plot forming the garden ground of Cairn Lodge. It is a unique layout within the surrounding area which is more conventionally laid out with dwellings set 3-5 metres apart with regularly spaced front and rear gardens.

The proposed semi-detached dwellings maintain the established plot layout and building line along Meadowfield Terrace with a low front wall introduced to provide consistency in the streetscene following removal of the existing high boundary wall. Similarly, the placement of the detached dwelling on Duddingston Road West reflects the positioning of neighbouring detached villas.

The proposed dwellings are contemporary in design with a palette of materials consisting of buff brick to ground floors and light render to the first floor. Pitched roofs consist of slate tiles. The semi-detached dwellings feature a staggered roof height with gables facing the road. The staggered effect allows roofline to remain level with the one and a half and two storey neighbouring buildings. The roof of detached dwelling steps down in height and massing where it sits closest to Cairn Lodge.

The contemporary design of the proposed dwellings, though distinct, are of a scale, form and layout which is complimentary to the established townscape. The proposal complies within policy Des 1, Des 3 and Des 4 of the LDP.

d) Neighbouring amenity

Policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The Edinburgh Design Guidance (EDG) states - *The pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.*

As noted in part c), the development follows the established street layout of the surrounding area. The front to front separation between new and existing properties on Meadowfield Crescent will be approximately 24 metres. Four of the semi-detached properties will back onto Cairn Lodge with a separation distance ranging between 16 and 17 metres with windows set 10 metres from the common boundary. The layout of Cairn Lodge means that there are no principal rooms with windows to this elevation with only secondary windows to bathrooms and kitchen areas. A large picture window serving the stair case has existing obscure glazing. The boundary separating the proposed dwellings and Cairn Lodge will include a 1.8 metre high fence and the planting of eleven new trees. The layout to the rear represents a minor infringement of established privacy distances. However, this is considered acceptable given the context and proposed screening.

The semi-detached properties have no windows to side elevations which would result in loss of privacy to neighbours. The upper floor windows of the new properties will not result in an unacceptable loss of privacy to existing properties either side of the new development as any overlooking will be indirect.

The detached dwelling facing Duddingston Road West will not give rise to privacy issues, with no windows on the west elevation parallel to the property on the immediate boundary. Proposed windows to the east elevation will be at an oblique angle 16.5 metres away from the nearest window of Cairn Lodge and will be screened by new planting. A small terraced area will give rise to a small amount of overlooking. However, this will be limited to an area of the extensive front garden nearest the road.

The positioning of the semi-detached dwellings to the north of Cairn Lodge and the separation of the detached dwelling, along with established layout and massing of those on surrounding sites means that the introduction of new dwellings will not result in an unacceptable loss of daylight, sunlight or outlook to neighbouring dwellings.

The proposals comply with policy Des 5 in terms of neighbouring amenity.

e) Amenity for future occupiers

The Edinburgh Design Guidance provides detail on the minimum internal floor areas for family homes of three or more bedrooms. The minimum internal floor area for a three bedroom house is 81m² and 91m² with enhanced storage for properties with three or more bedrooms.

The proposed dwellings have gross internal floor areas ranging from 131m² to 241m². All provide suitable or enhanced levels of storage and are in excess of minimum requirements. In addition, all properties are dual aspect and will have good levels of daylighting.

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 states that gardens should be designed to allow them to be used for a range of activities and for houses to be adapted and extended over time. Gardens longer than 9m are encouraged.

The proposed semi-detached dwellings have gardens ranging from 10 metres to 12 metres in length and the detached dwelling has a garden of 17.7 metres. These sizes are considered to offer sufficient garden ground.

The amenity for future occupiers is acceptable.

f) Transport

Policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Policy Tra 3 states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

All of the proposed dwellings have off street parking and three of the semi-detached dwellings and the detached dwelling have integral garages. The dwellings will have dedicated cycle storage with either an enclosed secure area to the side of the house or within integral garages.

The proposed seven car parking spaces represent a minimal increase and would not increase the likelihood of any adverse road traffic impacts on the wider road network. The access arrangements are considered appropriate and do not raise safety concerns subject to applied informatives being met.

The Roads Authority was consulted and do not object subject to a number of conditions and informatives being attached. The proposal complies with Policy Tra 2 and Policy Tra 3 with appropriate conditions.

g) Other Planning Matters

Inventory of Gardens and Historic Landscapes

Policy Env 7 (Historic Gardens and Designed Landscapes) states that development will only be permitted where there are no adverse effects on the setting or upon component features which contribute to the value of a site recorded in the Inventory of Gardens and Designed Landscapes.

The grounds of Duddingston House are listed in the Inventory of Gardens and Designed Landscapes and lie to the south of the site across Duddingston Road West.

Historic Environment Scotland has commented that development could have potential to affect this setting.

The area of the gardens forming the grounds of Duddingston House directly opposite the site comprise land now in use as part of Duddingston Golf Course and include a belt of mature woodland. The separation created by the presence of Duddingston Road West, along with the reduction in the number of units from one to two fronting the road, means that there will be no adverse effect on the setting or features of the site.

Flood Protection

Policy Env 21 (Flood Protection) seeks to ensure development does not result in increased flood risk or be at risk of flooding by demonstrating sustainable drainage measures.

The applicant has a Drainage Strategy and Surface Water Management Plan demonstrating that the development provides suitable drainage and flood protection including a 40% uplift for climate change allowances. These measures have been confirmed as acceptable by the Council's Flood Protection Officer.

Ecology

Policy Env 16 (Species Protection) ensures development will not have an adverse impact on species protected under European or UK law

The Ecology Officer has reviewed the submitted Ecological Constraints Report and has recommended a number of informatives to ensure that existing species found on site are protected and the site provides suitable enhancements to local biodiversity.

Trees

The site has a number of existing trees which are proposed to be removed. These trees have been subject to a tree survey. The survey and site were previously reviewed by the Council's Tree Officer who concluded that the loss of the existing trees would not be of any detriment to the setting or amenity of the area. The trees have no cultural or heritage qualities that would result in the Council affording the statutory protection of a Tree Preservation Order on them.

The submitted landscape plan proposes a replacement tree planting schedule with groups of trees and hedging used to enhance the landscape setting of the site.

h) Public comments

Material comments - Objection:

- Increase in density not appropriate - this has been addressed in section 3.3 a);
- Detrimental impact on listed building and setting - this has been addressed in section 3.3 b);
- Loss of listed on site features including wall - this has been addressed in section 3.3 b);
- Increase in scale, form and design not compatible with existing character - this has been addressed in section 3.3 c);
- Overdevelopment of site - this has been addressed in section 3.3 c);
- Amenity impacts including loss of privacy to gardens, amenity of Cairn Lodge and overshadowing - this has been addressed in section 3.3 d);

- Increased traffic movements, parking and road safety issues on Meadowfield Terrace - this has been addressed in section 3.3 f);
- Safety impacts from position of driveways - this has been addressed in section 3.3 f);
- Insufficient parking - this has been addressed in section 3.3 f);
- Drainage and sewer capacity insufficient and risk of flooding - this has been addressed in section 3.3 g); and
- Impact on wildlife, loss of trees - this has been addressed in section 3.3 g).

Non-Material Comments:

- Lack of maintenance to existing garden ground - maintenance of private gardens is not a material planning consideration;
- Meadowfield Terrace unsuitable for construction access - this is not a material planning consideration;

Conclusion

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and setting of the listed building.

The principle of residential development on this site within the urban area is acceptable. The proposed development is of an acceptable design, scale and layout and provides suitable 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.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. EV charging points shall be provided in accordance with the parking standards in the Edinburgh Design Guidance and implemented prior to the occupation of the development hereby granted.
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. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. To comply with current Parking Standards.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), 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.
5. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth)
6. 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
7. Any gate or doors must open inwards onto the property
8. Any hard-standing outside should be porous
9. 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

10. The Ecological Constraints Study notes evidence of a fox earth and holes on site. Prior to the commencement of development and any earthworks, action is required to ensure that, prior to the destruction of the fox earth, that foxes are not occupying it and are excluded from it e.g. by using one-way gates or other humane methods. In order to ensure species are protected and to act legally under the Wild Mammals Protection Act (1996).
11. Prior to the commencement of development, a breeding bird nest check is required to ensure legal compliance under the Wildlife Countryside Act if the proposed development works are planned during the breeding bird season (generally defined as mid-March to mid-August, although some species may breed outwith this period). Bird nest checks are to be completed by an experienced ecologist if any works are undertaken within the breeding bird season.

Any active nests should be delineated with an appropriate buffer, depending on the species. No works should be undertaken within this exclusion buffer until breeding has been completed and the young have left the nest. All existing active nests should be monitored to ensure that the nests are no longer active before the start of works within the delineated buffer.

12. Given the predicted impact on breeding birds, it is recommended that proprietary nest boxes are installed on the new properties to provide new habitat for breeding barn swallow (*Hirundo rustica*), house martin (*Delichon urbicum*) and house sparrow (*Passer domesticus*).

To enhance local biodiversity there is potential to provide opportunity for Swifts (*Apus apus*) by incorporating swift bricks into the building and incorporating planting within the development to include pollinator-friendly native plants as well as suitable habitats e.g. bee bricks.

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

There were 33 representations received raising objections to the proposed development. These are summarised and addressed in the assessment section of this report.

Background reading/external references

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

**Statutory Development
Plan Provision**

Located within the urban area as defined by the
Edinburgh Local Development Plan 2016.

Date registered

18 October 2019

Drawing numbers/Scheme

01, 02A, 03, 04, 05A, 06A, 07, 08, 09A - 12A, 13, 14A,
18,

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 Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

Relevant policies of the Local Development Plan.

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

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

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

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

LDP Policy 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 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

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

LDP Policy 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 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 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Appendix 1

Application for Planning Permission 19/05014/FUL At 48 Duddingston Road West, Edinburgh, EH15 3PS Erection of 7 residential dwellings with driveways, associated infrastructure, hard and soft landscaping (as amended).

Consultations

Historic Environment Scotland

Thank you for your consultation which we received on 29 October 2019. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

*GDL00147
DUDDINGSTON HOUSE
Garden and Designed Landscape*

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

Our Advice

We 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.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of 8 residential dwellings with driveways, associated infrastructure, hard and soft landscaping.

The application affects the grounds and B-listed Cairn Lodge constructed around 1923 on what was then open fields at the foot of Arthurs Seat. As detailed in AOC's accompanying Desk Based Assessment (Report 25005) this location also places it to the east of the medieval village of Duddingston and opposite the grounds for Duddingston House. As such it occurs within an area of archaeological interest.

However, I concur with AOC's conclusions that the site has a low potential for containing significant undisturbed archaeological remains, especially given the likely impact of modern landscaping caused by the occupation of the house. It is therefore concluded that this proposal will not have significant archaeological impact.

Roads Authority

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

- 1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of 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;*
- 2. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
- 3. 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;*
- 4. Any gate or doors must open inwards onto the property;*
- 5. Any hard-standing outside should be porous;*
- 6. 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*
- 7. 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 proposed car and cycle parking is acceptable.

Waste Services

No objections.

As this is for 8 individual property's and presentation would be the same as the surrounding area, Individual kerb side collections.

We would have no objection to this proposal, I would only stress to the architect that space should be allowed within each plot for the housing of the below bins out with collections.

Below P/house

140 litre Domestic waste bin

240 litre recycling waste bin

44 litre box for glass collections.

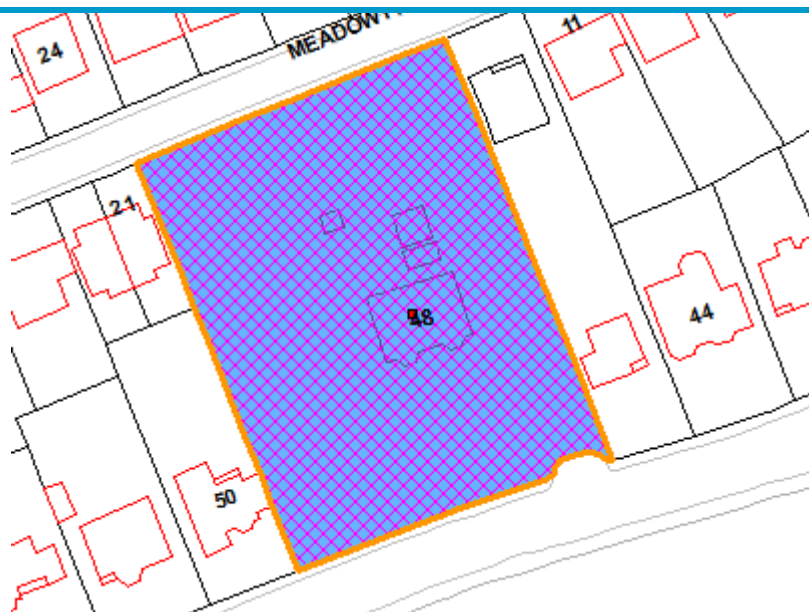
25 litre food waste presentation box

Please ask the Architect to inform the developer / builder to contact me directly 12 weeks prior to residents moving in to arrange for the purchase and delivery of the bins and to add these to the systems for collection..

Flood Protection

Updated report and applicant responses, satisfy CEC Flood Prevention's comments. This application can proceed to determination, with no further comments from our department.

Location Plan



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END

Development Management Sub Committee

Wednesday 3 June 2020

**Application for Listed Building Consent 19/05013/LBC
at 48 Duddingston Road West, Edinburgh, EH15 3PS.
Proposed demolition of garage and rear boundary wall and
part demolition of boundary wall.**

Item number

Report number

Wards

B14 - Craigentinny/Duddingston

Summary

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting and will not diminish the special architectural and historic interests of the listed building.

Links

[Policies and guidance for this application](#)

HEPS, HES, HESSET, HESDEM, LDPP, LEN02, LEN03, LEN04, NSG, NSLBCA,

Report

Application for Listed Building Consent 19/05013/LBC at 48 Duddingston Road West, Edinburgh, EH15 3PS. Proposed demolition of garage and rear boundary wall and part demolition of boundary wall.

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 grounds of a category B listed building known as Cairn Lodge. It was listed on the 9 September 1988 (Reference LB28698). The building was built circa 1923 in the style of J Dick Peddie. It is a two storey villa with projecting bays, painted render and a slate roof. The villa is set within relatively substantial garden grounds.

The walls and garage form part of the curtilage of the listed building.

The site stretches between two parallel residential streets. The front of the villa faces Duddingston Road West, though with a notable set back from other properties. To the rear, a high boundary wall runs the length of the site along Meadowfield Terrace.

In the immediate vicinity, Duddingston Road West is characterised by two storey villas in a range of styles dating from around 1950s. Meadowfield Terrace is more mixed in character predominantly consisting of single storey bungalows dating from the 1950s/60s along with more recent properties.

Duddingston House Inventory Garden and Designed Landscape and Duddingston Conservation Area lies opposite the site to the south across Duddingston Road West.

2.2 Site History

18 October 2019 - concurrent planning application currently pending decision for 7 dwellings (application reference: 19/05014/FUL)

3 March 2020 - listed building application currently pending decision for internal alterations to Cairn Lodge (application reference: 20/01073/LBC)

Main report

3.1 Description of the Proposal

This application seeks listed building consent for the demolition of a detached garage and rear boundary wall and partial demolition of a front boundary wall. The demolitions are to facilitate development of the site for seven residential dwellings.

No alterations are proposed to the main listed building known as Cairn Lodge.

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.

In determining applications for listed building consent, the Development Plan is not a statutory test. However, the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

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

- a) the proposals will harm the architectural or historic interest of the listed building and,
- b) any issues raised in representations have been addressed.

a) Listed Building

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Demolition sets out criteria for assessing when the demolition of a listed building might be acceptable. This includes whether the building or structure is not of architectural or historic interest.

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

LDP Policy Env 2 (Listed Buildings - Demolition) sets out the criteria for allowing the loss of listed buildings

LDP Policy Env 3 (Listed Buildings - Setting) of the Local Development Plan (LDP) 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.

Policy Env 4 (Listed Buildings - Alterations and Extensions) states that proposals to alter or extend a listed building will be permitted where:

- i) those alterations or extensions are justified;
- ii) there will be no unnecessary damage to historic structures or diminution of its interest and
- iii) where any additions are in keeping with other parts of the building.

The garage outbuilding proposed for demolition sits to the rear of Cairn Lodge alongside another outbuilding which will be retained. The garage has been altered previously with unsympathetic concrete tiles and modern garage doors. It has no intrinsic special interest and its demolition is acceptable.

The rear boundary wall stretches the length of the plot along Meadowside Terrace and currently serves to contain the grounds of Cairn Lodge. It is approximately 2 metres in height and is finished in a dark grey render and whilst technically listed, has no features of special interest. Its removal is proposed in order to facilitate the development of six semi-detached dwellings and the merits of providing housing on this land outweigh the loss of this listed structure.

The front boundary is similar in appearance to the rear. This wall will be maintained for the majority of its length along Duddingston Road West, with a section measuring 7.8 metres to be removed to the west of the site to provide access to a proposed detached dwelling. This alteration to the wall is justified to allow access to a new house and will be read as a minor breach in the listed structure.

The demolition of the garage, rear wall and partial demolition of the front boundary wall will not diminish the special interest of the main building or impact on its setting.

The proposal is compatible with HES Managing Change guidance and complies with policies Env 2, Env 3 and Env 4 in the LDP.

b) Public comments

Material comments - Objection:

- Loss of listed on site features including wall - this has been addressed in section 3.3 a); and
- Detrimental impact on listed building and setting - this has been addressed in section 3.3 a)

Non-Material Comments:

- Increase in density not appropriate;
- Increase in scale, form and design not compatible with existing character;
- Overdevelopment of site;
- Amenity impacts including loss of privacy to gardens, amenity of Cairn Lodge and overshadowing;

- Increased traffic movements, parking and road safety issues on Meadowfield Terrace;
- Safety impacts from position of driveways;
- Insufficient parking;
- Drainage and sewer capacity insufficient and risk of flooding; and
- Impact on wildlife, loss of trees

These comments are non-material to the application for listed building consent and relate to the planning application 19/05014/FUL.

- Lack of maintenance to existing garden ground - maintenance of private gardens is not a material planning consideration; and
- Meadowfield Terrace unsuitable for construction access - this is not a material planning consideration;

Conclusion

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the setting and will not diminish the special architectural and historic interests of the listed building.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The 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

There were 32 representations received raising objections to the proposed development. These are summarised and addressed in the assessment section of this report.

Background reading/external references

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

Statutory Development**Plan Provision**

Located within the urban area as defined by the Edinburgh Local Development Plan 2016.

Date registered

18 October 2019

Drawing numbers/Scheme

01, 02, 03A, 04, 05, 06A,

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:

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

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

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

Relevant policies of the Local Development Plan.

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

LDP Policy Env 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.

Relevant Non-Statutory Guidelines

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

Appendix 1

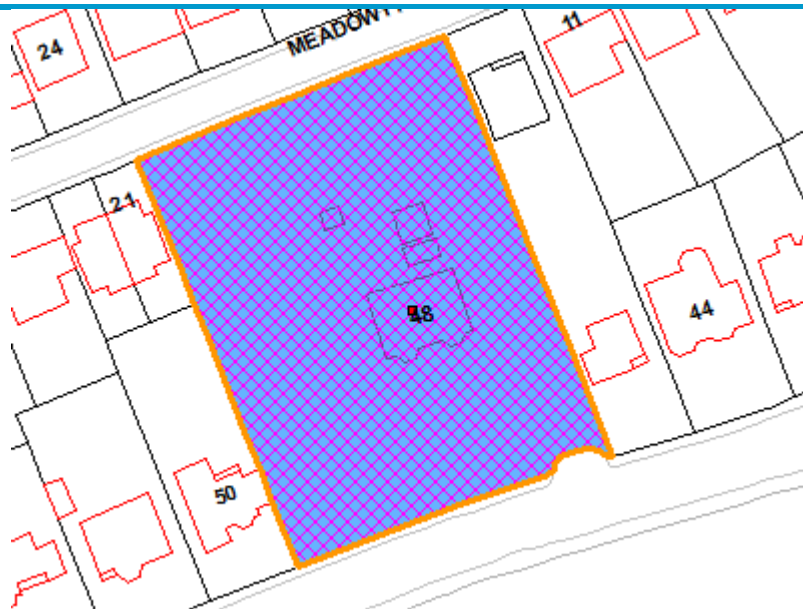
**Application for Listed Building Consent 19/05013/LBC
At 48 Duddingston Road West, Edinburgh, EH15 3PS
Proposed demolition of garage and rear boundary wall and
part demolition of boundary wall.**

Consultations

Historic Environment Scotland

No comments

Location Plan



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Development Management Sub Committee

Wednesday 3 June 2020

**Application for Planning Permission 20/00496/FUL
at 11 - 23 Montrose Terrace, Edinburgh.
Proposed purpose-built student accommodation
development with community space, associated
infrastructure and amenity space, bicycle parking,
landscaping and upgrade of pedestrian path and steps.**

Item number

Report number

Wards

B14 - Craigentinny/Duddingston

Summary

Purpose-built student accommodation is acceptable in principle in this location. The application site is well served by public transport and the development will not result in an excessive concentration of student accommodation to the detriment of maintaining a balanced community. The proposal is of a suitable design, scale, form, massing and density and an appropriate balance has been achieved between retaining reasonable levels of amenity for neighbouring properties and ensuring the development is compatible with the character and appearance of the townscape. Future occupiers will benefit from an acceptable level of amenity and landscaping and public realm works suitably reflect their historic surroundings.

The proposal will not be detrimental to the character and historic interest of nearby listed buildings or their setting and alterations are justified. The proposal shall enhance the character and appearance of the conservation area and have a positive impact on the setting of the World Heritage Site. Significant archaeological deposits are unlikely to be disturbed and the proposal will have no material impact on the city's key views and skyline.

Car and cycle parking provision is acceptable and the development raises no concerns with respect to road safety. The proposal shall not have an adverse effect on the city's natural heritage assets and the identified remediation measures will suitably mitigate the adverse environmental impacts from the application sites previous petrol filling station use.

The proposal is considered to comply with the following Local Development Plan polices and there are no other material considerations that should outweigh this conclusion: Des 1; Des 4; Des 5; Des 6; Des 7; Des 8; Des 11; Env 1; Env 3; Env 4; Env 6; Env 9; Env 12; Env 16; Env 21; Env 22; Hou 8; Tra 2; Tra 3; Tra 4; and RS6.

Links

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| <u>Policies and guidance for this application</u> | LDPP, LDES01, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN01, LEN03, LEN04, LEN06, LEN09, LEN12, LEN16, LEN21, LEN22, LHOU08, LTRA02, LTRA03, LTRA04, LRS06, NSG, NSGSTU, NSGD02, CRPNEW, CRPWHS, |
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Report

Application for Planning Permission 20/00496/FUL at 11 - 23 Montrose Terrace, Edinburgh. Proposed purpose-built student accommodation development with community space, associated infrastructure and amenity space, bicycle parking, landscaping and upgrade of pedestrian path and steps.

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 a former petrol filling station (PFS) which had its access to Montrose Terrace. It extends to 0.16ha and is bounded by West Norton Place to the west, a private way and tenement curtilages to the north and 25-27 Montrose Terrace to the east. Land is largely vacant except for the forecourt and below ground infrastructure from the PFS. Trees occupy sloping ground to West Norton Place.

Development to the north, east and south is comprised of three or four-storey tenements. They are residential in character but typically occupied by ground floor commercial premises. The two-storey Abbeymount Techbase and the three-storey Century General Store and Café sit to the west. Easter Road marks the extent of the Edinburgh World Heritage Site.

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

2.2 Site History

26 July 2012 - planning permission granted for the erection of boundary fence and demolition of existing building (application reference 12/01925/FUL)

27 July 2012 - conservation area consent granted for the demolition of canopy and retail shop, and removal of underground tanks and impacted soils. Before backfilling with clean and inert fill material (application reference 12/02149/CON)

22 May 2013 - planning permission granted for the regrading of part of site ground levels due to wall instability (retrospective) and surfacing of said area with tarmac (see accompanying cover letter for details) (application reference 13/01018/FUL)

Pending Consideration - Complete Demolition of a wall in a Conservation Area (application reference 20/00498/CON)

Pending Consideration - Proposed removal of rubble wall, steps, railing and gate and rebuilding of stone steps as part of redevelopment of site and re-provision of pedestrian route (application reference 20/00497/LBC)

Main report

3.1 Description of the Proposal

The application proposes the erection of purpose-built student accommodation (PSA) with ancillary community space. The single block proposal has a footprint of 1,030 sqm and will be four-storey in appearance to Montrose Terrace, five-storey to West Norton Place and six-storey to a private courtyard. The ground floor community space occupies 95 sqm of the buildings footprint and will be accessed from Montrose Terrace.

141 student bedrooms within 53 units are proposed across six floors and are comprised of 20 studios, eight accessible studios, one three-bedroom cluster flat, ten four-bedroom cluster flats and 14 five-bedroom cluster flats. Communal spaces will be provided in the form of a gym, media room and laundry on the lower ground floor and lounge / dining areas on the lower ground, ground and third floors.

The proposal will be finished in natural stone panelling except for zinc cladding and glazed curtain walling to the top floor and a contemporary double height entrance feature to the western corner. Courtyard elevations shall be rendered in white. 141 cycle spaces will be provided and no car parking is proposed. A pend secured by a metal railing gate will link the private courtyard and cycle spaces to West Norton Place.

The proposal will connect to the Category B listed 25-27 Montrose Terrace (LB29367). It shall sit within the setting of the Category B listed Century General Store and Café (LB49059) and Abbeymount Techbase (LB49054). A boundary wall and flight of stone steps which form part of the Century General Store and Café listing will be removed and altered respectively.

The following supporting documentation accompanied the application:

- Aborigicultural Impact Assessment and Tree Constraints Plan
- Access and Amenity Statement
- Design and Access Statement
- Extended Phase 1 Habitat Survey and Preliminary Roost Assessment
- Flood Risk Assessment
- Heritage Statement
- Noise Impact Assessment
- Phase 1 and Phase 2 Geo-environmental Assessments
- Planning Statement
- Remediation Strategy
- Surface Water Management Plan
- Sustainability Statement
- Tree Survey
- Transport Statement

These are available to view on the City of Edinburgh Council (CEC) 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.

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 proposal is acceptable in principle;
- b) it raises any issues with respect to archaeology and the character and appearance of listed buildings and their setting;
- c) it is of an appropriate design and relates positively to the character and appearance of the townscape and conservation area;
- d) it will adversely affect the amenity of neighbouring developments and provide future occupiers with acceptable levels of amenity;
- e) it raises any issues with respect to road safety and transport;
- f) it protects or enhances the city's natural heritage;
- g) it protects or enhances the city's natural resources and
- h) the report has addressed all material considerations raised by Community Councils and letters of representation.

a) Principle of the Proposal

Local Development Plan (LDP) Policy Hou 8, supports purpose-built student accommodation in principle when the proposal:

- is appropriate in terms of access to university and college facilities by walking, cycling and public transport; and
- will not result in an excessive concentration of student accommodation to an extent that would be detrimental to the maintenance of balanced communities or to the established character and residential amenity of the locality.

The Student Housing Guidance (SHG) provides detailed locational and design guidance. Purpose-built student accommodation will be supported in principle on sites:

- within or sharing a boundary with a main university or college campus;
- with less than 0.25ha developable area; or
- with more than 0.25ha developable area and those identified within the LDP Housing Land Study as having a high probability of delivering housing if a proportion of housing will be provided as part of the development.

Sites with a developable area of less than 0.25ha must not have formed part of a larger area, within a single control or ownership, on the 25 February 2016. Purpose-built student accommodation should be comprised of a mix of accommodation types to meet the varying needs of students and include alternative ground floor uses where this is a characteristic of the street.

Accessibility to University and College Facilities

The application site extends to 0.16ha and is not located within or adjacent to a main university or college campus. It did not form part of a larger area on the 25 February 2016. The Edinburgh Design Guidance (EDG) identifies the application site as having a high / very high public transport accessibility level. Lothian Bus 35 serves Easter Road and Abbeyhill and provides direct access to the University of Edinburgh's central campuses, Heriot-Watt University and the Sighthill campuses of Napier University and Edinburgh College. London Road provides further public transport connections and the University of Edinburgh's central campuses sit within a reasonable walking distance.

Concentration of Student Accommodation

The SHG uses 2011 census output zones and private rented sector data from the University of Edinburgh to assess the concentration of student accommodation. The application site is not located within or adjacent to an area where the percentage of full-time students exceeds 20% of the population. The number of students in private rented accommodation is not regarded as excessive, particularly when compared to locations in closer proximity to central campuses.

The Planning Statement assesses the impact of the proposal on the concentration of student accommodation by defining a locality to the application site using 2011 census output zones. Accommodation developments proposed, consented or built after 2011 within the locality were also considered. The Meadowbank Shopping Park and predominantly green space output zones were omitted.

Fourteen percent of the locality's population are full-time students, rising to 34% on inclusion of bed spaces from the proposal and accommodation developments proposed, consented or built after 2011. The locality suitably considers the character of the application sites surroundings and this assessment is deemed to be an acceptable method for determining the proposals impact on the concentration of student accommodation.

The mix of accommodation types proposed is suitable and the community space is appropriately located, of a similar footprint to commercial premises nearby and compatible with the character of the street.

Summary

The proposal is appropriate in terms of its accessibility to university and college facilities and will not result in an excessive concentration of student accommodation to the detriment of maintaining a balanced community. The range of accommodation is acceptable, and the community space is compatible with the character of the street.

The proposal complies with LDP Policy Hou 8.

b) Listed Buildings and Archaeology

LDP Policy Env 3 safeguards the setting of listed buildings. LDP Policy Env 4 permits justified, in keeping alterations to listed buildings provided they do not cause unnecessary damage. LDP Policy Env 9 protects archaeological remains.

Setting of Listed Buildings

The proposal respects the setting of 25-27 Montrose Terrace by mirroring its building line and reflecting its fenestration and door position. The continuation of the stepped increase in tenement height ensures that the proposal will not dominate its historic neighbour. The setting of the Century General Store and Café has been preserved by retaining the footpath to its rear and reducing the height of the proposal where it meets with this listed building. Its fish-scale-slatted tower will remain a notable aspect of the streetscape and the framing provided by the contemporary entrance feature will accentuate its architectural detailing. Muted colours will contrast with the lighter finish of the Century General Store and Café and act to emphasise its historic significance.

The slightly elevated position of the Abbeymount Techbase largely mitigates against any detrimental impacts on its setting and it will remain a dominant building within the streetscape. It is not considered that the proposal will have any material impact on the setting of the Category C listed 7-19 East Norton Place (LB29461, 19 April 1966) given the separation distance which will exist from the rear elevation of these tenements. This is also regarded to apply to the Category C listed 1 to 4 Abbey Mount and 2 Montrose Terrace (LB49048, 19 December 2002).

Alterations to Listed Buildings

The alterations required to the western elevation of 25-27 Montrose Terrace are minor. It is evident that the terrace once continued in some form and the proposal will not result in the loss of any significant historic fabric. The rubble wall and stone steps forming part of the Century General Store and Café listing are not of any particular historic or architectural interest. Removal and alteration would not detract from the character of the listed building as a whole as they are small scale, functional features of little architectural merit. The alterations proposed are minor in scope and regarded to be justified in the context of reusing a vacant urban site with wide ranging visual amenity benefits. Historic Environment Scotland did not provide comment.

Archaeology

There is a low probability of significant archaeological deposits given the level of ground disturbance associated with the application sites most recent petrol filling station use. The CEC Archaeology Service raised no objection.

Summary

The proposal will not be detrimental to the architectural character, appearance or historic interest of nearby listed buildings or their setting. Alterations are justified and will not result in unnecessary damage to historic structures or diminution of interest. The proposal is unlikely to disturb significant archaeological deposits given the developmental history of the application site.

The proposal complies with LDP Policy Env 3, LDP Policy Env 4 and LDP Policy Env 9.

c) Design and Relationship to the Character and Appearance of the Townscape and Conservation Area

LDP Policy Des 1 requires developments to create or contribute towards a sense of place. LDP Policy Des 4 and LDP Policy Env 6 ensure that development has a positive impact on the character of the townscape and preserves or enhances the character and appearance of conservation areas. LDP Policy Des 7 and LDP Policy Des 8 seek integrated developments which enhance community safety and introduce high quality landscaping. LDP Policy Des 6 requires development to moderate their impact on the environment. LDP Policy Des 11 safeguards the city's historic skyline and key views and LDP Policy Env 1 looks to preserve the setting of World Heritage Sites.

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.

Appearance, Scale, Form and Massing and Impact on Surroundings

The proposal effectively seeks to complete an established block of development defined by tenements to Montrose Terrace and East and West Norton Place. Montrose Terrace and West Norton Place rise to the south and the proposal shall sympathetically reflect the rhythm of the streetscape by continuing the stepped change in tenement height. The proposal follows the orientation and building line of these tenements which ensures that the development harmonises with the established pattern of development.

Natural stone panelling to public realm facing elevations and replication of fenestration and door position promotes the proposals integration into a historic streetscape. The use of zinc clad dormers where the development meets with 25-27 Montrose Terrace softens the contrast between the slate roofs of tenements and the proposals glazed top floor. Reflecting the streetscapes historic character for much of the proposal ensures that the more contemporary elements respond positively to their surroundings. The slightly set back position for the contemporary entrance feature to the western corner, and the use of muted finishes and glass, creates a striking but appropriate contrast which does not dominate nor detract from the character and appearance of the conservation area. The materials and finishes proposed are regarded to be suitable for this location and the design as a whole.

Landscaping works are largely confined to the courtyard and out of sight of the public realm. The constrained nature of the application site and competing developmental pressures limits the provision of more extensive landscaping and the level and materials proposed is deemed acceptable for this historic urban location. The proposal will activate the frontage of a section of West Norton Place with poor natural surveillance and the reinstatement of the route to the rear of the Century General Store and Café enhances pedestrian permeability.

The proposal introduces an appropriate density of development into a vacant urban site reducing demand for the release of greenfield land. Sustainable travel has been promoted by providing one cycle space per bedroom and the application site is well served by public transport. There is no car parking and resource reduction measures including passive low energy lighting, high insulation levels and rainwater harvesting shall be implemented.

The proposal shall not significantly exceed the prevailing height of development in the surrounding area. It will have a positive impact on the setting of the Edinburgh World Heritage Site by removing a vacant site fronting a historic thoroughfare into and out of the city centre.

Summary

The proposal is of an appropriate design, scale, form, massing and density and it will have a positive impact on the character and appearance of the townscape. The development constitutes the sympathetic reuse of a vacant urban site and it will enhance the character and appearance of the conservation area and the setting of the World Heritage Site. The proposal shall have no material impact on the city's skyline and key views and landscaping and public realm works are appropriate for a constrained urban site within a historic area.

In order to confirm that the development will effectively integrate with the character and appearance of its surroundings, it is recommended that a detailed specification of materials and finishes and a landscape plan are provided prior to the commencement of development by conditions.

The proposal, on condition of a detailed specification of materials and finishes and provision of a landscape plan, complies with LDP Policy Des 1, LDP Policy Des 4, LDP Policy Des 6, LDP Policy Des 7, LDP Policy Des 8, LDP Policy Des 11, LDP Policy Env 1 and LDP Policy Env 6.

d) Amenity

LDP Policy Des 5 seeks to safeguard the amenity of neighbouring developments and ensure that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Neighbour Amenity

The Average Daylight Factor (ADF) methodology was used to determine the proposals impact on an east facing ground floor flat fronting West Norton Place. The ADF will exceed the applicable Building Research Establishment (BRE) threshold and the proposal shall not result in an unreasonable loss of natural light for this flat or others within these tenements. There are no concerns regarding privacy and outlook given the separation distance and difference in aspect between these developments.

The most significant loss of daylight and sunlight will be to 25-27 Montrose Terrace and the curtilages of tenements. These identified areas experience a degree of shading currently given the scale of surrounding development and their aspect. A number of trees within their curtilages also have a seasonal impediment effect. Reducing the height of the proposal to achieve improved natural light levels would have a detrimental impact on its compatibility with the character of the townscape. The loss of natural light will not be unreasonable for these identified areas when measured against the predevelopment baseline and is acceptable.

The proposal will face the rear elevation of the Century General Store and Café and the east elevation of the Abbeymount Techbase. Neither building is in a residential use. Whilst the south is the principal elevation of the Abbeymount Techbase, its east is of secondary importance in both character and appearance and makes use of obscured glazing in part. The proposal will not result in an unreasonable loss of natural light to principal elevations or occupiable internal spaces. Impediment of natural light for the secondary elevations of these buildings, as well as any impact on privacy and outlook, will be minor and considered acceptable in the context of reusing a vacant urban site.

The proposal will not result in an unreasonable loss of daylight and sunlight for the East Norton Place tenements when measured against the predevelopment baseline. The separation distance which will exist suitably mitigates against any material impact on privacy or outlook.

The orientation and configuration of the building on site results in there being no adverse impact in terms of window to window distances.

Purpose built student accommodation is not expected to generate significant levels of noise to the possible detriment of neighbour amenity. The community space is small which prevents congregation by large groups and restricts its suitability for events associated with noise generation.

Future Occupier Amenity

The Edinburgh Design Guidance (EDG) does not define minimum internal floor areas for purpose-built student accommodation. Whilst the 53 units would fail to meet those for housing, a reasonable level of living space respective to the use will be provided and each contain an en-suite bathroom and kitchen facilities. Further communal facilities will also be provided in the form of a gym, media room, lounges and storage spaces. The EDG requires consideration of adaptability should demand for purpose-built student accommodation decline. It is evident that internal configuration to reduce the number of units would allow a conversion to housing whilst still retaining suitable levels of amenity.

The ADF methodology is used to determine the levels of daylight for eight units facing the courtyard. Seven are located on basement floor and one is on the ground. The ADF exceeds the applicable BRE threshold for each of these test units and all 53 will benefit from reasonable levels of daylight and sunlight.

External amenity space will be provided by the courtyard with grassed vegetable garden area. The EDG suggests that external amenity space should be capable of receiving sunlight for more than two hours during the spring equinox. It is considered that ensuring the proposals compatibility with the character of the townscape is a significant barrier to providing external amenity space which accords with these EDG requirements. Given the range of public greenspaces nearby, and the competing developmental pressures of reusing an urban site, the level and quality of the amenity space is regarded as acceptable. Overlooking by neighbouring tenements is an expected outcome of reusing a vacant urban site bounded by tenements and raises no concerns given that this is an established trait of neighbouring curtilages.

Road traffic will be the principal source of noise to the possible detriment of occupier amenity. Whilst significant, it is in line with what would be expected of an urban site fronting a principal thoroughfare. Environmental Protection raised no objection subject to the installation of acoustic glazing and ventilation measures. Communal refuse storage is located internally and bins shall be moved to West Norton Place on nominated collection days. Waste Management Services raised no objection subject to the formation of a designated collection point and timeous presentation and removal of refuse bins.

Summary

The proposal achieves a suitable balance between retaining reasonable levels of amenity for neighbouring properties and ensuring the development is compatible with the character and appearance of the townscape. Occupiers will have acceptable levels of amenity and the means of refuse storage and collection is appropriate.

The proposal, with the attachment of the informatives recommended by Waste Management and on condition of installing specialist acoustic glazing and ventilation measures, complies with LDP Policy Des 5.

e) Transport and Road Safety

LDP Policy Tra 2 and LDP Policy Tra 3 grant planning permission when the car and cycle parking provision comply with and does not exceed the levels set out in the EDG. LDP Tra 4 seeks appropriately sited parking of a high-quality design.

Car Parking

The EDG allows a maximum of 24 car parking spaces; none are proposed. The proposal is anticipated to generate 337 weekday trips by all modes of transport. The application site is well served by public transport, and campuses, the city centre and local services sit within a reasonable walking distance. West Norton Place marks the extent of the Controlled Parking Zone (CPZ). The application site is within the phased extension to the CPZ and residents shall not be eligible for car parking permits.

The provision of no car parking is acceptable and shall promote more sustainable travel. Vehicular traffic generation is likely to be minimal, particularly when compared to the number of trips which would be generated by the former use of the application site. Although an increase in vehicular trips is expected at the start and end of term times, West Norton Place is a non-through road and can suitably accommodate this short term, temporary increase in traffic. Transport raised no objection with respect to car parking subject to informatives relating to potential contributions towards the city car club and public road maintenance including waiting restrictions to West Norton Place and the stopping-up of accesses.

Cycle Parking

The EDG requires a minimum of 141 cycle parking spaces; 141 are proposed, 122 internally and 19 externally. The internal provision is located on the ground floor and comprised of 104 two-tier spaces and 18 vertical racks. The external provision is comprised of 7 vertical racks and 12 Sheffield stands and are sited in the courtyard. All have a step-free access to West Norton Place via the pend and secure gate.

Transport recommended continuation as vertical racks are not always suitable for less able-bodied persons. Reallocation of spaces to a store fronting Montrose Terrace was also suggested. The internal / external distribution raised no concerns.

Twenty-five of the 141 cycle parking spaces are vertical rack. There is sufficient alternative provision for less able-bodied persons and the use of space saving vertical racks is considered acceptable for a constrained urban site with competing developmental pressures. Cyclists who wish to carry on their step-free journey to the south will be required to use Easter Road via West Norton Place, a non-through road with low vehicular usage. They would then join and leave Easter Road by an existing junction and dedicated right turn lane. A store to Montrose Terrace would require cyclists to join and leave a principle thoroughfare in proximity to a busy intersection to the detriment of their safety. Any increase in journey time would be minor and acceptable.

Summary

The proposed car and cycle parking provision accords with the levels set out in the EDG and their siting and design is considered suitable for a constrained urban site with competing developmental pressures.

The proposal, with the attachment of the informatives recommended by Transport complies with LDP Policy Tra 2, LDP Policy Tra 3 and LDP Policy Tra 4.

f) Natural Environment

LDP Policy Env 12 looks to retain trees and woodland. LDP Policy Env 16 prevents adverse impacts on species protected under European or UK law.

Trees and Woodland

Twenty-two trees, six graded B2 and 16 at C2, will be removed. Nine, three at B2 and six at C2, have the potential to be impacted. Most trees to be removed are located on sloping ground to West Norton Place and form part of a single generational cohort. Although currently in a satisfactory condition, the majority are considered to have a short life expectancy due to congestion and unstable siting.

Retaining trees of limited long term arboricultural value would severely reduce the developable area of the application site and detrimentally impact the proposals compatibility with the character and appearance of the townscape. Removal without significant compensation is considered acceptable as part of a proposal with wide ranging visual amenity and sustainability benefits. It is suggested that the trees to the north which will bound the grassed area can be retained by implementing a construction exclusion zone.

Biodiversity and Habitats

The application site and its surroundings contain a limited range of habitats and none have significant ecological value. No buildings, structures or trees were recorded as having features to support roosting bats and conditions are poor for foraging and commuting. No evidence was found of other protected species within the application site or its surroundings. The CEC Natural Heritage Service did not provide comment.

Summary

The proposal will not have a damaging impact on protected trees or any woodland worthy of retention. There is no evidence of significant habitats within the application site or its surroundings and the proposal will not have an adverse effect on protected species.

The proposal, on condition of a construction exclusion zone for tree retention, complies with LDP Policy Env 12 and LDP Policy Env 16.

g) Natural Resources

LDP Policy Env 21 seeks to ensure no increased flood risk for the application site or its surroundings. LDP Policy Env 22 supports development that does not generate significant adverse effects for health and the environment. LDP Policy RS6 ensures that there is sufficient water and wastewater capacity for the development.

Flood Risk and Surface Water

The application site is not located within or adjacent to an area at risk of flooding from any source. The Sustainable Drainage Systems are proposed to operate without flooding up to a 200-year storm event plus a 40% climate change allowance. Overland flow routes have been designed to drain water away from the development and bounding properties in more extreme storm events. The CEC Flood Prevention Service raised no objection and SEPA did not provide comment.

Pollution and Air, Water and Soil Quality

Whilst the underground storage tanks and the majority of the above ground infrastructure from the petrol filling station have been removed, the application site requires further remediation to mitigate the negative environmental impacts resulting from the previous use. The necessary measures have been identified. Environmental Protection raised no objection subject to a site survey and submission of a detailed remedial schedule where necessary.

Water and Waste Water Provision

Scottish Water has confirmed that there is adequate capacity to serve the development and no current network issues which may impact provision.

Summary

The proposal will not increase flood risk for the application site or its surroundings and the identified remediation measures shall suitably mitigate the adverse environmental impacts from the previous use. Water and wastewater demands can be met Scottish Water.

The proposal, on condition of a site survey and detailed remedial schedule where necessary, complies with LDP Policy Env 21, LDP Policy Env 22 and LDP Policy RS6.

h) Letters of Representation

A total of 29 timeous letters of representation were received; seven objecting, 21 in support and one maintaining a neutral position. No comment was received from the Leith Central Community Council, the New Town and Broughton Community Council and the Old Town Community Council.

Letters of Representations in Objection

Material planning considerations raised and location of assessment:

- Purpose-built student accommodation over market and / or social housing - paragraph a);
- Overprovision of student accommodation - paragraph a);
- Loss of residential amenity - paragraph d);
- Adequacy of parking and vehicular access - paragraph e);
- Adequacy of drainage - paragraph g).

Non-material planning considerations raised:

- Impact of construction on residential amenity and rental income;
- Noise from residents on completion of the development;
- Control and design of access to the internal cycle storage.

Letters of Representations in Support

Material planning considerations raised and location of assessment:

- Suitability of location for student accommodation - paragraph a);
- Provision of community space - paragraph a);
- Use of a brownfield site - paragraph b);
- Quality of design - paragraph b);
- Increase in activity to West Norton Place - paragraph b)
- Promotion of sustainable transport - paragraph e);

Non-material planning considerations raised:

- None.

Letters of Representation Maintaining a Neutral Position

Material planning considerations raised and location of assessment:

- Use of a brownfield site - paragraph b);
- Quality of design - paragraph b).

Non-material planning considerations and location of assessment:

- None.

3.3.1 Conclusion

Purpose-built student accommodation is acceptable in principle in this location. The application site is well served by public transport and the development will not result in an excessive concentration of student accommodation to the detriment of maintaining a balanced community.

The proposal is of a suitable design, scale, form, massing and density and an appropriate balance has been achieved between retaining reasonable levels of amenity for neighbouring properties and ensuring the development is compatible with the character and appearance of the townscape. Future occupiers will benefit from an acceptable level of amenity and landscaping and public realm works suitably reflect their historic surroundings.

The proposal will not be detrimental to the character and historic interest of nearby listed buildings or their setting and alterations are justified. The proposal shall enhance the character and appearance of the conservation area and have a positive impact on the setting of the Edinburgh World Heritage Site. Significant archaeological deposits are unlikely to be disturbed and the proposal will have no material impact on the city's key views and skyline.

Car and cycle parking provision is acceptable and the development raises no concerns with respect to road safety. The proposal shall not have an adverse effect on the city's natural heritage assets and the identified remediation measures will suitably mitigate the adverse environmental impacts from the application sites previous petrol filling station use.

The proposal complies with the following Local Development Plan policies and there are no other material considerations that outweigh this conclusion: Des 1; Des 4; Des 5; Des 6; Des 7; Des 8; Des 11; Env 1; Env 3; Env 4; Env 6; Env 9; Env 12; Env 16; Env 21; Env 22; Hou 8; Tra 2; Tra 3; Tra 4; and RS6.

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

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, will be submitted to and approved in writing by the Planning Authority prior to the commencement of development. This approved landscaping shall be fully implemented within six months of the completion of the development.

3. Details of the construction exclusion zone to safeguard the trees specified for retention in the Aboricultural Impact Assessment and Tree Constraints Plan by ITP Energised (dated 29 January 2020 / Project Number EDI_1840-002) will be submitted to and approved in writing by the Planning Authority prior to the commencement of development.
4. Prior to the commencement of development,
 - 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. 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.
5. Prior to the occupation of the development, the following mitigation measures specified in the Noise Impact Assessment by RMP (dated 28 January 2020 / Technical Report Number R-8575-NS1-RGM) shall be implemented:
 - a) The living rooms and bedrooms overlooking Montrose Terrace will require a 6mm float glass - 12mm air cavity - 10mm flat glass or an acoustically equivalent glazing unit which provides a minimum Rtra of 34dB;
 - b) The facades overlooking Montrose Terrace should be fitted with attenuated trickle ventilation with a minimum acoustic rating Dn,e,w 38dB in the open position;
 - c) The living rooms and bedrooms overlooking West Norton Place will require a 4mm float glass - 12mm air cavity - 10mm float glass or an acoustically equivalent glazing unit which provides a minimum Rtra of 32dB; and
 - d) The facades overlooking Montrose Terrace should be fitted with attenuated trickle ventilation with a minimum acoustic rating Dn,e,w 36dB in the open position.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site, and timeously provided.
3. In order to ensure that no damage is caused to retained trees before and during construction.

4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
5. In order to protect the amenity of the occupiers of the development.

Informatives

It should be noted that:

1. This consent is for Planning Permission only and work must not begin until other necessary consents, eg Listed Building Consent, have been obtained.
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. A sum of £2,000 will be required to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development. This shall form part of a Road Construction Consent.
6. A sum of £2,000 will be required to progress a suitable order to introduce waiting and loading restrictions as necessary for the development. This shall form part of a Road Construction Consent.
7. In support of the Council's LTS Cars 1 Policy, the contribution of a sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area should be considered.
8. In accordance with the Council's LTS Travplan 3 Policy, the development of 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 should be considered.
9. Future residents will not be eligible for parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013.
10. The waste collection arrangements agreed with the City of Edinburgh Council Waste Management Service will be implemented prior to the occupation of the development.

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

Neighbour notification was carried out on the 10 February 2020. The application appeared on the weekly list of the 10 February 2020 and was advertised on the 14 February 2020. The statutory notification and consultation period expired on the 6 March 2020 prior to the implementation of COVID-19 public event restrictions.

29 timeous letters of representation were received; seven objecting, 21 in support and one maintaining a neutral position.

Leith Central Community Council timeously requested to be statutory consultees. An extension to the period for making comments was agreed and this elapsed on the 20 March 2020. No response has been received. New Town and Broughton Community Council and the Old Town Community Council were consulted but did not provide comment.

A summary of considerations raised is provided in paragraph h) of Section 3.3.

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 in the Urban Area as identified by the Edinburgh Local Development Plan and the New Town Conservation Area.

Date registered

7 February 2020

Drawing numbers/Scheme

01-23,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Graham Fraser, Assistant Planning Officer

E-mail: graham.fraser@edinburgh.gov.uk Tel: 0131 469 3811

Links - Policies

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

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

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

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

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

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

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

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

LDP Policy Env 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 16 (Species Protection) sets out species protection requirements for new development.

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

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

LDP Policy Hou 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.

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

LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 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.

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.

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Application for Planning Permission 20/00496/FUL At 11 - 23 Montrose Terrace, Edinburgh, Proposed purpose-built student accommodation development with community space, associated infrastructure and amenity space, bicycle parking, landscaping and upgrade of pedestrian path and steps.

Consultations

Scottish Environment Protection Agency (10 February 2020) - No comment

Scottish Water (12 February 2020) - No objection

Developments of 10 or more domestic dwellings (or non-domestic equivalent) require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. There is currently sufficient capacity in the Glencorse Water Treatment Works. Capacity in the Edinburgh Water Treatment Works will be confirmed once a PDE is submitted directly to Scottish Water.

The proposal may affect existing Scottish Water assets and any potential conflicts should be identified with their Asset Impact Team.

City of Edinburgh Council Archaeological Service (12 February 2020) - No objection

The historically occurred within the area associated with the farm and hamlet of Quarry Holes, part of the medieval Lochend Estate. Developed in the early 19th century, the sites former tenements were replaced by a garage and petrol station in the 1920's. Although occurring within an area of archaeological potential, given its last use as a petrol station and effects of modern demolitions, it is considered unlikely that significant in situ remains will survive on this site.

Accordingly, it has been concluded that there are no significant archaeological implications regarding this application.

City of Edinburgh Council Waste Management Service (13 February 2020) - No objection

As this is to be a development solely for the use of students, Waste and Cleansing Services would be expected to be the service provider for the collection of any domestic waste and recycling (only). The bin store for this development is not in line with guidance but an agreement is in place with the below conditions.

1. All bins must be presented for collection on the specified days and removed as soon as possible after collections by a contractor/factor or similar at their cost; and
2. The developer must obtain permission / planning for a designated collection point set out on West Norton Place, at their cost.

The City of Edinburgh Council Waste Management Service will need to be contacted a minimum of 12 weeks prior to any collection agreement to allow time to arrange a site visit and to add these to our collection systems. A site visit will be conducted to ensure that this has been constructed in line with our agreement. Any waste produced on site by the residents/occupants will be the responsibility of the developer/builder until such times as the final part of our agreement and waste collections are in place.

Historic Environment Scotland (21 February 2020) - No comment

Historic Environment Scotland considered the information received and did not have any comments to make on the proposal. Their decision not to provide comments should not be taken as support for the proposal. The application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

City of Edinburgh Council as Roads Authority (3 March 2020) - Recommend continuation

Reasons:

1. *It is considered that the current proposals do not comply with LDP Policy Tra 4 - Design of Off-Street Car and Cycle Parking, due to the proposed vertical hanging cycle racks being unacceptable (see Note 3 for further info);*
2. *The applicant should consider redistributing the cycle parking provision and provide a cycle store with direct level access to Montrose Terrace (see Note 4 for further info); and*
3. *The applicant should consider provision for non-standard cycle parking within the proposed cycle store.*

The following should be included as conditions and informatives as appropriate if it is minded to grant the application:

1. The applicant will be required to:

- a. *Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development; and*
- b. *Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary.*

2. *In support of the Council's LTS Cars 1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;*

3. In accordance with the Council's LTS Travplan 3 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; and

4. The applicant should be advised that as the development is student housing, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category F - All student housing).

Note:

1. The application has been assessed under the 2017 parking standards for a 141-bed student accommodation in zone 2. These permit the following:

a. A maximum of 24 car parking spaces (1 per 6 beds), 0 car parking is proposed;

b. A minimum of 141 cycle parking spaces (1 per bed), 141 cycle parking spaces are proposed;

c. As zero car parking is proposed there is no requirement for accessible or EV parking spaces.

2. The justification for the zero car parking is based on the sites accessibility to public transport and local services and amenities. It is noted that this site is currently on the boundary of the existing Controlled Parking Zone (CPZ) and will be included within the current proposed phased extension to the CPZ. The proposed zero car parking complies with the Councils current Parking Standards and based on this justification is considered acceptable;

3. The proposed cycle parking is made up of the following:

a. Internal two-tier storage - 104 spaces;

b. Internal vertical racks - 18 spaces;

c. External vertical racks - 7 spaces; and

d. External Sheffield stands - 12 spaces.

Vertical hanging racks are generally unacceptable as less able-bodied people will find them difficult to use due to the requirement to lift the bike into place. The distribution between internal and external cycle parking is considered acceptable.

4. In terms of access to cycle parking, the proposals allow for level access through a pend from West Norton Place. Whilst this is considered acceptable, it is noted in the

transport statement the proximity of the site to the cycle route at Holyrood Park (Innocent Path) and to Edinburgh University's Campus at George's Square. Redistribution of a number of the cycle parking spaces to a secure store with direct level access to Montrose Terrace would further improve the provision for cycle parking within this development.

5. A transport statement has been submitted in support of the application. The transport statement provided an estimated weekday people trip generation of 27 trips in the AM peak (8am-9pm) and 39 trips in the PM peak (5pm -6pm). Further analysis of these trips rates against at this with census data for the City Centre and Leith Walk Wards related to travel to Work and Study (16.35%) the vehicle trip rate could be estimated at 4 trips in the AM peak and 6 trips in the PM peak. It should also be noted that this site was formally a petrol filling station that would be expected to generate a significant number of vehicle trips. 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.

6. Application site is outwith the Tram Contribution Zone.

City of Edinburgh Council Flood Prevention Service (4 March 2020) - No objection

City of Edinburgh Council Environmental Protection Service (27 March 2020) - No objection subject to conditions

The application proposes purpose-built student accommodation on the site of a previous petrol filling station.

Site remediation information has been provided in support of the application and further information is still required to be provided in this regard. Therefore, a condition is recommended to ensure the site is appropriately remediated prior to commencement of building on site.

The applicant has provided a noise impact assessment in support of the application which advises that road traffic noise is the main source of noise impacting upon the amenity of the accommodation. Recommendations are included within the report which should ensure a suitable internal noise level is achieved.

Therefore, Environmental Protection offers no objection to this development subject to the following conditions:

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

a. A site survey (including intrusive investigation where necessary) must be carried out to establish, 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. 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. Prior to occupation, the mitigation measures as specified in section 5.6, 5.7, 5.8 and 5.9) of the RMP Noise Impact Assessment (Technical Report No. R-8575-NS1-RGM) shall be met. Those being:

a. The living rooms and bedrooms overlooking Montrose Terrace will require a 6mm float glass - 12mm air cavity - 10mm flat glass or an acoustically equivalent glazing unit which provides a minimum Rtra of 34dB;

b. The facades overlooking Montrose Terrace should be fitted with attenuated trickle ventilation with a minimum acoustic rating Dn,e,w 38dB in the open position;

c. The living rooms and bedrooms overlooking West Norton Place will require a 4mm float glass - 12mm air cavity - 10mm float glass or an acoustically equivalent glazing unit which provides a minimum Rtra of 32dB; and

d. The facades overlooking Montrose Terrace should be fitted with attenuated trickle ventilation with a minimum acoustic rating Dn,e,w 36dB in the open position.

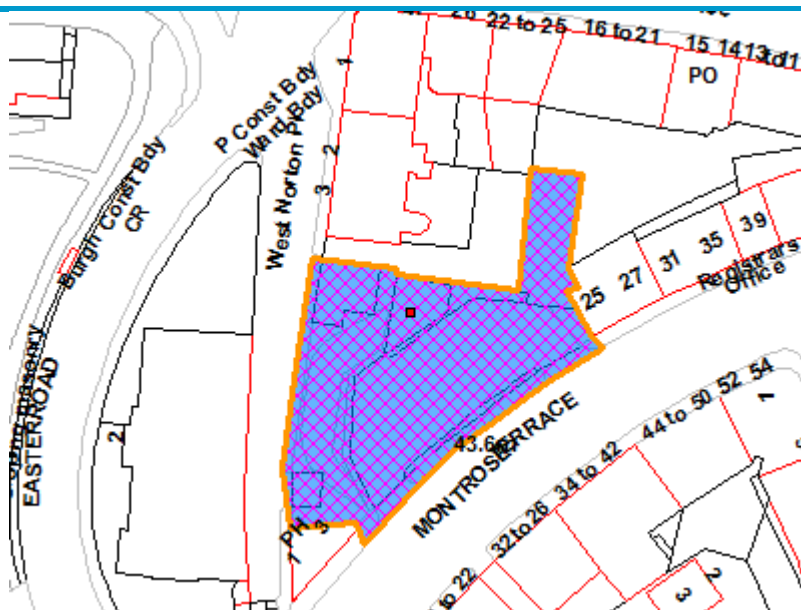
City of Edinburgh Council Natural Heritage Service - No response

Leith Central Community Council - No response

Old Town Community Council - No response

New Town and Broughton Community Council - No response

Location Plan



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END

Development Management Sub Committee

Wednesday 3 June 2020

**Application for Listed Building Consent 20/00497/LBC
at 11 - 23 Montrose Terrace, Edinburgh.
Proposed removal of rubble wall, steps, railing and gate and
rebuilding of stone steps as part of redevelopment of site
and re-provision of pedestrian route.**

Item number

Report number

Wards

B14 - Craigentinny/Duddingston

Summary

The proposal will not be detrimental to the character and historic interest of nearby listed buildings or their setting. Alterations to small scale, functional features are justified and will not result in unnecessary damage to historic structures or diminution of interest. The proposal preserves the character and appearance of the conservation area. The development accords with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with the Local Development Plan.

Links

[Policies and guidance for this application](#)

LDPP, LEN03, LEN04, LEN06, NSG, CRPNEW, OTH, HEPS, HES, HESSET, HESBND, HESDEM, HESEXW,

Report

Application for Listed Building Consent 20/00497/LBC at 11 - 23 Montrose Terrace, Edinburgh. Proposed removal of rubble wall, steps, railing and gate and rebuilding of stone steps as part of redevelopment of site and re-provision of pedestrian route.

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 a former petrol filling station (PFS) which had its access to Montrose Terrace. It extends to 0.16ha and is bounded by West Norton Place to the west, a private way and tenement curtilages to the north and 25-27 Montrose Terrace to the east. Land is largely vacant except for the forecourt and below ground infrastructure from the PFS. Trees occupy sloping ground to West Norton Place.

Development to the north, east and south is comprised of three or four-storey tenements. They are residential in character but typically occupied by ground floor commercial premises. The two-storey Abbeymount Techbase and the three-storey Century General Store and Café sit to the west. Easter Road marks the extent of the Edinburgh World Heritage Site.

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

2.2 Site History

26 July 2012 - planning permission granted for the erection of boundary fence and demolition of existing building (application reference 12/01925/FUL)

27 July 2012 - conservation area consent granted for the demolition of canopy and retail shop, and removal of underground tanks and impacted soils. Before backfilling with clean and inert fill material (application reference 12/02149/CON)

22 May 2013 - planning permission granted for the regrading of part of site ground levels due to wall instability (retrospective) and surfacing of said area with tarmac (see accompanying cover letter for details) (application reference 13/01018/FUL)

Pending Consideration - Complete Demolition of a wall in a Conservation Area
(application reference 20/00498/CON)

Pending Consideration - Proposed purpose-built student accommodation development with community space, associated infrastructure and amenity space, bicycle parking, landscaping and upgrade of pedestrian path and steps (application reference 20/00496/FUL)

Main report

3.1 Description of the Proposal

The application proposes the erection of purpose-built student accommodation (PSA) with ancillary community space. The single block proposal has a footprint of 1,030 sqm and will be four-storey in appearance to Montrose Terrace, five-storey to West Norton Place and six-storey to a private courtyard. The ground community space occupies 95 sqm of the buildings footprint and will be accessed from Montrose Terrace.

The proposal will be finished in natural stone panelling except for zinc cladding and glazed curtain walling to the top floor and a contemporary double height entrance feature to the western corner. Courtyard elevations shall be rendered in white. 141 cycle spaces will be provided and no car parking is proposed. A pend secured by a metal railing gate will link the private courtyard and cycle spaces to West Norton Place.

The proposal will connect to the Category B listed 25-27 Montrose Terrace (LB29367), an early 19th Century plain classical tenement. It shall sit within the setting of the Category B listed Century General Store and Café (LB49059) and Abbeymount Techbase (LB49054). A boundary wall and flight of stone steps which form part of the Century General Store and Café listing will be removed and altered respectively.

A Planning Statement accompanied the application. This is available to view on the City of Edinburgh Council (CEC) Planning and Building Standards Online Portal.

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) it will have a detrimental impact on the setting of nearby listed buildings;
- b) if alterations to listed buildings are justified, in keeping and shall result in unnecessary damage to historic structures or diminution of interest;
- c) the proposal preserves or enhances the character and appearance of the conservation area and
- d) the report has addressed all material considerations raised in letters of representation.

a) Setting of Listed Buildings

LDP Policy Env 3 states that development affecting the setting of a listed building will only be permitted if it would not be detrimental to its character, appearance or historic interest.

The Historic Environment Policy for Scotland outlines how the Council should undertake its collective duty of care whenever a planning decision will affect the historic environment. The Historic Environment Scotland Managing Change (HESMC) "Setting" publication sets out the principles which apply to development within the setting of a listed building.

The proposal respects the setting of 25-27 Montrose Terrace by mirroring its building line and reflecting its fenestration and door position. The continuation of the stepped increase in tenement height ensures that the proposal will not dominate its historic neighbour. The setting of the Century General Store and Café has been preserved by retaining the footpath to its rear and reducing the height of the proposal where it meets with this listed building. Its fish-scale-slatted tower will remain a notable aspect of the streetscape and the framing provided by the contemporary entrance feature will accentuate its architectural detailing. Muted colours will contrast with the lighter finish of the Century General Store and Café and act to emphasise its historic significance.

The slightly elevated position of the Abbeymount Techbase largely mitigates against any detrimental impacts on its setting and it will remain a dominant building within the streetscape. It is not considered that the proposal will have any material impact on the setting of the Category C listed 7-19 East Norton Place (LB29461, 19 April 1966) given the separation distance which will exist from the rear elevation of these tenements. This is also regarded to apply to the Category C listed 1 to 4 Abbey Mount and 2 Montrose Terrace (LB49048, 19 December 2002).

The proposal complies with LDP Policy Env 3.

b) Alterations to Listed Buildings

LDP Policy Env 4 allows alterations to listed buildings where they are justified, in keeping and will not cause unnecessary damage to historic structures or diminution of its interest.

The HESMC publications on boundaries and external walls set out the principles which apply to developments impacting boundary treatments and requiring change to external walls. The demolition of listed buildings HESMC publication defines the removal of smaller parts of buildings as alterations rather than demolition.

The alterations required to the western elevation of 25-27 Montrose Terrace are minor. It is evident that the terrace once continued in some form and the proposal will not result in the loss of any significant historic fabric. The rubble wall and stone steps forming part of the Century General Store and Café listing are not of any particular historic or architectural interest. Removal and alteration would not detract from the character of the listed building as a whole as they are small scale, functional features of little architectural merit. The alterations proposed are minor in scope and regarded to be justified in the context of reusing a vacant urban site with wide ranging visual amenity benefits. Historic Environment Scotland did not provide comment.

The proposal complies with LDP Policy Env 4.

c) Conservation Area

Local Development Plan (LDP) Policy Env 6 permits development which preserves or enhances the character and appearance of the conservation area.

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 proposal effectively seeks to complete an established block of development defined by tenements to Montrose Terrace and East and West Norton Place. Montrose Terrace and West Norton Place rise to the south and the proposal shall sympathetically reflect the rhythm of the streetscape by continuing the stepped change in tenement height. The proposal follows the orientation and building line of these tenements which ensures that the development harmonises with the established pattern of development.

Natural stone panelling to public realm facing elevations and replication of fenestration and door position promotes the proposals integration into a historic streetscape. The use of zinc clad dormers where the development meets with 25-27 Montrose Terrace softens the contrast between the slate roofs of tenements and the proposals glazed top floor. Reflecting the streetscapes historic character for much of the proposal ensures that the more contemporary elements respond positively to their surroundings. The slightly set back position for the contemporary entrance feature to the western corner, and the use of muted finishes and glass, creates a striking but appropriate contrast which does not dominate nor detract from the character and appearance of the conservation area. The materials and finishes proposed are regarded to be suitable for this location and the design as a whole.

The proposal complies with LDP Policy Env 6.

d) Letters of Representation

No letters of representation were received.

3.3.1 Conclusion

The proposal shall enhance the character and appearance of the conservation area. It will not be detrimental to the character and historic interest of nearby listed buildings or their setting. Alterations to small scale, functional features are justified and will not result in unnecessary damage to historic structures or diminution of interest. The development accords with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with the Local Development Plan.

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

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. This consent is for Listed Building Consent only. Work must not begin until other necessary consents, eg Planning Permission, have been obtained.
2. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application appeared on the weekly list of the 24 February 2020 and was advertised on the 28 February 2020. The statutory notification and consultation period expired on the 20 March 2020 prior to the implementation of COVID-19 public event restrictions.

No letters of representation were received.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 11 February 2020

Drawing numbers/Scheme 01-06,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Graham Fraser, Assistant Planning Officer

E-mail: graham.fraser@edinburgh.gov.uk Tel: 0131 469 3811

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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.

Relevant Non-Statutory Guidelines

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.

Other Relevant policy guidance

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

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

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

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

Managing Change in the Historic Environment: External Walls sets out Government guidance on the principles that apply to altering the external walls of listed buildings.

Appendix 1

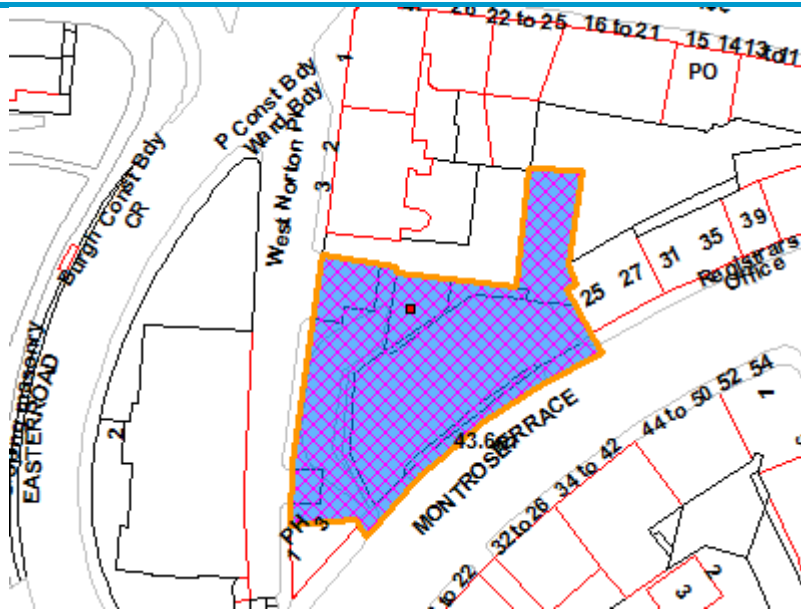
**Application for Listed Building Consent 20/00497/LBC
At 11 - 23 Montrose Terrace, Edinburgh,
Proposed removal of rubble wall, steps, railing and gate and
rebuilding of stone steps as part of redevelopment of site
and re-provision of pedestrian route.**

Consultations

Historic Environment Scotland (3 March 2020) - No Comment

Historic Environment Scotland considered the information received and did not have any comments to make on the proposal. Their decision not to provide comments should not be taken as support for the proposal. The application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Location Plan



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Development Management Sub Committee

Wednesday 3 June 2020

**Application for Conservation Area Consent 20/00498/CON
at 11 - 23 Montrose Terrace, Edinburgh.
Complete demolition of a wall in a Conservation Area.**

Item number

Report number

Wards

B14 - Craigentinny/Duddingston

Summary

The proposal relates to a functional feature of no architectural or historic interest and demolition will preserve the character and appearance of the conservation area. The development accords with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with the Local Development Plan.

Links

[Policies and guidance for this application](#)

LDPP, LEN02, LEN05, NSG, CRPNEW, OTH, HEPS,

Report

Application for Conservation Area Consent 20/00498/CON at 11 - 23 Montrose Terrace, Edinburgh. Complete demolition of a wall in a Conservation Area.

Recommendations

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

Background

2.1 Site description

The application site is a former petrol filling station (PFS) which had its access to Montrose Terrace. It extends to 0.16ha and is bounded by West Norton Place to the west, a private way and tenement curtilages to the north and 25-27 Montrose Terrace to the east. Land is largely vacant except for the forecourt and below ground infrastructure from the PFS. Trees occupy sloping ground to West Norton Place.

Development to the north, east and south is comprised of three or four-storey tenements. They are residential in character but typically occupied by ground floor commercial premises. The two-storey Abbeymount Techbase and the three-storey Century General Store and Café sit to the west. Easter Road marks the extent of the Edinburgh World Heritage Site.

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

2.2 Site History

26 July 2012 - planning permission granted for the erection of boundary fence and demolition of existing building (application reference 12/01925/FUL)

27 July 2012 - conservation area consent granted for the demolition of canopy and retail shop, and removal of underground tanks and impacted soils. Before backfilling with clean and inert fill material (application reference 12/02149/CON)

22 May 2013 - planning permission granted for the regrading of part of site ground levels due to wall instability (retrospective) and surfacing of said area with tarmac (see accompanying cover letter for details) (application reference 13/01018/FUL)

Pending Consideration - Proposed removal of rubble wall, steps, railing and gate and rebuilding of stone steps as part of redevelopment of site and re-provision of pedestrian route (application reference 20/00497/LBC)

Pending Consideration - Proposed purpose-built student accommodation development with community space, associated infrastructure and amenity space, bicycle parking, landscaping and upgrade of pedestrian path and steps (application reference 20/00496/FUL)

Main report

3.1 Description of the Proposal

The application proposes the demolition of a precast concrete retaining wall supporting the forecourt and below ground infrastructure of the PFS.

A Planning Statement accompanied the application. This is available to view on the City of Edinburgh Council (CEC) Planning and Building Standards Online Portal.

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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

In determining applications for conservation area consent, the Development Plan is not a statutory test. However, the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

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

- a) the proposal will result in the loss of a feature which makes a positive contribution to the character and appearance of the conservation area; and
- b) the report has addressed all material considerations raised by letters of representation.

a) Principle of Demolition

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*".

The Historic Environment Policy for Scotland outlines how the Council should undertake its collective duty of care whenever a planning decision will affect the historic environment. The Historic Environment Scotland Circular (HESC) is a self-contained direction which outlines when Conservation Area Consent is not required.

The HESC exempts the demolition of *"any gate, wall, fence or railing which is less than 1 metre high where abutting on a road used by vehicular traffic or on an open space or 2 metres high in any other case"*. The wall is greater than 1 metre high where it abuts a private road and more than 2 metres high for much of its length.

Local Development Plan (LDP) Policy Env 5 states that the demolition of an unlisted building which makes a positive contribution to the character and appearance of a conservation area will only be permitted in exceptional circumstances and after the considerations of LDP Policy Env 2 have been taken into account. Demolition will not normally be permitted unless a planning application is approved for a replacement building which enhances or preserves the character and appearance of the conservation area or, if acceptable, for the landscaping of the site.

The precast concrete retaining wall is of no architectural or historic interest. It is a functional and now redundant feature which does not make a positive contribution to the character of the conservation area. Retention is not necessary in order to preserve the character of the conservation area and its demolition is acceptable.

The site is the subject of a proposal to erect purpose-built student accommodation with ancillary community space (application reference 20/00496/FUL and 20/00497/LBC). Whilst these applications are pending consideration, the risk of detrimental impacts to the character of the conservation area by allowing the proposal to proceed without an approved redevelopment is low. The wall is not of any architectural or historic significance interest and any landscaping required due to its retaining function will have a neutral effect on the character and appearance of the conservation area given the currently vacant nature of the application site.

For reference, the CEC Archaeological Service were consulted in connection with 20/00496/FUL. They raised no objection as the proposal to erect PSA is unlikely to have any significant archaeological implications given the application sites most recent PFS use.

The proposal is considered to comply with LDP Policy Env 5. The requirements of LDP Policy Env 2 are not deemed to be apply as the wall does not make a positive contribution to the character and appearance of the conservation area.

b) Letters of Representation

No letters of representation were received.

3.3.1 Conclusion

The proposal relates to a functional feature of no architectural or historic interest and demolition will preserve the character and appearance of the conservation area. The development accords with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with the Local Development Plan.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application appeared on the weekly list of the 24 February 2020 and was advertised on the 28 February 2020. The statutory notification and consultation period expired on the 20 March 2020 prior to the implementation of COVID-19 public event restrictions.

No letters of representation were received.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 11 February 2020

Drawing numbers/Scheme 01, 02,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Graham Fraser, Assistant Planning Officer

E-mail: graham.fraser@edinburgh.gov.uk Tel: 0131 469 3811

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

Relevant Non-Statutory Guidelines

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.

Other Relevant policy guidance

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

Appendix 1

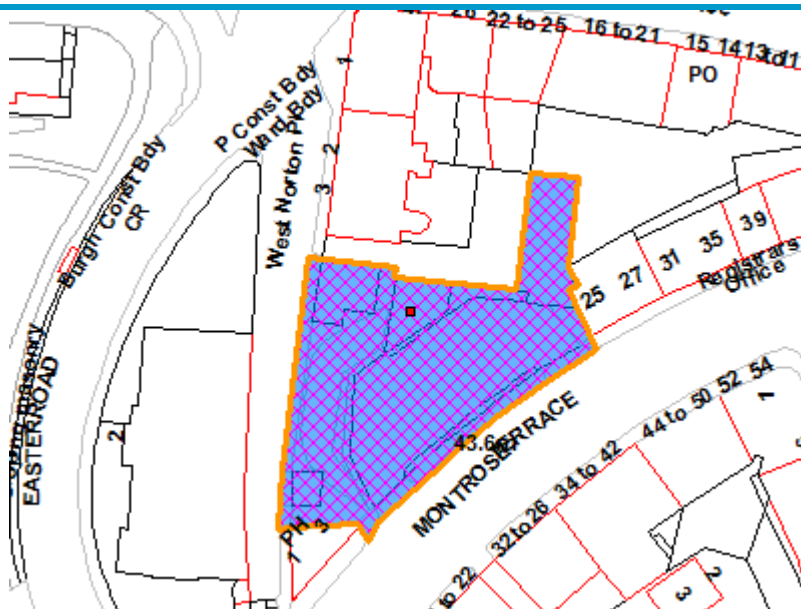
Application for Conservation Area Consent 20/00498/CON At 11 - 23 Montrose Terrace, Edinburgh, Complete Demolition of a wall in a Conservation Area.

Consultations

Historic Environment Scotland (3 March 2020) - No Comment

Historic Environment Scotland considered the information received and did not have any comments to make on the proposal. Their decision not to provide comments should not be taken as support for the proposal. The application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Location Plan



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Development Management Sub Committee

Wednesday 3 June 2020

**Application for Planning Permission 19/02560/FUL
at 500 Gorgie Road, Edinburgh, EH11 3YJ.
Proposed development of former car park site to erect 35
flats with associated parking, access and services (as
amended).**

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

The principle of residential development in this location is acceptable. The proposal is appropriate in design and in keeping with the character of the surrounding area. The proposal will provide good amenity to future occupiers and will have no adverse impact on neighbouring amenity. The proposal is in accordance with LDP Policies Des 1, Des 4, Des 5 and Hou 1 and broadly complies with the council's non-statutory guidance.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU03, LHOU04, LDES01, LDES05, LTRA02, LTRA03, LEN09, LEN16, LEN21, LHOU02, LEN22, NSG, NSGD02,

Report

Application for Planning Permission 19/02560/FUL at 500 Gorgie Road, Edinburgh, EH11 3YJ. Proposed development of former car park site to erect 35 flats with associated parking, access and services (as amended).

Recommendations

1.1 It is recommended that this application be Granted.

Background

2.1 Site description

The site extends to approximately 0.15ha and comprises a former car park on the north side of Gorgie Road. The car park served Chesser House located to the east of the site. This was a former office block which has been recently converted into residential flats.

An office block known as Riverside House sits immediately north of the site. To the west, an existing restaurant bounds the site, with the Water of Leith passing the north west of the site.

The surrounding area is a mix of commercial and residential uses, with Saughton Park located to the far north.

2.2 Site History

09 Aug 2018 Granted permission for a Change of Use from existing office building (Class 4) to flatted residential development (Sui Generis) with ground floor commercial uses (Class 1, 2 and 11) (planning reference 17/00422/FUL).

26 Feb 2020 Granted material variation to application ref: 17/00422/FUL to reduce commercial floor space and create 2 additional flats (plot no. 164 and 165) (planning reference 19/01297/FUL).

Main report

3.1 Description Of The Proposal

The application seeks permission to erect a residential block of flats, with a car park and cycle parking facility to the rear of the block on the existing hardstanding. The proposal includes the removal of the existing substation.

A total of 35 flats are proposed, comprising of the following:-

10 x 1 bed flats
22 x 2 bed flats
3 x 3 bed flats

The proposed building be three storeys high on the western boundary, rising up to four with a fifth storey set back. The building will be finished in brown brick and the fifth storey articulated in a dark grey zinc clad.

Amenity space is proposed in the form of shared green space to the rear of the building, private gardens for ground floor flats and roof decking/terrace on the fourth floor for upper floor flats.

Revised plans were submitted to remove a roof terrace from the third floor level, lower the level of car parking provision, alter the cycle storage arrangements, and to revise the mix of units to comply with affordable housing requirements.

Supporting Documents

The applicant has submitted the following supporting documents which are available to view on the Planning Portal:

- Supporting Statement;
- Affordable Housing Statement;
- Flood Risk Assessment; and
- Drainage Strategy.

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 proposed development is acceptable in principle in this location;
- b) the scale, design and materials are acceptable;
- c) the proposal will provide satisfactory amenity for future residents;
- d) the proposal will adversely affect neighbouring amenity;
- e) the proposal will have an adverse effect on air quality;
- f) flooding and surface water management has been addressed;
- g) the proposal will result in road safety issues;
- h) the necessary infrastructure to support the development is secured;
- i) affordable housing provision is secured;
- j) the proposal will have any archaeological implications and
- k) issues raised in public comments are have been addressed.

a) Principle

The site is identified as Urban Area in the Adopted Edinburgh Local Development Plan (LDP), adjacent to an Area of Importance for Flood management and a Local Nature Conservation Site (Water of Leith).

The site is no longer utilised as a carpark. Parking provision for the residential units at Chesser House was provided elsewhere on site, and this area was not included within the red line boundary for the redevelopment of the Chesser site. The loss of the car park to provide residential units is acceptable in principle in this location subject to compatibility with the other policies in the local development plan.

The site is surrounded with a mix of commercial and residential uses and is well connected by existing public transport links, with tram, bus and rail links all within the locality. The site is within cycling distance of the city centre and therefore is an appropriate and sustainable location for housing.

LDP Policy Hou 1 'Housing Development' d) prioritises the delivery of housing on sites identified in the LDP, but also on other suitable sites in the urban area in recognition that windfall sites can contribute to land supply. To comply with Hou 1 d) proposals on sites suitable for housing should give consideration to how they might deliver housing as part of any proposals. This policy is intended to apply to all suitable sites in the urban area, including the application site which is vacant and unconstrained for development.

The proposal provides an opportunity to provide new housing in a sustainable location., in compliance with LDP Policy Hou 1.

b) Design, Scale, Layout and Materials

LDP Policy Des 1 supports new development where the design reflects the positive characteristics of the area. LDP Des 4 requires new development proposals to have similar characteristics to the surrounding urban grain, paying close attention to scale, height and positioning of buildings, materials and detailing.

The Edinburgh Design Guidance (EDG) sets out key aims for new development to have a positive impact to the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings and site materials and detailing.

The surrounding area is of mixed character which varies in style and material palette. There are examples of stone built tenements, cast stone, brick and render buildings in the locality. The surrounding residential development is predominantly four storeys, with the recently converted Chesser House sitting at nine storeys. Riverside House which is located immediately north of the site reaches a height of seven storeys. The commercial property that bounds the west of the site is two storeys in height.

The proposed building will be four storeys with a recessed fifth storey. However, the building has been designed to drop to three storeys on the western boundary to integrate with the lower two storey commercial units adjacent. As such, the proposal respects its surrounds and will not exceed the established building heights in the locality.

The form and layout is appropriate in the context of the urban site, respecting the established street pattern and contributing to the urban form by creating a strong frontage along Gorgie Road. The approach to massing and use of materials to articulate the storeys is successful in reducing the overall massing of the building.

LDP Policy Hou 4 'Housing Density' seeks an appropriate density of development having regard to its characteristics and those of the surrounding area, and LDP Policy Hou 2 'Housing Mix' promotes a mix of house types where practical. The new development occupies the majority of the site with an area of external open space and minimal area of car parking to the rear. This is in keeping with the special character of the surrounding area which encompasses flatted buildings and tenements as the predominant form of residential accommodation. The site is located in the urban area and close to the city centre where there are higher densities and good public transport. The proposal includes a suitable mixture of one, two- and three-bedroom apartments.

The design is a high-density development that remains in keeping with the surrounding urban pattern, massing and building height, in compliance with policies Des 1, Des 4, Hou 4 and Hou 2 and Section 2 of the Edinburgh Design Guidance (Designing places: buildings).

The proposed site layout provides green amenity space and footpaths to the rear of the building. Recessed ground floor access will create canopies over the front entrances, along with private gardens to the front with low hedge boundary treatments. As a result, the proposal will create a positive boundary and active street frontage along Gorgie Road, developing a site that currently has a poor relationship with the street.

In terms of materials, the proposal provides for a contemporary design using a brown brick facade contrasted by a dark grey zinc cladding on the upper fifth level to articulate the set back from the building line. The design incorporates large vertical emphasis

windows to maximise light. Overall, the proposed material palette is appropriate for residential development and is in keeping with the appearance and character of the surrounding area.

Overall, the proposed design, scale, layout and materials are acceptable within the context of the site and its locality and comply with LDP Policies Des 1, Des 4 and Hou 4.

c) Creation of a Satisfactory Living Environment

Policy Des 5 states that development will be permitted where the amenity of neighbouring development is not adversely affected, and future occupiers have acceptable levels of amenity.

The proposal complies with minimum room size standards in the Edinburgh Design Guidance.

Environmental Protection has raised concern with regards to the adjacent commercial property which bounds the site to the west. This restaurant has a flue and concern was raised with regards to the potential impact upon the proposed roof terrace at third floor level. As such, the proposal was amended to remove this roof terrace in the interests of future residents' amenity.

Environmental Protection also raised concern with regards to potential noise disturbance associated with the traffic on Gorgie Road. This is a busy arterial route where a number of uses including residential co-exist. It is unrealistic to expect residential dwellings in this location to experience the same level of residential amenity as in a residential suburb. There are many residential properties within the vicinity that are affected by traffic noise and disturbance similar to the application property. Noise from outside the property cannot be controlled by planning and would therefore not be a justifiable reason to refuse planning permission.

LDP Policy Hou 3 'Private Green Space in Housing Development' seeks to ensure adequate provision of green space will be provided to meet the needs of future residents. In flatted developments where communal provision will be necessary this is based on a standard of 10 square metres per flat (excluding units that are provided private gardens), a minimum 20% should be useable greenspace.

The proposal provides amenity space in the form of green space to the rear of the building, private gardens to the front and rear at ground level, and roof terraces on the upper floor. The proposal marginally fails the requirements in terms of on-site open space provision. However, the site is well served by publicly accessible open space with Saughton Park located to the north, accessed by Fords Road Bridge. The footbridge also provides access to the parkland on the west bank of Water of Leith and the core path system. The infringement of the policy is therefore acceptable in this instance as adequate provision of greenspace is accessible between onsite and off-site.

The proposed open space will be fully landscaped to allow for useable outside space.

In terms of waste collection, a bin store will be situated at ground floor level capable of providing sufficient waste and recycling facilities for prospective residents which meet the Council's requirements for the storage and collection of waste from the site. The proposal does not raise any issues in respect of waste collection in compliance with LDP Policy Des 5.

The proposal will result in the creation of a satisfactory residential environment and complies with LDP Policies Hou 3 and Des 5.

d) Impact upon Neighbouring Amenity

LDP Policy Des 5' Design- Amenity' supports proposals that have no adverse impact on neighbouring developments.

In this instance, the proposed windows on the rear and front elevations comply with Edinburgh Design Guidance in relation to required distance to neighbouring windows and therefore raise no privacy issues. The windows on the side elevations raise no privacy concerns.

The proposal will also not result in a loss of daylight into residential windows, nor result in harmful overshadowing upon neighbouring residential properties that is to the detriment of neighbouring amenity.

A letter of representation has raised concerns with regards to the impact of the proposed development upon daylight and privacy to the office building to the north, Riverside House. Edinburgh Design Guidance does not protect the amenity of commercial buildings.

Overall, the proposal is compliant with LDP Policy Des 5 and the Edinburgh Design Guidance and will not be to the detriment of neighbouring residential amenity.

e) Air Quality

LDP Policy Env 22 aims to ensure that no development will result in significant adverse effects for health, environment or air quality and appropriate mitigation measures can be provided to minimise the adverse impacts. Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the local development plan.

The site does not fall within a designated Air Quality management Area. The proposal will have no adverse impact upon any neighbouring AQMA.

The development will generate minimal vehicular movements and has been designed to mitigate operation impacts through the provision of cycling spaces and limited car parking which is good practice.

Scottish Environmental Protection Agency (SEPA) were consulted on the application and raise no objection with regards to air quality.

f) Flood Risk and Surface Water Management

Policy Env 21 states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudice to existing or planned flood defence systems.

SEPA is a statutory consultee and in this instance has objected to the proposal on the grounds that the site is encroaches within the SEPA Flood Map and therefore be at medium to high risk of flooding from the Water of Leith and due to the lack of information submitted in relation to its potential increase the number of persons at risk during a flood event. SEPA requested a Flood Risk Assessment to be submitted demonstrating that no built development or land raising will take place within the functional floodplain, and that a safe, flood free access/egress can be provided.

There is a Flood Protection Scheme along the Water of Leith which affords a level of protection to existing property and infrastructure located behind it. This area falls within Phase 3 of this scheme. In August 2017, SEPA published a Planning Information Note 4 which sets out the position it now takes for development behind a FPS. In summary, where a planning application will result in land use change to a highly vulnerable use such as residential, SEPA requires to development to be protected to a 1:200 year standard including an appropriate allowance for climate change.

SEPA has a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce flood risk and promote sustainable flood risk management. It states that the cornerstone of sustainable flood risk management is the avoidance of flood risk. It is SEPAs view that vulnerable uses such as residential development should be directed to alternative locations rather than incorporating mitigation measures.

However, SEPA recognises that in determining applications, planning authorities have to consider a range of material considerations as well as flood risk. There may be circumstances where applications are granted planning permission despite an objection from SEPA.

The applicant has submitted a Flood Risk Assessment and amended proposals to address the concerns raised in the SEPA consultation response. SEPA were re-consulted on this further information but have not responded.

Notwithstanding SEPA's objection to the principle of residential development, this proposal has been designed to mitigate the potential flood risk and accords with LDP Policy Env 21. The Council's Flood Prevention Team is satisfied that the mitigation proposed is acceptable.

As SEPA has objected to the application, if the Council is minded to grant planning permission, it must refer the application to Scottish Ministers prior to the determination of the application.

g) Road and Pedestrian Safety

The applicant submitted a Transport Statement which was assessed by the Roads Authority.

The car park served Chesser House located to the east of the site. This was a former office block which has been recently converted into residential flats. Parking provision for the residential units at Chesser House was provided elsewhere on site, and this area was not included within the red line boundary for the redevelopment of the Chesser site.

LDP Policy Tra 2 'Private Car Parking' requires proposed car parking levels to not exceed the maximum levels stipulated in Council's guidance. Developers are encouraged to pursue lower levels of parking.

Car parking is to be provided to the rear of the building. The proposal provides for 8 car parking spaces, 1 of which is accessible parking and two electric charging spaces. This car parking provision is below the maximum level of 35 spaces and is therefore in compliance with Policy Tra 2- Private Car Parking. The proposed level of car parking is justified by the sites accessibility to public transport including bus and rail services and easy access to surrounding services and amenities.

LDP Policy Tra 3 'Private Cycle Parking' and LDP Policy Tra 4 'Design of Off Street Car Parking and Cycle Parking' require proposed cycle and storage provision to comply with the standards set out in council guidance.

In this instance, the proposal will provide 72 cycle parking spaces. The proposed level of cycle parking complies with the minimum standard set out in the current Parking Standards. The proposed cycle parking is split over three internal stores and one external store. The internal stores are all located on the ground floor and level access is provided from the rear core access points. The external store is located to the rear of the block adjacent to the car parking and is completely enclosed, weatherproof and secure, with direct level access provided. Two-tier racks are provided in the stores with a 2m aisle width to allow for manoeuvrability when accessing the racks. It is recognised that the access to the internal stores is not an ideal situation as they require 90 degree turns, however the 2m width of the lobby will provide some mitigation to this issue and with the constraints on this site the stores are considered acceptable. As such, the proposal complies with LDP Policy Tra 3 and LDP Policy Tra 4.

The Roads Authority was consulted on the proposal and having reviewed the transport and supporting statements, the Roads Authority is satisfied that the proposed transport infrastructure will be able to accommodate the impact of the proposed development subject to the conditions/informatives attached.

Overall, the development complies with LDP Policies Tra 2 and Tra 3.

h) Developer Contributions

This site falls within Sub-Area T-2 of the 'Tynecastle Education Contribution Zone'. A contribution of £27,175.00 is sought for additional educational infrastructure to support the projected increase in school rolls as a result of the development. A legal agreement will be required to secure these funds.

The proposals comply with Policy Del 1- Developer Contributions.

i) Affordable Housing

A total of eight units are proposed for Affordable Housing units, equating to 25% in accordance with LDP Policy Hou 6 'Affordable Housing'. A Section 75 legal agreement will be prepared and concluded to secure this provision.

The eight affordable homes will be tenure blind within a self-contained block at the south west corner of the development, with their own stairwell in accordance with the Council policy.

The mix of units will be as follows:-

- 2 x one bed units;
- 5 x two bed units; and
- 1 x three bed unit.

The applicant originally indicated that the affordable housing would be 2x one bedroom apartments and 6x two bedroom apartments. However, the wider development included 3x three bedroom apartments (8.5% of all homes) and therefore the proposal was revised include a three bedroom affordable home, ensuring the affordable housing provision is representative of the wider development.

The proposals meet the required level of affordable housing contribution on site and are in compliance with LDP Policy Hou 6.

j) Archaeology

The city archaeologist was consulted on the proposal. There will be no archaeological implications as a result of the proposal.

k) Public Comments

Two representations were received from the public which raised the following material considerations:-

- density. This matter is addressed in Section 3.3b;
- proximity to the Water of Leith. This matter is addressed in Section 3.3f;
- impact upon daylight and overshadowing to neighbouring commercial property. This matter is addressed in Section 3.3d;
- lack of residential amenity. This matter is addressed in Section 3.3c ;
- lack of parking. This matter is addressed in Section 3.3g;
- lack of assessable parking spaces. Plans were revised to include these in accordance with Edinburgh Design Guidance;

- size and mix of units; this matter is addressed in Section 3.3c and 3.3i.

Non-material considerations:-

- Potential impact on future development of neighbouring commercial property.

Conclusion

The principle of residential development in this location is acceptable. The proposal is appropriate in design and in keeping with the character of the surrounding area. The proposal will provide good amenity to future occupiers and will have no adverse impact on neighbouring amenity. The proposal is in accordance with LDP Policies Des 1, Des 4, Des 5 and Hou 1 and broadly complies with the council's non-statutory guidance.

The application requires to be referred to the Scottish Ministers prior to determination due to the outstanding objection from SEPA.

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, 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. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

Reasons:-

1. In order to enable the Head of Planning to consider this/these matter/s in detail.
2. In order to enable the Head of Planning 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. 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. Environmental Protection Informatives

The proposed development site is located near to an air quality management area therefore the applicant will need to ensure that the development mitigates its impacts. The applicant will need to ensure that the development includes at least two 7Kw Electric Vehicle charging spaces that are fully operational prior to occupation.

5. Roads Authority Informatives

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.

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 applicant should consider revising the design of the existing access junctions. Street Design Guidance Fact Sheet G7 - Priority Junctions / Side Street Crossings is relevant.

6. 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.

7. 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:

A total of eight units are proposed for Affordable Housing units, equating to 25% in accordance with LDP Policy Hou 6 'Affordable Housing'. The units will be tenure blind for Mid Market Rent (MMR), with a breakdown of the following:

2 x one bed units;
5 x two bed units; and
1 x three bed unit.

The applicant will be required to pay a contribution of £27,175 towards education infrastructure. The site falls within Sub-Area T-2 of the 'Tynecastle Education Contribution Zone'. 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.

The applicant is required to contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.

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

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:

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 have been two representations received in relation to the proposal.

Background reading/external references

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

**Statutory Development
Plan Provision**

The Adopted Edinburgh Local Development Plan.

Date registered

17 June 2019

Drawing numbers/Scheme

01, 02, 03D, 04C, 05D, 06B, 07C, 08C, 09, 10, 11, 12,
13,

Scheme 2

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

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

LDP Policy Env 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 16 (Species Protection) sets out species protection requirements for new development.

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

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 19/02560/FUL At 500 Gorgie Road, Edinburgh, EH11 3YJ Proposed development of former car park site to erect 35x flats with associated parking, access and services (as amended).

Consultations

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

This proposed development will be fed from GLENCORSE Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water.

Foul

This proposed development will be serviced by EDINBURGH PFI Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water.

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.

Surface Water

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

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

Greenfield sites will not be considered and a connection to the combined network will be refused.

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

Next Steps

10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

SEPA comment

Advice for the planning authority

We object to this planning application on the grounds of a lack of information relating to flood risk. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1. Flood risk

The application is for a change of use from a car park to residential development adjacent to the Water of Leith. The site is encroaching within the SEPA Flood Map and may therefore be at medium to high risk of flooding from the Water of Leith. There is a Flood Protection Scheme along the Water of Leith which affords a level of protection to existing property and infrastructure located behind it. However, this area falls within Phase 3, which has no current time scale for construction.

1.1 The Water of Leith has a long and well documented history of flooding. We hold information on a flood level of 49.2mAOD, surveyed after the 2000 flood, between the site and the downstream Ford's Road bridge. Review of the Site Plan as Existing, site

levels across the site range between 49.79mAOD and 51.01mAOD, with the majority of the site being approximately 50.5mAOD.

1.2 We therefore object due to a lack of information as the proposed application is for a change of use from car park to residential properties, therefore, potentially increasing the number of persons at risk during a flood event. As outlined in our Flood risk and vulnerability guidance residential developments are classed as highly vulnerable. This proposed development may also reduce the ability of the functional flood plain to store and/or convey water which could increase flood risk elsewhere.

1.3 We will review this objection when a Flood Risk Assessment has been submitted which demonstrates that no built development or land-raising will take place within the functional floodplain. We also require that it be demonstrated that safe, flood free access/egress can be provided.

1.4 As part of a review undertaken by SEPA to better understand the Flood Protection Scheme standard of protection, a number of uncertainties regarding both the hydrology and hydraulic model were raised. We are aware that the Council has commissioned Arup Consultancy to review the hydrology and hydraulic model to clarify these uncertainties and an updated study may be available in due course.

2. Sustainable Urban Drainage System (SUDS)

2.1 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. We therefore refer your authority to our standing advice on SUDS.

2.1 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).

2.2 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.

Detailed advice for the applicant

3. Flood risk

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.

3.1 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood

Risk Assessments. Please note that this document should be read in conjunction Policy 41 (Part 2).

3.2 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.

3.3 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 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.

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.

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

Waster Services comment

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland, so developers must make provision for the full range of bins (either individual containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins). Refuse facilities must be integral, so that each bin store will hold a complete set of recycling and residual waste facilities.

The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability. Should these drawings substantially change, please let me know.

For high density properties such as these flats, we recommend communal waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. The number of bins required is calculated on the number of properties within the development. However, it should be noted that due to changes within the service over the next three years, the bin requirements will change, and you should review these with us prior to starting work.

The bins required under the current service would be 2 x 1280l non-recyclable waste, 2 x 1280l mixed recycling, 1 x 360l glass and 1 x 360l food for each bin store. We require 2 mixed recycling bins in each bin store to allow for future changes to this service. We would need to see drawings that demonstrate that the bin stores are of a suitable size to accommodate these bins.

It is important to consider the British standards BS5906:2005, which states that an occupier should not be required to carry waste a distance of more than 30m from their door.

Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost - this will probably be most convenient for them, but they must provide at least 12 weeks' notice.

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.

Regarding any commercial aspect, it would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities. This would have to be separate from the residential bin storage area.

Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on.

Obviously sufficient capacity must also be provided to allow successful collection of each segregated waste stream. Initial information on the requirements for waste services is available in the Architect and Developers Instructions, which can be provided for reference.

I would recommend further contact with me to ensure adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.

Archaeology comment

The site occurs on the southern bank of the Water of Leith, opposite and close to the historic estate of Saughton Hall. The Victorian Saughton Leather works formed the sites northern and eastern boundaries into the 20th century. Although the site occurs within an area of archaeological potential, it is considered that the development of Chesser House would have had a significant impact on this site. This combined with its location out with the leather works and distance from Saughtonhall has resulted in the conclusion that there are no known archaeological implications in relation to this scheme.

Communities and Families comment

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The

infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements

Assessment based on:

25 Flats (10 one-bedroom flats excluded)

This site falls within Sub-Area T-2 of the 'Tynecastle Education Contribution Zone'.

Using the pupil generation rates set out in the Supplementary Guidance, the development is expected to generate at least one additional primary school pupil but not at least one additional secondary school pupil.

The Council has assessed the impact of the proposed development on the identified primary school education infrastructure actions and current delivery programme.

The primary school 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' primary school contribution rates for the appropriate part of the Zone.

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

Total infrastructure contribution required:

£27,175

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.

Roads Authority Issues

The application should be continued.

Reasons:

1. The current proposals are considered contrary to LDP Policy Tra 2, 3 & 4 for the following reasons:

- a. Minimum requirements for Cycle, Accessible and electric vehicle parking as per the 2017 Parking Standards have not been met (see note I for further info)
 - b. The current layout of the cycle stores is not considered acceptable due to the requirement for a right angled turn for entry/exit. Full details of proposed cycle stores are required, including dimensioned layouts and details of proposed cycle parking, the applicant should note that parking provision for non-standard bikes is also required. Draft Street Design Guidance Fact Sheet C7 - cycle parking is relevant;
2. The applicant should considered revising the design of the existing access junctions. Street Design Guidance Fact Sheet G7 - Priority Junctions / Side Street Crossings is relevant;

Note:

I. The application has been assessed under the 2017 parking standards. These permit the following:

- a. A maximum of 35 car parking spaces, (1 space per unit), 10 spaces are proposed;
- b. A minimum of 72 cycle parking spaces, (2 spaces per 2/3 room unit and 3 spaces per 3+ room unit. Assessment is based on habitable rooms), 60 spaces are proposed;
- c. A minimum of 8% of the car parking should be designated as accessible, meaning a requirement for 1 accessible parking space, 0 are proposed;
- d. A minimum for 1 of every 6 car parking spaces being equipped for electric vehicle (EV) charging, meaning a requirement for 2 EV spaces;
- e. A minimum of 1 Motorcycle parking Space (1 per 25 units), 0 MC parking is proposed;

II. The level of car parking is justified by the sites accessibility to public transport including bus, tram and rail services and easy access to surrounding services and amenities;

III. The applicant is required to contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

IV. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;

V. 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;

VI. 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;

VII. *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.*

Roads Authority Issues updated comment

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

- 1. The applicant is required to contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
- 2. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;*
- 3. 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;*
- 4. 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;*
- 5. The applicant should consider revising the design of the existing access junctions. Street Design Guidance Fact Sheet G7 - Priority Junctions / Side Street Crossings is relevant;*

Note:

- I. The application has been assessed under the 2017 parking standards. These permit the following:*
 - a. A maximum of 35 car parking spaces, (1 space per unit), 8 spaces are proposed;*
 - b. A minimum of 72 cycle parking spaces, (2 spaces per 2/3 room unit and 3 spaces per 3+ room unit. Assessment is based on habitable rooms), 72 spaces are proposed;*
 - c. A minimum of 8% of the car parking should be designated as accessible, meaning a requirement for 1 accessible parking space, 1 space is proposed;*
 - d. A minimum for 1 of every 6 car parking spaces being equipped for electric vehicle (EV) charging, meaning a requirement for 2 EV spaces, 2 spaces are proposed;*

e. A minimum of 1 Motorcycle parking Space (1 per 25 units), 0 MC parking is proposed;

II. The proposed level of car parking is justified by the sites accessibility to public transport including bus, tram and rail services and easy access to surrounding services and amenities. This level of car parking complies with the current parking standards and based on the justification provided is considered acceptable;

III. The proposed level of cycle parking complies with the minimum standard set out in the current Parking Standards. The proposed cycle parking is split over three internal stores and one external store. The internal stores are all located on the ground floor and level access is provided from the rear core access points. The external store is located to the rear of the block adjacent to the car parking and is completely enclosed, weatherproof and secure, with direct level access provided. Two-tier racks are provided in all the stores with a 2m aisle width to allow for manoeuvrability when accessing the racks. It is recognised that the access to the internal stores is not an ideal situation as they require 90 degree turns, however the 2m width of the lobby will provide some mitigation to this issue and with the constraints on this site the stores are considered acceptable;

Flood Prevention comment

The (agent) responses satisfy CEC Flood Prevention's comments. This application can proceed to determination, with no further comments from our department.

Environmental Protection comment

The applicant proposes developing 35 residential flats in what is currently a car parking area for Chesser House a former office which is currently being converted into residential use. Environmental Protection have raised many concerns with this proposed development, including noise, odours, local air quality and contaminated land impacts. The development site is located on the busy Gorgie Road therefore the applicant will need to assess the impacts this will have on the proposed development. A noise impact assessment will then need to detail the specific mitigation measures required with supporting drawings showing where acoustic glazing will be required.

To the north of the development is an existing office with substation, this will need to be assessed to ensure there is no plant noise that could impact the proposed development.

To the west of the proposed development there is a row of local business, 536 Gorgie Road is a cause of concern as it has consent for a use that will introduce plant that will likely impact this proposed development.

The applicant has not submitted a supporting noise impact assessment therefore it is not possible to establish the level of impact these noise source will have on the proposed development. Environmental Protection cannot support the application until a noise impact assessment is submitted.

536 Gorgie Road has consent to introduce plant that will extract cooking odours the applicant will need to investigate this and ensure that the proposed development does

not introduce residential use above the termination point of the extract within 30m of the extract point. A tenant has occupied this food business and it appears to be a spicy fried chicken outlet. The type of operator is not controlled by planning condition but the production of fried spicy chicken can have a more serious impact on amenity when compared with other type of food outlets.

The proposed development site is located near to an air quality management area therefore the applicant will need to ensure that the development mitigates its impacts. The applicant will need to ensure that the development includes at least two 7Kw Electric Vehicle charging spaces that are fully operational prior to occupation. The applicant would need to submit a drawing showing the exact location of the charging points. Environmental Protection recommend that all spaces in the car park have charging facilities installed.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable)

Therefore, Environmental Protection recommends that this planning application is refused due to the likely poor level of amenity afforded to future tenants.

Affordable Housing comment

1. Introduction

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

Housing Management and Development are the statutory consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).

* Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.

* 25% of the total number of units proposed should be affordable housing.

* The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:

<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>

2. Affordable Housing Provision

This application is for a development consisting of up to 35 homes and as such the AHP will apply.

There will be an AHP requirement for a minimum of 25% (8.75) homes of approved affordable tenures. In accordance with affordable housing policy, the developer has rounded down the number of homes on site to 8.

The Council aims to secure 70% of new onsite affordable housing for social rent. The applicant has set out that they are in discussion with LAR Housing Trust, an established affordable housing provider, who are their preferred provider. It should be noted that LAR are not a registered social landlord and therefore could not provide social rent. There is a need for all affordable tenures and, given the relatively small number of affordable homes, we believe mid market rent would be acceptable in this instance.

The eight affordable homes are a self-contained block at the south west corner of the development, with their own stair core. This is welcomed as it allows the affordable housing provider to effectively manage and maintain these affordable homes. The applicant originally indicated that the affordable housing would be 2x one bedroom apartments and 6x two bedroom apartments. However, as the wider development included 3x three bedroom apartments (8.5% of all homes) we asked the applicant to revise the scheme to include a three bedroom affordable home and they have accepted this. We welcome the inclusion of the three bedroom affordable home, which means that the affordable housing is representative of the wider development.

The affordable homes are required to be tenure blind and fully compliant with latest building regulations. The design of affordable housing should be informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides and we require that applicants work with the Council and the affordable housing provider to achieve this. The homes are situated within close proximity of regular public transport links and next to local amenities. An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.

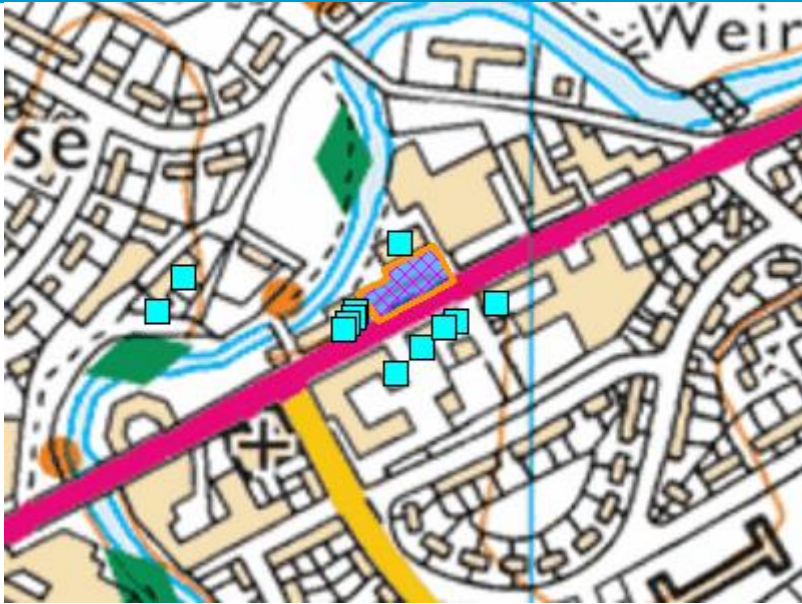
3. Summary

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

- * The applicant has submitted an ‘Affordable Housing Statement’, setting out their approach.*
- * The tenure type, mix and location of the affordable homes must be agreed by the Council*
- * The applicant has entered into dialogue with the Council and LAR Housing Trust to deliver the affordable housing on site as mid market rent, which is acceptable.*
- * The affordable housing includes a variety of house types and sizes and, at the request of this department, includes a three bedroom affordable home. The affordable housing is therefore representative of the provision of homes across the wider site.*
- * In the interests of delivering mixed, sustainable communities, the affordable housing policy units are expected to be identical in appearance to the market housing units.*
- * The affordable homes should be designed and built to the affordable housing providers design standards and requirements.*
- * The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

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

Location Plan



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Development Management Sub Committee

Wednesday 3 June 2020

Report for forthcoming application by

**Hero Catalyst Hospitality Ventures (Elgin House Edin.) Ltd.
for Proposal of Application Notice**

20/01591/PAN

at Elgin House, 20 Haymarket Yards, Edinburgh.

**Proposed Demolition and Re-development of Site for a mix
of uses including office (class 4), hotel (class 7) and student
accommodation.**

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 application for planning permission in principle or planning permission for the demolition of the existing Elgin House and redevelopment forming a mixed use scheme including Classes 4 (Business), 7 (Hotel) and student accommodation at 20 Haymarket Yards, 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: 20/01591/PAN on 08 April 2020.

Due to the Coronavirus emergency, the Council's Leadership Advisory Panel has agreed changes to the schemes of delegation in respect of planning applications. This gives the Chief Planning Officer extended delegated powers to make decisions on applications which would require a committee decision under the current schemes of delegation. This application has been determined under the extended scheme of delegation.

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 application site relates to an existing 4,645sqm office building located at 20 Haymarket Yards in the Haymarket area of Edinburgh City Centre. The existing office is a 'U' shaped office building with central car parking courtyard. To the east of the site is Haymarket Station with the Edinburgh Tram line south of the site. The surrounding area is predominantly commercial in nature.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The application is a Proposal of Application Notification of planning permission in principle or full planning permission for the proposed demolition and redevelopment of the site for a mix of uses including Class 4 (Business) Class 7 (Hotel) and student accommodation.

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 site forms part of the City Centre area identified in the Edinburgh Local Development Plan (LDP) and as such policy Del 2 City Centre and the Edinburgh City Centre Development Principles must be considered. The policy supports proposals that enhance the character, attractiveness, vitality and accessibility of the city centre and contribute to its role as a strategic business and regional centre. The site will also be assessed against all other relevant policies within the LDP and the Edinburgh Design Guidance.

- b) the proposal would preserve or enhance the setting of the nearby neighbouring buildings, conservation areas and World Heritage Site

The site is within close proximity to built heritage including the B listed buildings across from the site, the New Town and Colinton and Wester Coates Conservation Areas and Old and New Towns of Edinburgh World Heritage Site are also to the north of the site. Development on the site has the potential to affect the character, appearance and setting of Edinburgh's built heritage and key views across the World

Heritage Site. The proposal will be assessed in relation to Sections 59 and 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.

c) The design, scale and layout are acceptable within the character of the area; and does the proposal comply with the design policies of the Local Development Plan

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 into and out of the city centre will be an important consideration in respect of the proposed height and massing.

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

The proposal shall have regards to LDP transport policies and Edinburgh Street 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.

e) There are any other environmental factors that require consideration

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having an unacceptable detrimental impact on the environment. In order to support the application, the following documents are anticipated:

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Townscape and Visual Impact Assessment;
- Sustainability Form S1;
- Daylight, privacy and overshadowing information;
- Transport Information;
- Ecology information;
- Waste management information;
- Flooding risk and drainage information and
- Noise/air quality information.

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 with the planning authority are ongoing.

8.2 Publicity summary of representations and Community Council comments

The applicant's Proposal of Application Notice noted that there will be an online consultation in accordance with government guidance for the period of the Covid-19 emergency. The consultation event is to be held from 09 June 2020 to 16 June 2020 inclusive. A public notice is to be placed in the Edinburgh Evening News on 1 June 2020.

The applicant has confirmed that West End Community Council and local councillors received a copy of the Proposal of Application Notice on 07 April 2020.

Background reading/external references

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

David R. Leslie

Chief Planning Officer

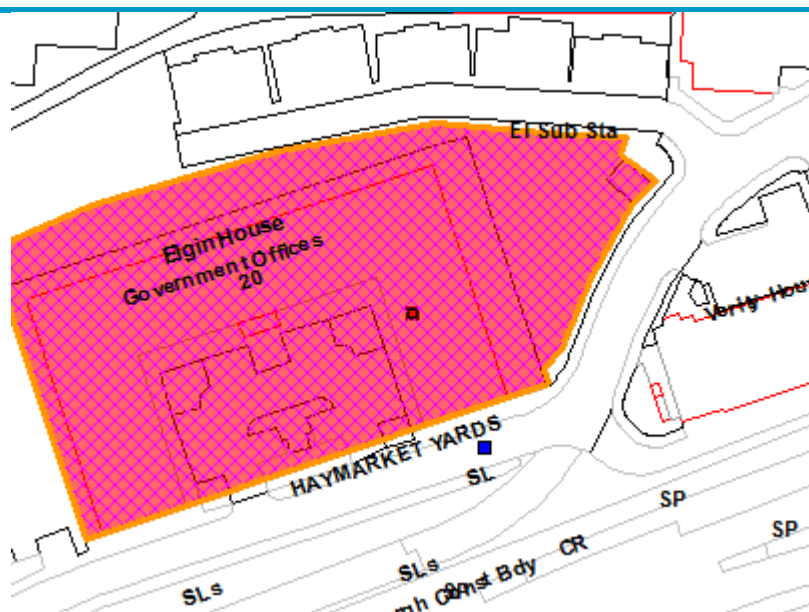
PLACE

The City of Edinburgh Council

Contact: Declan Semple, Planning Officer

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

Location Plan



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Development Management Sub Committee

Wednesday 3 June 2020

Report for forthcoming application by

Drum (Steads Place) Ltd and CAMVO 123 LTD. for Proposal of Application Notice

20/01447/PAN

at 106 - 162 Leith Walk, Edinburgh, EH6 5DX

Proposed Demolition of Industrial Units and Development of Residential Led Uses. Retention of existing 2-Storey Sandstone Building with Potential to Include Class 1 (Shops), Class 2 (Financial Professional and Other Services), Class 3 Food and Drink), CLASS 4 (Business), Class 10 (Non-Residential Institutions) Class 11 (Assembly and Leisure) and Sui Generis Uses, With Associated Landscaping, Open Space 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 full planning permission for the proposed demolition of industrial units and development of residential led uses, retention of existing 2-storey sandstone building with potential to include class 1 (Shops), Class 2 (Financial Professional and Other Services), Class 3 (Food and Drink), Class 4 (Business), Class 10 (Non-Residential Institutions), Class 11 (Assembly and Leisure) and Sui Generis Uses, with associated landscaping, open space and infrastructure at 106-162 Leith Walk, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, the applicants submitted a Proposal of Application Notice: 20/01447/PAN on 25 March 2020.

Due to the Coronavirus emergency, the Council's Leadership Advisory Panel has agreed changes to the schemes of delegation in respect of planning applications. This gives the Chief Planning Officer extended delegated powers to make decisions on applications which would require a committee decision under the current schemes of delegation. This application has been determined under the extended scheme of delegation.

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 covers approximately 1.2 hectares and consists of a 1930s two-storey red sandstone building fronting Leith Walk and land to the rear comprising industrial units and some open space.

The sandstone building contains a number of commercial units on the ground floor with office space above. It was originally designed for the London Midland & Scottish Railway Company, who operated the goods yard behind. Due to the industrial nature of the goods yard, the red sandstone ashlar frontage elevation has a far higher standard of architectural treatment when compared to the building's utilitarian brick rear elevations.

The areas to the rear of this building are a series of larger industrial units that are also in a variety of uses covering 4,087 sqm. The uses include a timber yard and indoor paintball. To the west of the industrial units is an area of open space and some existing trees.

The northern boundary is created by the former railway abutment, arches and embankment. There are a number of small businesses operating within the arches and further business and industrial uses to the north. To the south is a modern flatted development rising up to six/seven storeys. To the west is a recently completed housing development and Pilrig Park. There is an informal link through the site to the park.

To the east, on the adjacent side of Leith Walk, are a number of buildings with various commercial uses on the ground floor and residential use mostly on the upper floors. Stone is the predominant material on the frontages, with slate roofs. Heights range from one storey to four and a half storeys.

Vehicular access is from the entrance to Steads Place from Leith Walk at the south of the site.

There is a B Listed Building to the south of the site at 7 Stead's Place and other listed buildings in the vicinity of the site.

The red sandstone building along the frontage is within the Leith Conservation Area. This application site is located within the Leith Conservation Area.

2.2 Site History

30 January 2019 - Planning permission was refused for the demolition of existing buildings and erection of a mixed use development including 53 affordable housing flats, student accommodation (471 bedrooms), hotel with 56 rooms (Class 7), restaurant(s) (Class 3) and space for potential community and live music venue (Class 10 & 11), retail (Class 1), public house (sui generis) or commercial uses (Class 2 & 4). Includes associated infrastructure, landscaping and car parking (application number 18/04332/FUL).

30 January 2019 - Conservation Area Consent refused for the complete demolition of the existing building submitted on the same site (application number 18/04349/CON).

20 December 2019 - Appeal against refusal of planning permission dismissed by Scottish Ministers for the demolition of existing buildings and erection of a mixed use development including 53 affordable housing flats, student accommodation (471 bedrooms), hotel with 56 rooms (Class 7), restaurant(s) (Class 3) and space for potential community and live music venue (Class 10 & 11), retail (Class 1), public house (sui generis) or commercial uses (Class 2 & 4). Includes associated infrastructure, landscaping and car parking (appeal reference PPA-230-2274).

20 December 2019 - Appeal against refusal of Conservation Area Consent dismissed by Scottish Ministers for the complete demolition of the existing building submitted on the same site (appeal reference CAC-230-2004).

The units along the Leith Walk frontage have been subject to a number of applications for alterations and changes of use over the years.

Adjacent Sites:

6 February 2018 - planning permission and associated listed building consent granted for the refurbishment of existing building to facilitate flexible work space and gates/ external alterations and the placement of shipping containers to rear of building for Class 4 uses (as amended) at 165 Leith Walk opposite the site (application numbers 17/04380/FUL and 17/04381/LBC).

Site Brief:

07 August 2008 - The Stead's Place / Jane Street Development Brief was approved. This contains a number of objectives for the area. These include:

- Achieve attractive and safe pedestrian connections to Pilrig Park;
- Establish an appropriate mix of uses within the area that ensures the introduction of residential uses will not compromise the operation of existing businesses with regards to environmental health issues, such as noise;
- Provide modern flexible small business space to meet needs in north-east Edinburgh;
- Provide a frontage to Leith Walk that complements the character of the Leith Conservation Area.

Main report

3.1 Description of the Proposal

An application for planning permission will be submitted for the proposed demolition of industrial units and development of residential led uses, retention of existing 2 storey sandstone building with potential to include Class 1 (Shops), Class 2 (Financial Professional and Other Services), Class 3 (Food and Drink), Class 4 (Business), Class 10 (Non-Residential Institutions), Class 11 (Assembly and Leisure) and Sui Generis uses, with associated landscaping, open space and infrastructure.

No details have been submitted regarding the total number of units 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;

The site is within the Urban Area in the Edinburgh Local Development Plan (LDP), with the building along the frontage falling within the Leith Conservation Area.

Consideration will be given to the impact of the development on the conservation area and adjacent listed buildings, and the compliance with other policies in the Plan.

LDP Policy Emp 9 (Employment Sites and Premises) states that such redevelopment proposals should include floorspace designed for a range of business users on sites over one hectare that are currently in or last in employment use.

The buildings along Leith Walk are within the town centre, where the Leith Town Centre Supplementary Guidance applies. This states that Class 1 (Shops), Class 2 (Financial, professional and other services), Class 3 (Food and drink) or an appropriate commercial or community uses will be generally acceptable at 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;

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

The proposal will be considered against the provisions of the LDP, Edinburgh Design Guidance and the Stead's Place/Jane Street Development Brief.

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

The proposal should have regards to transport policies of the Edinburgh Local Development Plan and the Edinburgh Design Guidance. Consideration should be given to the impact on traffic flows on local roads, accessibility through the site for pedestrians and cyclists, and access to public transport.

A transport statement will be required to support the application.

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

The application will be screened to assess whether an Environmental Impact Assessment (EIA) is required, including the cumulative impact of the proposals.

The applicant will also be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment.

In order to support the application, the following documents will be submitted (this list is not exhaustive):

- Pre-application consultation report;
- Design and Access Statement;
- Conservation Area Assessment;
- Planning Statement;
- Transport information;
- Economic Impact information;
- Daylighting and Sunlight Analysis;
- Flood Risk Assessment and Surface Water Management Plan;
- Phase 1 Habitat Survey;
- Tree Survey;
- Noise Impact Assessment and
- Sustainability Statement.

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 there will be an online consultation event in accordance with government guidance for the period of the Covid-19 emergency. A public notice will be placed in the Edinburgh Evening News seven days before.

The applicant has confirmed that the community councils of Leith Central, Leith Harbour and Newhaven and Leith Links have received notification. Local ward councillors, neighbouring ward councillors and MSPs also received a copy of the Proposal of Application Notice in March 2020.

Background reading/external references

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

David R. Leslie

Chief Planning Officer

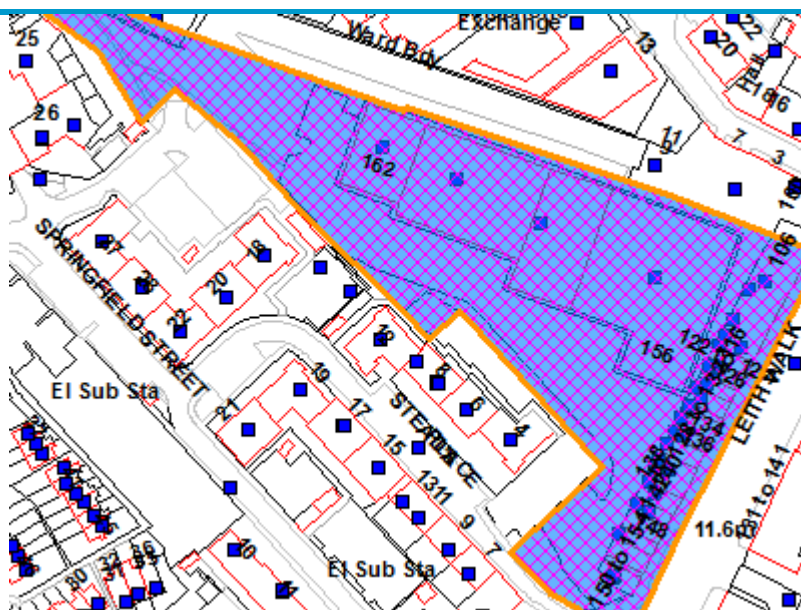
PLACE

The City of Edinburgh Council

Contact: Lesley Carus, Team Leader

E-mail:lesley.carus@edinburgh.gov.uk Tel:0131 529 3770

Location Plan



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