

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 23rd September, 2020

Virtual Meeting - via Microsoft Teams

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 / martin.scott@edinburgh.gov.uk

Tel: 0131 553 8242 / 0131 529 4237

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 21 September 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 the 9 September 2020 – submitted for approval as a correct record 11 - 14

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

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

Pre-Applications

- 4.1 Report for forthcoming application by Legal & General Investment Management Limited. for Proposal of Application Notice at 109, 110 And 111 Princes Street, 112 Princes Street And 144-150 Rose Street, (Debenhams) - Redevelopment and change of use of existing premises to form hotel with rooftop bar/restaurant, active uses at lower floors including restaurant, bar, retail, flexible meeting and event/venue space, health suite/gym, with ancillary uses, associated works, alterations and demolitions (Use Classes 1, 2, 3, 4, 7, 11 & Sui Generis - application no 20/02952/PAN – Report by the Chief Planning Officer 15 - 22

Applications

- 4.2 Flat 1 4 Dewar Place Lane, Edinburgh, EH3 8EF - Change of use only from residential flat to holiday let flat - application no 20/03035/FUL - Report by the Chief Planning Officer 23 - 32
It is recommended that this application be **REFUSED**.
- 4.3 Flat 2 4 Dewar Place Lane, Edinburgh, EH3 8EF - Change of use only from residential dwelling house to holiday let flat - application no 20/03036/FUL - Report by the Chief Planning Officer 33 - 42
It is recommended that this application be **REFUSED**.
- 4.4 The Farmhouse, Almondhill, Kirkliston (at Land 102 Metres Southeast Of) - Development of a 48 bed care home (class 8) and associated access, parking and landscaping - application no 20/02413/FUL - Report by the Chief Planning Officer 43 - 70
It is recommended that this application be **GRANTED**.

- 4.5** 48 - 50 Iona Street, Edinburgh, EH6 8SW - Demolition of the existing warehouse and ancillary office building and construction of residential (flatted) development including purpose-built student accommodation, general housing and affordable housing, public realm improvements, hard and soft landscaping and associated infrastructure - application no 20/00972/FUL - Report by the Chief Planning Officer 71 - 108
- It is recommended that this application be **GRANTED**.
- 4.6** 27, 29, 31 James Craig Walk, Edinburgh - Change of use from student accommodation to Class 1 (Shops), Class 2 (Financial, professional & other services) and / or Class 3 (Food and Drink) and Hotel / Class 7 uses, proposed alterations, erection of shopfronts and associated works (as amended) - application no 20/02524/FUL - Report by the Chief Planning Officer 109 - 126
- It is recommended that this application be **GRANTED**.
- 4.7** 27, 29, 31 James Craig Walk, Edinburgh - Internal and external alterations, erection of shopfronts and associated works (as amended) - application no 20/02527/LBC - Report by the Chief Planning Officer 127 - 140
- It is recommended that this application be **GRANTED**.
- 4.8** 1F1 16 Johnston Terrace, Edinburgh, EH1 2PR - Change of use of apartment from residential to short term business/holiday accommodation - application no 20/02790/FUL - Report by the Chief Planning Officer 141 - 152
- It is recommended that this application be **REFUSED**.
- 4.9** 55 Mayfield Road, Edinburgh (Telecoms Apparatus 27 Metres North West) - Proposed telecommunications installation: Proposed 20m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works (as amended in location and reduced to 15m in height - application no 20/02337/FUL - Report by the Chief Planning Officer 153 - 160
- It is recommended that this application be **GRANTED**.

5. Returning Applications

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

- 5.1** 7, 11, 13 Eyre Terrace, Edinburgh, EH3 5ER - Planning permission in principle for mixed use development. Retail (class 1); financial, professional + other services (class 2); food + drink (class 3); business (class 4); hotels (class 7); residential (class 8, 9 + sui generis), car parking, access + other works, approval of siting + maximum height of principal building block, points of vehicular/pedestrian access + egress - application no 14/01177/PPP - Report by the Chief Planning Officer 161 - 164
- It is recommended that this application be **GRANTED**.
- 5.2** Royal Blind School, 2B Craigmillar Park, Edinburgh - Refurbishment and conversion of existing listed school for residential use (21 units). Refurbishment and extension of existing gate lodge building. Demolition of non-listed structures and formation of new residential dwellings (27 units) (as amended) - application no 18/10180/FUL - Report by the Chief Planning Officer 165 - 166
- It is recommended that this application be **GRANTED**.

6. Applications for Hearing

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

- 6.1** None.

7. Applications for Detailed Presentation

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

- 7.1** Bangholm Outdoor Centre, Craighall Gardens, Edinburgh - 167 - 186
Erection of new build Sports and Outdoor Centre to replace existing facilities on site (to be demolished) and provide sports facilities to be used by both Trinity Academy (located on Craighall Avenue) and the wider community - application no 19/05832/FUL - Report by the Chief Planning Officer
It is recommended that this application be **GRANTED**.
- 7.2** Ferrymuir Gait, South Queensferry (Site North Of) - Residential development comprising 125x dwellings (Approval of Matters Specified in Conditions of consent 14/01509/PPP) - application no 18/08266/AMC - Report by the Chief Planning Officer 187 - 232
It is recommended that this application be **APPROVED**.
- 7.3** Gyle Centre, Gyle Avenue, Edinburgh - Extension to shopping centre to include new retail, class 11 leisure and restaurant/cafe units with associated servicing, relocated bus/taxi facilities and reconfigured car parking and landscaping - application no 19/02604/FUL - Report by the Chief Planning Officer 233 - 274
It is recommended that this application be **GRANTED**.
- 7.4** 42 Peffermill Road, Edinburgh, EH16 5LL - The development of a Sports village for the University of Edinburgh at Peffermill playing fields to accommodate redeveloped playing surfaces and the erection of a new Sports Centre and student residence incorporating ancillary facilities - application no 19/05923/FUL - Report by the Chief Planning Officer 275 - 328
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.

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.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae / Martin Scott, 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 4237, email jamie.macrae@edinburgh.gov.uk / martin.scott@edinburgh.gov.uk.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to <https://democracy.edinburgh.gov.uk/>

Webcasting of Council meetings

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

The Council is a Data Controller under current Data Protection legislation. We broadcast Council meetings to fulfil our public task obligation to enable members of the public to observe the democratic process. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

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

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services (committee.services@edinburgh.gov.uk).

Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 9 September 2020

Present:

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

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of 26 August 2020 as a correct record.

2. General Applications and Miscellaneous Business

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

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda item 4.3 - 224-234 Mayfield Road and 14-15 Braefoot Road, Edinburgh EH9 3BE – requested by Councillor Booth.

Decision

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

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 - Old Burdiehouse Road, Edinburgh (West of Existing Substation)</p>	<p>Proposed renewable energy development comprising solar panels/photovoltaics, battery storage, flexible gas generation and associated infrastructure - application no 20/02823/PAN</p>	<p>To note the key issues at this stage.</p>
<p>4.2 - 99 Drum Brae South, Edinburgh (At Land to the rear of)</p>	<p>Construct new dwelling house with accommodation over two floors - application no 20/01301/FUL</p>	<p>To REFUSE planning permission for the reasons set out in report by the Chief Planning Officer.</p>
<p>4.3 - 224-234 Mayfield Road and 14-15 Braefoot Road, Edinburgh EH9 3BE</p>	<p>Erection of student accommodation 148 beds (124 units). (amendment to planning permission 18/03617/FUL) - application no 20/00487/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer and to agree the application requires to be referred to the Scottish Ministers prior to determination due to the outstanding objection from SEPA.</p>
<p>4.4 - Meadowbank Stadium, 139 London Road, Edinburgh</p>	<p>Change of road location from London Road - application no 19/05855/FUL</p>	<p>To GRANT planning permission subject to the informatives as set out in section 3 of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>5.1 - 194 Fountainbridge, Edinburgh (at Land adjacent to)</p>	<p>Approval of matters specified in conditions 1,5,6,7,8,12 & 13 of 15/02892/PPP for Building E including form and massing, design materials, daylight, sunlight, design and operation of private/public open spaces, roads, footways/cycleway/access/servicing, parking, venting, electric vehicle charging, drainage, waste management, operational requirements for commercial uses/sustainability/floor levels/lighting, site investigation/hard and soft landscaping details and noise mitigation. (as amended). - application no 19/02993/AMC</p>	<p>To AGREE to a further three-month extension to the period to conclude the legal agreement which will enable the planning permission to be released for this application.</p>

This page is intentionally left blank

Development Management Sub Committee

Wednesday 23 September 2020.

Report for forthcoming application by

**Legal & General Investment Management Limited. for
Proposal of Application Notice**

20/02952/PAN

**At 109, 110 And 111 Princes Street,, 112 Princes Street And
144-150 Rose Street, (Debenhams)**

**Redevelopment and change of use of existing premises to
form hotel with rooftop bar/restaurant, active uses at lower
floors including restaurant, bar, retail, flexible meeting and
event/venue space, health suite/gym, with ancillary uses,
associated works, alterations and demolitions (Use Classes
1, 2, 3, 4, 7, 11 & Sui Generis).**

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 full planning permission for redevelopment and change of use of the existing premises to form a hotel with rooftop bar/restaurant, active uses at lower floors including restaurant, bar, retail, flexible meeting and event/venue space, health suite/gym, with ancillary uses, associated works, alterations and demolitions (Use Classes 1, 2, 3, 4, 7, 11 & Sui Generis) at 109, 110 and 111 Princes Street, 112 Princes Street and 144-150 Rose Street (Debenhams).

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice, 20/02952/PAN, on 20 July 2020.

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 is located between Princes Street and Rose Street within the block between Frederick Street and Castle Street.

The existing buildings on the site comprise the following:

- the category B listed, former Palace Hotel then Liberal Club at 109, 110 and 111 Princes Street, by John Lessels dating from 1869 with a modern glazed infill on the west side (listed building reference: LB30147, listed on 12 December 1974);
- the category B listed former Conservative Club at 112 Princes Street by Robert Rowand Anderson, dating from 1882-4 and reconstructed by Ketley, Gould & Clark (with Simpson & Brown) (listed building reference: LB29512, listed on 13 April 1965); and
- the category C listed former tenement at 144-150 Rose Street, dating from 1780 and redeveloped in 1978-81, retaining the original facade only (listed building reference: LB29650, listed on 28 March 1966).

The site is located adjacent to several other listed buildings and structures and is opposite West Princes Street Gardens, part of the New Town Gardens Designed Landscape (reference: GDL00367).

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

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

2.2 Site History

Several planning applications, listed building consents and advertisement consents associated with the operation of Debenhams department store have been submitted and granted, but no major changes have been made to this group of buildings since the late 1970s/early 1980s.

Main report

3.1 Description Of The Proposal

The proposal is for the demolition of the existing modern structures, behind and between the historic facades and erection of replacement structures to form a hotel with rooftop bar/restaurant, with a restaurant, bar, retail, health suite/gym, flexible meeting and event/venue space on the lower levels. Internal alterations are proposed to the remaining part of the original building at no. 109-110.

3.2 Key Issues

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

- a) **The principle of the development is acceptable in this location;**
- b) The site is located in the City Centre Retail Core and City Centre, as defined in the Edinburgh Local Development Plan (LDP) and policy Del 2 City Centre and the Edinburgh City Centre Development Principles must be considered. The Plan supports development within this location which maintains and enhances the character, attractiveness, vitality and accessibility of the city centre.
- c) **The proposal will preserve the character and setting of the listed buildings;**
- d) The impact of the proposal on the character of the category B and C listed buildings on the site and other listed buildings in the surrounding area will be considered against the provisions of Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997:
- e) *"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."*
- f) The development will also be assessed against Historic Environment Scotland's Managing Change in the Historic Environment guidance notes.
- g) Listed Building Consent will be required for the demolition of listed structures or parts thereof, including the modern structures on the site, and the proposed internal and external alterations.
- h) **The proposal will preserve or enhance the character or appearance of the New Town Conservation Area;**

- i) The impact of development on the character and appearance of the conservation area will be considered against Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which states:
- j) *"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."*
- k) The impact of land use and the scale and form of the development on the character and appearance of the conservation area will be considered against Policy Env 6 in the Edinburgh Local Development Plan.
- l) **The proposals will have an impact on the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site;**
- m) The proposal will need to be assessed against local views, although it is unlikely that the development will have any impact on the OUV of the World Heritage Site due to the relatively modest increase proposed to the existing building envelope.
- n) **The design, scale, layout and materials are acceptable within the character of the area;**
- o) The proposal will be considered against the provisions of the Edinburgh Local Development Plan and Edinburgh Design Guidance. A Design and Access Statement will be required to accompany the application.
- p) **The proposal is not detrimental to the amenity of neighbours;**
- q) The proposal will be assessed against relevant design policies in the Edinburgh Local Development Plan and Edinburgh Design Guidance. A daylight and privacy assessment and noise impact assessment may be required in support of the application if there are any residential properties in close proximity to the development.
- r) **Access arrangements are acceptable in terms of road safety and public transport accessibility;**
- s) The proposal shall have regards to the LDP transport policies and the 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.
- t) **There are any other environmental factors that require consideration;**
- u) 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;
- Heritage Statement;
- Design and Access Statement;
- Townscape and Visual Impact Assessment;
- Sustainability Form S1;
- Sustainability Statement;
- Transport Information;
- Surface Water Management Plan; and
- Waste Management Information.

The application has been screened for an Environmental Impact Assessment (EIA) and no EIA is required.

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 has confirmed that there will be an online consultation in accordance with government guidance for the period of the Covid-19 emergency. The online consultation event is to be held on 17 September 2020 and this event will be advertised in the Edinburgh Evening News on 10 September 2020.

The New Town and Broughton Community Council, Old Town Community Council and Councillors Doran, Miller, Mowat and Rankin were notified of the Proposal of Application Notice on 20 July 2020.

Historic Environment Scotland, Edinburgh World Heritage, the Cockburn Association, Edinburgh Partnership Board, Local Community Planning Partnership - South East Locality and Essential Edinburgh, Chamber of Commerce have also been notified of the proposal.

Background reading/external references

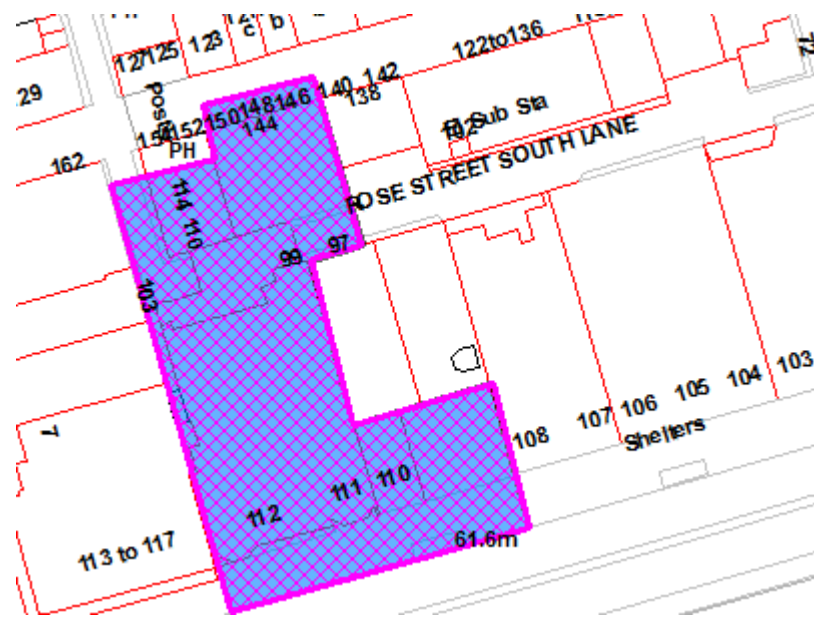
- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer
E-mail: clare.macdonald@edinburgh.gov.uk

Location Plan



© Crown Copyright and database right 2015. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 23 September 2020

**Application for Planning Permission 20/03035/FUL
at flat 1 4 Dewar Place Lane, Edinburgh, EH3 8EF.
Change of use only from residential flat to holiday let flat.**

Item number

Report number

Wards

00 - No Ward Number

Summary

The proposal is contrary to the policies contained in the adopted Edinburgh Local Development Plan. The proposed change of use would have an unacceptable impact on residential amenity. The change of use will affect a quiet residential lane that makes an important contribution to the character of the conservation area. There are no material considerations that would outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL02, LEN06, LHOU07, NSG, NSBUS, NSGD02,

Report

Application for Planning Permission 20/03035/FUL at flat 1 4 Dewar Place Lane, Edinburgh, EH3 8EF. Change of use only from residential flat to holiday let flat.

Recommendations

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

Background

2.1 Site description

The application site is a one-bedroom ground floor flat that is part of a two-storey, standalone building and is located on the north side of Dewar Place Lane. There are four units within the block where they all share a common entrance with the exception of Flat 4 which can be accessed from the rear of the building. The building includes a pend that provides rearward parking and access to the integral garages which are part of the building.

Adjacent to the site, to the west, is an area of car parking space in connection with the police station at 6 Torphichen Place. Adjacent to the site, to the east, is also an area of private staff car parking in connection to the existing 8 storey Hub hotel on Torphichen Street. While the north side of Dewar Place Lane is primarily characterised by access to parking facilities for the existing commercial premises on Torphichen Street, properties on the south side of Dewar Place Lane are characterised by a mix of both traditional and modern mews housing. Despite the prevailing mix of commercial and residential uses, Dewar Place Lane is a quiet narrow lane with controlled on-street parking between 0800 and 1800 hours.

This application site is located within the West End Conservation Area.

2.2 Site History

Other relevant planning history

30 July 2020 - Application submitted for a change of use from residential dwelling house to holiday let at Flat 2 4 Dewar Place Lane (Application number 20/03036/FUL). This is pending consideration.

05 August 2020 - Application submitted for a change of use from residential to holiday flat at 4A Dewar Place Lane (Application number 20/03071/FUL). This is pending consideration.

Main report

3.1 Description of the Proposal

The application is for a change of use from residential flat to holiday let flat.

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 change of use is acceptable in this location;
- b) the proposal will preserve the character and appearance of the West End Conservation Area;
- c) the proposal raises any road safety issues and
- d) comments raised have been addressed.

a) Principle

The site is within the city centre where Edinburgh Local Development Plan (LDP) policy Del 2 (City Centre) permits development which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city. The policy requires uses or a mix of uses appropriate to the location of the site, its accessibility and the character of the surrounding area.

It should be noted that the LDP does not include any policies against the loss of residential use.

LDP policy Hou 7 (Inappropriate Uses in Residential Areas) states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Business states that for a change of use to short term commercial visitor accommodation, special regard will be made to the following:

- the character of the new use and of the wider area;
- the size of the property;
- the pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- the nature and character of any services provided.

The guidance states that change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs. In connection to short stay lets it states - *The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.*

There has been a number of appeal decisions which have helped to assess whether a change of use has taken place and whether that change of use is acceptable.

There has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay lets. These decisions have typically allowed short term let uses in main door properties or flats with their own private accesses e.g. 11 Stevenson Drive (CLUD-230-2007), 103 Restalrig Road (CLUD-230-2006) and 17 Old Fishmarket Close (PPA-230-2238). There are also currently 66 planning enforcement cases open in relation to short stay let uses.

Recent appeal decisions like that at Flat 3F2, 22 Haymarket Terrace (ENA-230-2156) stress that the frequent movement by tourists, and other itinerant residents, of baggage along landings and stairwells as well as the necessity for daily servicing of the apartment all lead to a pattern of intense usage of the access stairs and communal areas beyond that which may otherwise be expected from an apartment of this size. All of which creates the potential for unacceptable noise and disturbance to existing residents.

The application site is entered from a common stair. The site plan does not show the provision of bin stores. However, bin stores are located to the rear of the building which can be shared among occupants of the building. Whilst the proposal relates to a one-bedroom flat, the existing lounge area could be used as a second bedroom also, potentially increasing the number of occupants from two to four. The shared means of access and waste arrangement would mean that users of the short term let would potentially interact and share services with long term residents of the building. It should be noted that planning cannot control or condition the number of bedrooms being potentially provided.

All the units within the building are owned by the applicant and the proposal is currently one of four applications submitted to convert the entire building into holiday let flats (one application is currently deficient and has not been registered). While this may be a relevant material consideration, each application is assessed on their own merit. There would be no remit to preclude the implementation of one consent over another, which could lead to a potential conflict in the compatibility between short stay lets and residential uses within the same building.

Dewar Place Lane is primarily a quiet residential lane with cars arriving in a single file at a low speed to private areas of restricted car parking. While occupants of the flat could potentially have access to an individual parking space, the plans do not show a designated parking space being allocated for Flat 1. In addition, short stay visitors to the city predominately tend to travel by air, rail and bus. If more than one occupant were to reside within the premises and to arrive at separate times, not only this would be detrimental to residential occupants of the building, the frequent movement by tourists, and other itinerant residents, of baggage along the lane as well as the necessity for daily servicing of the apartment would all lead to a pattern of intense usage of the lane and the communal areas within the building, beyond which may otherwise be expected from an residential apartment in this location. All of which would create unacceptable noise and disturbance for residential occupants of the building and the living conditions of nearby residents within the existing lane.

The proposal is contrary to LDP policy Del 2 and Hou 7 as it cannot be demonstrated that the proposal will not have a materially detrimental impact on the living conditions of nearby residents and its use is not appropriate for its location which is a quiet residential lane.

b) 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 application site is located with the West End Conservation Area. The character appraisal states that the area is extremely diverse in terms of its activities and uses ranging over city wide cultural activities, small offices and major headquarter offices, conference facilities and a wide variety of shops and restaurants. In addition, one characteristic is that the former Georgian residential properties along West Maitland Street and Torphichen Street are largely given over to office use.

While there are no proposed external changes to the building that would affect the appearance of the conservation area, is important to recognise that residential uses make an important contribution to the diverse mix of uses in the area. While the introduction of a short holiday let would complement a range of visitors' accommodation being offered throughout the city, its use within a quiet residential lane in this part of the conservation area would alter the existing residential nature of the lane which would undermine its contribution to the character of the conservation area.

c) Road Safety and Parking

The proposal has the potential to provide parking for occupants of the premises within the existing garage. In terms of parking standards, the existing one-bedroom flat will not lead to an increase in demand for parking beyond what already exists. The application site lies within a controlled parking zone. Parking attendants will enforce parking regulations. The application has no implications for road safety.

The application is acceptable in this regard.

d) Public Comments

No comments were received.

CONCLUSION

In conclusion, the proposal is contrary to the policies contained in the adopted Edinburgh Local Development Plan. The proposed change of use would have an unacceptable impact on residential amenity. The change of use will affect a quiet residential lane that makes an important contribution to the character of the conservation area. There are no material considerations that would outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Del 2 in respect of City Centre, as the use of a holiday let is not appropriate for the location of the site.
2. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as it will have a materially detrimental impact on the living conditions of nearby residents.
3. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will alter the quiet residential nature of the lane which contributes to the character of the conservation area.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of the application on 03 August 2020 and no comments were received.

Background reading/external references

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

Statutory Development

Plan Provision

The site is an urban area as designated in the Edinburgh Local Development Plan and the West End Conservation Area.

Date registered

30 July 2020

Drawing numbers/Scheme

01-02,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

E-mail: laura.marshall@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

Relevant Non-Statutory Guidelines

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

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.

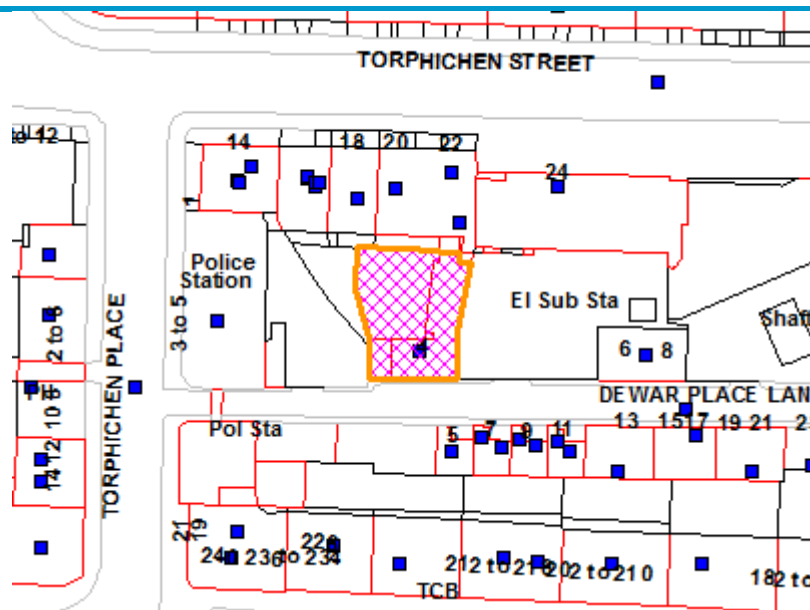
Appendix 1

**Application for Planning Permission 20/03035/FUL
at flat 1 4 Dewar Place Lane, Edinburgh, EH3 8EF.
Change of use only from residential flat to holiday let flat.**

Consultations

No consultations undertaken.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 23 September 2020

**Application for Planning Permission 20/03036/FUL
at flat 2 4 Dewar Place Lane, Edinburgh, EH3 8EF.
Change of use only from residential dwelling house to
holiday let flat.**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposal is contrary to the policies contained in the adopted Edinburgh Local Development Plan. The proposed change of use would have an unacceptable impact on residential amenity. The change of use will affect a quiet residential lane that makes an important contribution to the character of the conservation area. There are no material considerations that would outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL02, LHOU07, LEN06, NSG, NSBUS, NSGD02,

Report

Application for Planning Permission 20/03036/FUL at flat 2 4 Dewar Place Lane, Edinburgh, EH3 8EF. Change of use only from residential dwelling house to holiday let flat.

Recommendations

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

Background

2.1 Site description

The application site is a three-bedroom first floor flat that is part of a two-storey, standalone building and is located on the north side of Dewar Place Lane. There are four units within the block where they all share a common entrance with the exception of Flat 4 which can be accessed from the rear of the building. The building includes a pend that provides rearward parking and access to the integral garages which are part of the building.

Adjacent to the site, to the west, is an area of car parking space in connection with the police station at 6 Torphichen Place. Adjacent to the site, to the east, is also an area of private staff car parking in connection to the existing 8 storey Hub hotel on Torphichen Street. While the north side of Dewar Place Lane is primarily characterised by access to parking facilities for the existing commercial premises on Torphichen Street, properties on the south side of Dewar Place Lane are characterised by a mix of both traditional and modern mews housing. Despite the prevailing mix of commercial and residential uses, Dewar Place Lane is a quiet narrow lane with controlled on-street parking between 0800 and 1800 hours.

This application site is located within the West End Conservation Area.

2.2 Site History

Other relevant planning history

30 July 2020- Application submitted for a change of use from residential dwelling house to holiday let at Flat 1 4 Dewar Place Lane (Application number 20/03035/FUL). This is pending consideration.

05 August 2020 - Application submitted for a change of use from residential to holiday flat at Flat 4a 4 Dewar Place Lane (Application number 20/03071/FUL). This is pending consideration.

Main report

3.1 Description Of The Proposal

The application is for a change of use from residential flat to holiday let flat.

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 change of use is acceptable in this location;
- b) the proposal will preserve the character and appearance of the West End Conservation Area;
- c) the proposal raises any road safety issues and
- d) comments raised have been addressed.

a) Principle

The site is within the city centre where Edinburgh Local Development Plan (LDP) policy Del 2 (City Centre) permits development which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city. The policy requires uses or a mix of uses appropriate to the location of the site, its accessibility and the character of the surrounding area.

It should be noted that the LDP does not include any policies against the loss of residential use.

LDP policy Hou 7 (Inappropriate Uses in Residential Areas) states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Business states that for a change of use to short term commercial visitor accommodation, special regard will be made to the following:

- the character of the new use and of the wider area;
- the size of the property;
- the pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand and
- the nature and character of any services provided.

The guidance states that change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs. In connection to short stay lets it states - *The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.*

There has been a number of appeal decisions which have helped to assess whether a change of use has taken place and whether that change of use is acceptable.

There has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay lets. These decisions have typically allowed short term let uses in main door properties or flats with their own private accesses e.g. 11 Stevenson Drive (CLUD-230-2007), 103 Restalrig Road (CLUD-230-2006) and 17 Old Fishmarket Close (PPA-230-2238). There are also currently 66 planning enforcement cases open in relation to short stay let uses.

Recent appeal decisions like that at Flat 3F2, 22 Haymarket Terrace (ENA-230-2156) stress that the frequent movement by tourists, and other itinerant residents, of baggage along landings and stairwells as well as the necessity for daily servicing of the apartment all lead to a pattern of intense usage of the access stairs and communal areas beyond that which may otherwise be expected from an apartment of this size. All of which creates the potential for unacceptable noise and disturbance to existing residents.

The application site is entered from a common stair. The site plan does not show the provision of bin stores. However, bin stores are located to the rear of the building which can be shared among occupants of the building. The proposal relates to a three-bedroom flat where the existing lounge area could be used as a fourth bedroom also, potentially increasing the number of occupants from three to six. The shared means of access and waste arrangement would mean that users of the short term let would potentially interact and share services with long term residents of the building. It should be noted that planning cannot control or condition the number of bedrooms being potentially provided.

All the units within the building are owned by the applicant and the proposal is currently one of four applications submitted to convert the entire building into holiday let flats (one application is currently deficient and has not been registered). While this may be a relevant material consideration, each application is assessed on their own merit. There would be no remit to preclude the implementation of one consent over another, which could lead to a potential conflict in the compatibility between short stay lets and residential uses within the same building.

Dewar Place Lane is primarily a quiet residential lane with cars arriving in a single file at a low speed to private areas of restricted car parking. While occupants of the flat could potentially have access to an individual parking space, the plans do not show a designated parking space being allocated for Flat 2. In addition, short stay visitors to the city predominately tend to travel by air, rail and bus. If more than one occupant were to reside within the premises and to arrive at separate times, not only this would be detrimental to residential occupants of the building, the frequent movement by tourists, and other itinerant residents, of baggage along the lane as well as the necessity for daily servicing of the apartment would all lead to a pattern of intense usage of the lane and the communal areas within the building, beyond which may otherwise be expected from an residential apartment in this location. All of which would create unacceptable noise and disturbance for residential occupants of the building and the living conditions of nearby residents within the existing lane.

The proposal is contrary to LDP policy Del 2 and Hou 7 as it cannot be demonstrated that the proposal will not have a materially detrimental impact on the living conditions of nearby residents and its use is not appropriate for its location which is a quiet residential lane.

b) 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 application site is located with the West End Conservation Area. The character appraisal states that the area is extremely diverse in terms of its activities and uses ranging over city wide cultural activities, small offices and major headquarter offices, conference facilities and a wide variety of shops and restaurants. In addition, one characteristic is that the former Georgian residential properties along West Maitland Street and Torphichen Street are largely given over to office use.

While there are no proposed external changes to the building that would affect the appearance of the conservation area, is important to recognise that residential uses make an important contribution to the diverse mix of uses in the area. While the introduction of a short holiday let would complement a range of visitors' accommodation being offered throughout the city, its use within a quiet residential lane in this part of the conservation area would alter the existing residential nature of the lane which would undermine its contribution to the character of the conservation area.

c) Road Safety and Parking

The proposal has the potential to provide parking for occupants of the premises within the existing garage. In terms of parking standards, the existing three-bedroom flat will not lead to an increase in demand for parking beyond what already exists. The application site lies within a controlled parking zone. Parking attendants will enforce parking regulations. The application has no implications for road safety.

The application is acceptable in this regard.

d) Public Comments

No comments were received.

CONCLUSION

In conclusion, the proposal is contrary to the policies contained in the adopted Edinburgh Local Development Plan. The proposed change of use would have an unacceptable impact on residential amenity. The change of use will affect a quiet residential lane that makes an important contribution to the character of the conservation area. There are no material considerations that would outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Del 2 in respect of City Centre, as the use of a holiday let is not appropriate for the location of the site.
2. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as it will have a materially detrimental impact on the living conditions of nearby residents.
3. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will alter the quiet residential nature of the lane which contributes to the character of the conservation area.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of the application on 03 August 2020 and no comments were received.

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is an urban area as designated in the Edinburgh Local Development Plan and the West End Conservation Area.

Date registered

30 July 2020

Drawing numbers/Scheme

01-02.,

Scheme 1

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

Contact: Laura Marshall, Planning Officer
E-mail: laura.marshall@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

Relevant Non-Statutory Guidelines

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

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.

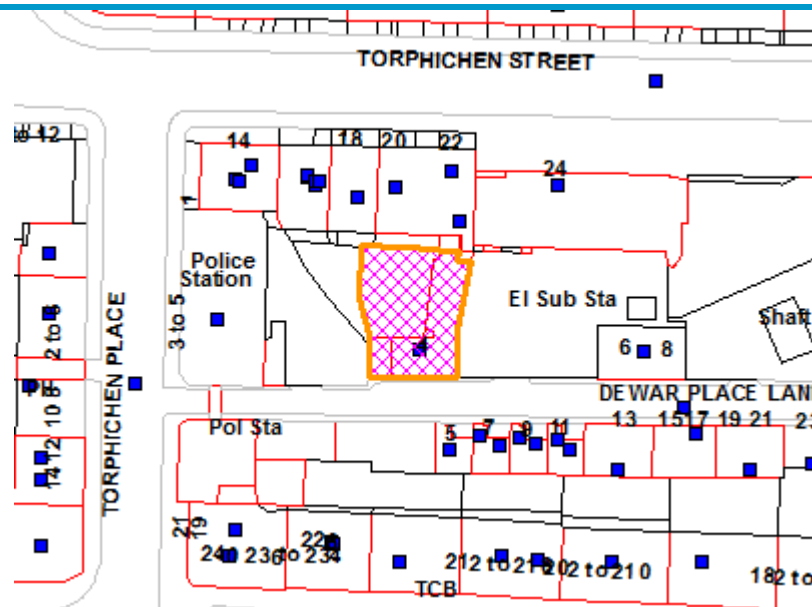
Appendix 1

**Application for Planning Permission 20/03036/FUL
At Flat 2 4 Dewar Place Lane, Edinburgh, EH3 8EF
Change of use only from residential dwelling house to
holiday let flat.**

Consultations

No consultations undertaken.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 23 September 2020

**Application for Planning Permission 20/02413/FUL
at Land 102 Metres Southeast Of The Farmhouse,
Almondhill, Kirkliston.**

**Development of a 48 bed care home (class 8) and associated
access, parking and landscaping.**

Item number

Report number

Wards

B01 - Almond

Summary

The provision of a care home in this location is an acceptable departure from the adopted Edinburgh Local Development Plan. The proposal will not compromise a strategic housing need in this location and the provision of a care home is a complementary use to achieve sustainable communities. The proposal will not have a detrimental impact on the setting of the nearby listed building or adversely impact on its landscape setting. The proposal is for a contemporary and well designed care home that will have a neutral impact on its rural/urban surroundings. The proposal will not impact on neighbouring amenity and residents of the care home will have access to a variety of amenity spaces. The proposals do not raise a road safety issue and comply with the parking standards. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES09, LEN03, LEN09, LEN12, LEN21, LHOU07, LHOU10, LTRA02, LTRA03, LTRA04, NSG, NSGD02, OTH, HEPS, HES, HESSET,

Report

Application for Planning Permission 20/02413/FUL at Land 102 Metres Southeast Of The Farmhouse, Almondhill, Kirkliston.

Development of a 48 bed care home (class 8) and associated access, parking and landscaping.

Recommendations

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

Background

2.1 Site description

The application site is the western portion of a greenfield site on the western edge of Edinburgh, near Kirkliston and measures approximately 0.81 ha. It is part of housing allocation site HSG3 (North Kirkliston) in the Edinburgh Local Development Plan.

The site is near to green belt land, located north, east and south of the site. To the south of Burnshot Road is a local nature conservation site.

The site has a tree belt on its west side, and it is largely hidden from public view by thick planting on its south side. To the north of the site lies Almondhill House, a C listed building (Date of listing: 08 March 1994, Reference: LB26736).

Almondhill Cottages lie further to the east and Almondhill Steading to the north-east, a category B listed building (Date of listing: 08 March 1994, Reference: LB26748). All have been converted to residential use. Edinburgh airport runway lies further east.

To the south, on the other side of Burnshot Road, there is a cycle path. A local path runs from Almondhill Cottages in the east, through the trees, south of Almondhill House, north and then west to join up with the existing cycle and road network.

2.2 Site History

Land adjacent to the application site has the following permission:

17 May 2018 - Planning permission in principle granted for the erection of detached dwellings, vehicle and pedestrian access, associated landscaping/open space on the eastern part of paddock (application reference 17/00804/PPP).

24 December 2019 - Approval of matters granted for the erection of 11 detached dwellings, with landscaping, parking, access and associated works (as amended) (application reference 19/03263/AMC).

Main report

3.1 Description of the Proposal

The application is for the development of a 48-bed care home (Class 8) with associated access, parking and landscaping.

The footprint of the proposed development is to occupy approximately 1482 sqm of the site and it will be two storeys in height with a flat roof. The roof will also incorporate an additional flat roof feature that is to provide access to the proposed sedum rooftop terrace. Additional amenity space is to be provided to the east of the site and in the form of two covered terraces on the first floor of the east facing side of the building. A corner covered terrace is also proposed on the ground and first floor on the south facing elevation of the new building.

A mix of treatment finish is proposed, including white render walls, slate effect grey tiles, anthracite grey powder coated aluminium windows, sedum flat roof, timber effect walling, zinc and natural stone walls.

It is proposed to form a vehicular access and a pedestrian footpath to the south of the site from Burnshot Road.

12 car parking spaces, including two disabled bays are to be provided. Additional parking within the site will include two electric vehicle charging spaces, two motorcycle parking spaces and two cycle parking spaces.

The scheme includes a mixture of soft and hard landscaping. It is proposed to retain the existing tree belt to the west of the site. An area of grass land is to be provided to the north of the site.

The following information was provided. These documents are available to view on the Planning and Building Standards Online Service:

- Design and Access Statement;
- Landscape Visual Impact;
- Planning Statement;
- Transport Statement;
- Tree Report and
- Drainage Strategy Report.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development in this location is acceptable;
- b) the proposals preserve the character and setting of the listed building;
- c) the proposals conserves and enhances the landscape setting;
- d) the proposed scale, design and materials are acceptable;
- e) the proposal is detrimental to the amenity of neighbours;
- f) the proposal will provide sufficient amenity for the occupiers of the development;
- g) the proposal affects road safety;
- h) the proposals affect trees;
- i) other material planning matters have been addressed and
- j) public comments raised have been addressed.

a) Principle

The application site is part of the remaining land not developed under HSG3 (North Kirkliston) in the adopted Edinburgh Local Development Plan (LDP). Housing proposal HSG3 was identified in the previous local plan to meet a strategic housing need with an estimated capacity to deliver 680 homes. A total number of 712 new homes was completed under HSG3 and has already delivered more than its original projection which is a relevant material consideration in justifying an alternative use other than housing. In addition, the land adjacent to the site will see a further 11 new homes as approved under application 19/03263/AMC which would bring a total of 723 new homes under HSG3.

LDP Policy Hou 10 (Community Facilities) seeks to ensure that housing developments go hand in hand with the provision of a range of community facilities when this is practicable and reasonable in order to foster community life.

While the introduction of a care home on this site is a non-conforming use in terms of the LDP designation, the aim of the LDP plan is to create sustainable communities. The provision of a local care home is an important function within a community and relatives should be able to walk or cycle to see their relatives in care homes. The proposal would be compatible with the objectives of LDP Policy Hou 10.

In summary, the delivery of a care home on the site will not compromise a strategic housing need as there is sufficient land supply to deliver homes in the City and this is a relevant material consideration in justifying an alternative use other than housing.

The HSG3 designation has already delivered more than its original projection. In addition, a care home is a complementary use to housing and can be considered as part of the Council's drive to create sustainable communities. Therefore, the principle of a care home on the site is acceptable, subject to compliance with other policies in the LDP.

b) Listed Building Setting

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."*

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

Historic Environment Scotland's (HES) guidance note Managing Change in the Historic Environment: Setting sets out the principles that apply to altering the setting of historic buildings.

The listed Almondhill Farmhouse to the north of the site occupies an area of high ground that overlooks the river valley of the River Almond to the south. Almondhill Farmhouse was formed in 1815 from the merger of smaller farms of Catelbock, Loanhead and Meadow.

An 1855 historic map show two points of access to the farmhouse, with the siting of the building designed to take advantage of the rolling landscape views to the south. Whilst the curtilage of the building was located within an open green setting, the map also show that its curtilage was designed to be enclosed from outside views, with the planting of a tree belt along the southern aspect of the site separating itself from the surrounding farm land which continues to exist to the present day. Views through the existing tree gap to the south and beyond to the Pentland Hills has prevailed and this also contributes to the relationship setting of the building with its surroundings.

The proposal will not be detrimental to the historic setting of the farmhouse. The proposal will be set back from the listed building, and it will utilise the existing slope to the maximum effect. The site to the north will have an area of grassland and wildflower meadow, which provides a good buffer to the setting of the listed building. The orientation and siting of the proposal on the eastern section of the site allows much of the existing woodland to be retained and to preserve the unobstructed views to the south from Almondhill Farm. The layout of the proposed parking will not dominate the approach and it will not affect the views of the listed building, that will be opened up. In these circumstances, the proposal has been appropriately designed to minimise its visual impact on the setting of the farm, and it will not be detrimental to its architectural character and historic interest.

The proposal complies with LDP Policy Env 3 and HES Managing Change guidance in compliance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) Landscape Impacts

LDP Policy Des 9 (Urban Edge Development) states that planning permission will only be granted for development on sites at the green belt boundary where it conserves and enhances the landscape setting and special character of the city; promotes access to the surrounding countryside if appropriate; includes landscape improvement proposals that will strengthen the green belt boundary and contribute to multi-functional green networks by improving amenity and enhance biodiversity.

The application site lies within an area of continuing change, with recent housing developments on former green belt land and this is a relevant consideration.

Due to the existing tree belt on the western section of the site, the visual impact on the landscape setting on approach from Burnshot Road will be limited. In addition, to the east of the site, it will be the forthcoming housing development under application 19/03263/AMC that will be visible. Due to the scale and the contemporary designed nature of the proposal, the southerly aspect of the building will have some impact on the landscape setting, changing the character from rural to urban. Whilst the use of white render will be visible from distant views, the proposal will utilise an appropriate mix of materials, and it will not be unduly dominant within the landscape setting of the wider area. The proposal will be set back from Burnshot Road by approximately 12 metres and it includes appropriate landscaping proposals to minimise its visual impact, with the incorporation of trees and a new hedgerow. The proposal will not result in unreasonable harm to the landscape setting of the area.

The proposal includes a new footpath on Burnshot Road which will link itself to the neighbouring developments to the east and west of the site. This will improve the existing connectivity situation within the area.

The proposal complies with LDP policy Des 9.

d) Development Design

LDP Policy Des 1 (Design Quality and Context) seeks to ensure that new development proposals will create or contribute towards a sense of place.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) seeks to ensure that new development proposals are informed by a detailed analysis and understanding of the site.

LDP Policy Des 4 (Development Design -Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regards to, height and form; scale and proportions, position of buildings and other features on the site; and materials and detailing.

LDP Policy Des 7 (Layout Design) seeks to ensure that new development proposals enhance community safety and vitality with well connected spaces.

The proposal is for a contemporary designed care home that would infill a gap site between a recent housing development to the west and a site earmarked for new homes to the east. The proposal is mainly two storeys in height, which is comparable with the existing height of neighbouring developments. The addition of a third storey on the rooftop is set back from the edge of the building when viewing the proposal to the south on Burnshot Road; this feature will read as a modest architectural element. The proposal will have a long elevation on its east and west facing sides. Due to the existing tree belt on the western section of the site, the scale and massing of the proposal will not read as a prominent feature. The proposed east facing elevation will face onto the gable elevations of the recently approved housing under application 19/03263/AMC. The proposal will be visible, but the building will be set back from the boundary, to avoid forming a dominant addition. For this reason, the extent of the proposed white render on the east and west elevation will not have a detrimental impact on the visual appearance of the area.

The proposal will utilise a complimentary mix of materials to add visual interests to different parts of the building. Given that the south elevation on the building is the principal elevation on approach from Burnshot Road, the proposed elevational treatment between the white render and natural stone will help to breakdown its scale and massing. The specification of the proposed natural stone was not provided. It will be important to ensure that reconstituted stone is not used which would have the effect of undermining the quality and contemporary nature of the proposal in this urban/rural setting. A condition will be required to ensure that sample details of all the proposed treatment finish is provided.

The proposed building has been strategically designed at an angle to utilise the existing slope to the maximum effect and to preserve as much of the woodland character as possible. In addition, the proposed layout allows for views towards Almondhill Farmhouse to the north to be opened up, enabling a new viewpoint to be achieved. To this effect, the proposal will contribute towards a sense of place.

In terms of providing active travel links throughout the site, a planning statement was provided to explain why this is not possible. Due to the proposed use as a care home, a level of security and separation from the wider area is required to be maintained in order to ensure the safety of residents. The provision of open space is to be reserved for residents, visitors and staff only, with no public spaces provided. The proposal will provide vehicular/cycle and pedestrian access into and out of the site. This will enable the development to connect with the wider area and it will be within walking distance to the nearest bus stop on the Main Street. The safety of residents is a relevant material consideration in its use as a care home in this location. Therefore, an exception to LDP policy Des 7 is justified.

The provision of a care home in this location will have a higher density of development compared to its surroundings, which is characterised by individual housing developments in this rural/urban setting.

However, the proposal has been conscientiously designed to address the constraints of the site and to minimise its visual impact on its landscape setting and nearby listed building setting which is a relevant material consideration. The proposed layout, including the landscaping and parking, is acceptable. In these circumstances, the proposed scale, form and design of the development will not read as an overdevelopment of the site.

While the proposals do not strictly accord with LDP Policy Des 7, the safety of residents of the care home is a relevant consideration that outweighs the objectives of this policy.

Overall, the proposal complies with LDP Policies Des 1, Des 3, Des 4 and Des 7.

e) Amenity - Neighbours

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

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The amenity of the existing residential development within Catelbock Close to the west of the site will not be impacted by the proposal.

The land adjacent to the east of the application site has permission to be developed for housing under application 19/03263/AMC. Works on this site have not started. The submitted overshadowing analysis demonstrates that future occupiers of that development will have acceptable levels of sunlight within the new gardens during the spring equinox.

The submitted cross section c-c drawing demonstrates that the siting and height of the proposal will not impact on the amenity of future occupiers to the east of the site in terms of daylight.

The proposed windows on the east facing elevation will have a privacy distance between 16-18 metres to the prospective housing plots to the east of the site. The proposed windows will not result in adverse overlooking into neighbouring properties or impact on outlook.

The proposal includes a rooftop terrace. The nearest section of the east facing elevation has the potential to overlook one garden plot to the east of the site with an approximate privacy distance of 8 metres to the boundary. However, the section is small, and it is not expected to result in harmful levels of overlooking.

The provision of a care home on this site would be a complementary use to the existing housing developments in the area and would not materially affect the living conditions of nearby residents in terms of noise and its use.

The proposal will not prejudice the ability of the neighbouring development to be implemented under application 19/03263/AMC.

In summary, the proposal will not have an adverse impact on the amenity of neighbouring development and complies with LDP policy Des 5 and Hou 7.

f) Amenity - Occupiers

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

The Edinburgh Design Guidance advises that attention should be paid to the orientation of care homes and long-term residential homes. Residents should be able to access a garden space that is attractive, welcoming, well-lit by natural light throughout the year, and which allows a circuitous walking route to be created.

The provision of a care home is not subject to the minimum floor space standard as contained in the Edinburgh Design Guidance.

The proposed living spaces within the development will ensure that residents will have adequate levels of daylight.

A secure area of open space is to be provided to the east of the site for the residents. The submitted overshadowing analysis demonstrates that this space would mostly have morning sunlight for approximately three hours during the summer months. Whilst this space is small and would receive limited sunlight at different times in the day, the proposal includes a roof terrace which would provide occupants of the care home with suitable access to all year-round sunlight in an outdoor setting. In addition, the proposal includes two covered terraced areas on the east facing elevation, with access via the proposed day room and library room. The siting of the proposal has been designed to address the constraints of the site, including the setting of the nearby listed building, amenity of neighbouring developments and the requirements for a secure care home provision. These factors are relevant material considerations in assessing the variety of amenity spaces that be provided within the development. On balance, residents will have suitable access to an outdoor setting and will have acceptable level of amenity overall.

Due to the safety concerns for the prospective residents of the proposed care home, circuitous walking routes within the site cannot be provided. This is a minor infringement against the overall benefits of the scheme.

The proposals comply with LDP Des 5.

g) Road Safety

LDP Policies Tra 2- Tra 4 set out the requirement for private car and cycle parking.

The proposed 14 car parking spaces, including the two disabled bays and the two electric vehicle charging spaces, comply with the maximum parking standards as contained in the Edinburgh Design Guidance. In addition, the proposed two motorcycle parking spaces comply with guidance.

There is a requirement to provide a minimum of three secure cycle parking spaces. The submitted site plan only provides for two cycle parking, but no detail has been provided. Therefore, a condition is required to ensure the provision of three cycle parking on this site.

The proposal will be within walking distance of the nearest bus stop on the Main Street.

In terms of traffic impact, the proposed development is predicted to generate 22, two-way peak vehicular trips (14:00-15:00) and falls outside the road network peak morning and evening period. In these circumstances, the proposal will not have an adverse impact on the existing road network.

The applicant has demonstrated that an appropriate visibility splay can be achieved for the site access. In addition, it has been demonstrated that servicing within the site can be undertaken.

A number of representations received were concerned with the traffic and road safety impacts at the existing Burnshot junction to the west of the site. In addition, concerns were raised at the number of access roads that would be created within a short distance as a result of this proposal and the adjacent development under application 19/03263/AMC. The Roads Authority was consulted on the proposal and has raised no issues in terms of road safety and traffic impact. In addition, there are no transport actions identified in the LDP Action Programme (updated February 2020) to seek contributions to address an infrastructure need in this location under HSG or to provide additional public transport.

Subject to a condition securing cycle parking, the proposal complies with LDP policies Tra 2- Tra 4.

h) Trees

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

The proposal is to incorporate the existing boundary trees around the curtilage of Almondhill Farmhouse to the north and the tree belt to the west of the site. This would preserve the important contributions made by these trees to the character, biodiversity and amenity of the area and is acceptable.

A small amount of vegetation is to be removed, which is necessary to accommodate the new care home, and this is acceptable.

The proposal complies with LDP policy Env 12.

i) Other Material Considerations

Flood Impacts

LDP Policy Env 21 (Flood Protection) seeks to ensure that that a development does not result in increased flood risk for the site being developed or elsewhere.

A Drainage Strategy Report was submitted, and Flood Planning has raised no issues.

The proposal complies with LDP policy Env 21.

Archaeology

LDP Policy Env 9 (Development of Sites of Archaeological Significance) seeks to safeguard significant archaeological features/remains.

The site is regarded as being located within an area of archaeological potential to contain archaeological remains associated with the development of the 16th century Cattlebuck Farm and its prehistoric occupation (including possible funerary remains) dating over 6000 years to the early Neolithic. The development will require significant ground-breaking activities associated with construction, landscaping and associated works which would have an adverse impact upon any surviving remains.

Whilst the overall significance of such impacts is regarded as low to moderate, a planning condition is required to ensure that a programme of archaeological excavation is carried out in order to fully excavate, record and analyse any significant buried remains affected.

Aerodrome Safeguards

The proposal is to incorporate a sedum flat roof and has the potential to attract birds. Due to the proximity of the proposed development to Edinburgh Airport, a Bird Hazard Management Plan is required. This is to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport. A planning condition requiring this information will therefore be required.

Sustainability

LDP Policy Des 6 (Sustainable Buildings) seeks to tackle causes and impacts of climate change, reduce resource use and moderate the impacts of development on the environment.

The proposal complies with the car parking standards as contained in the Edinburgh Design Guidance and makes provision for electric vehicle charging points. The development will not increase a risk of flooding or be at risk of flooding and the proposal is to incorporate a green roof. A condition is required to ensure that a provision of three cycle parking is provided on the site to encourage cycling.

In terms of carbon reduction using low and zero carbon generating technologies, this will be addressed through the building warrant stage in line with the latest regulations.

The proposal complies with LDP Policy Des 6.

j) Public Comments

Material Comments - Objection

- Principle - Addressed in Section 3.3 (a).
- Will be no green belt left in the village - Addressed in Section 3.3 (a).
- Impact on the setting of Almondhill Farmhouse - Addressed in Section 3.3 (b).
- Landscape impacts - Addressed in Section 3.3 (c).
- Development design and overdevelopment - Addressed in Section 3.3 (d).
- Neighbouring amenity (overlooking and noise) - Addressed in Section 3.3 (e).
- Traffic/ Infrastructure and road safety impacts - Addressed in Section 3.3 (g).
- Insufficient parking provided - Addressed in Section 3.3 (g).
- Loss of trees - Addressed in Section 3.3 (h).

Material Comments - Support

- Provision of a care home would be a welcome addition to the area - Addressed in Section 3.3 (a).
- Development design - Addressed in Section 3.3 (d).
- Well positioned for public transport and cycle paths - Addressed in Section 3.3 (d) and (g).
- Would be good if a bus stop is provided on Burnshot Road - Addressed in Section (g).

Material Comments - General

- Insufficient parking spaces for the proposed development - Addressed in Section 3.3 (g).
- Location to nearest bus stop is on Main Street and part of walking route between there and to the site is not well lit. Therefore, there will be less incentive to use public transport and to park on housing estates nearby - Addressed in Section 3.3 (g).

Non-Material Comments - Objection

- Reduction in production capacity of surrounding farms - the site is already an allocated housing site in the LDP.
- Kirkliston Village has suffered from many years of continuous building works - this does not preclude assessment of the proposal.
- Construction logistics - this does not preclude assessment of the proposal and planning cannot control or condition construction works.
- Had no rear neighbours for last ten years and believed that the land would remain free of housing or buildings - the site is part of housing proposal HSG 3 which was identified in the previous local plan to meet a strategic housing need and this does not preclude assessment of the proposal.

- Sales particulars and collaboration between landowner and developers of the approved 11 homes under application 19/03263/AMC to avoid affordable housing contributions - Carries no material weight in the assessment of the proposal.
- The care home will not be affordable to residents in the area - Not relevant to the assessment of the proposal.
- Sewage capacity - The applicant is to engage with Scottish Water to confirm they agree with the proposed surface water discharge to the surface water sewer, following their technical approval stages. This does not preclude assessment of the proposal.
- Suggestion that the existing approval for the 11 homes is re-visited to see if a common access can be arrived at which could accommodate the planning application for the care home - the application is assessed as submitted and against the policies in the Edinburgh Local Development Plan.
- Increased presence in this vicinity will potentially have security risks - the proposal is for a care home within a residential area.
- Nursing homes are high risk spots for COVID19 and proximity to nearby housing developments not suitable - Current guidelines on COVID19 measures are available on the Scottish Government website and is managed under a separate statutory regime.

Non-Material Comments - Support

- Would generate employment to the area - Care home use does not fall within the categories of development define as employment use.
- Would lead to additional services being provided in the area - This is speculative and carries no weight in the assessment of the proposal.
- Would be good if public rubbish bins and dog waste bins are provided - this is not a planning matter.
- Would be good to provide an easy crossing and access to the public footpath along the old railway line to give safer access for residents of Catelbock and the proposed development - no identified actions in the LDP Programme and does not preclude assessment of the proposal.

Non-Material Comments - General

- Speed limits within Burnshots Road not being adhered with - This is a police matter.
- Construction traffic - Not relevant to the assessment of the proposal.

CONCLUSION

In conclusion, the provision of a care home in this location is an acceptable departure from the adopted Edinburgh Local Development Plan. The proposal will not compromise a strategic housing need in this location and the provision of a care home is a complementary use to achieve sustainable communities. The proposal will not have a detrimental impact on the setting of the nearby listed building or adversely impact on its landscape setting. The proposal is for a contemporary and well designed care home that will have a neutral impact on its rural/urban surroundings.

The proposal will not impact on neighbouring amenity and residents of the care home will have access to a variety of amenity spaces. The proposals do not raise a road safety issue and complies with the parking standards. There are no material considerations that would outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. Notwithstanding the approved drawings, three cycle parking shall be provided on the site. Details of the proposed cycle parking shall be submitted to and approved in writing by the Planning Authority before commencing works on the site. The approved cycle parking shall be implemented before the operation use of the care home.
3. Notwithstanding the approved drawings, samples of the proposed materials shall be submitted to and approved in writing by the Planning Authority before work commences on site.
4. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority.
5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to accord with policy Tra 3 (Private Cycle Parking) and Policy Tra 4 (Design of Off-Street Car and Cycle Parking) in the adopted Edinburgh Local Development Plan.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. To ensure that the development minimises its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
5. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The Bird Hazard Management Plan must ensure that flat/ shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access ladders or similar. The owner/ occupier must not allow gulls, to nest roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/ occupier when detected or when requested by BAA Airfield Operations staff. The owner/ occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/ occupier must obtain the appropriate licences from the Scottish Executive Environment and Rural Affairs Department (SEERAD) before the removal of nests and eggs.

5. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 'Cranes and Other Construction Issues'.
6. We would encourage the applicant to continue to engage with Scottish Water to confirm they agree with the proposed surface water discharge to the surface water sewer, following their technical approval stages.
7. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on the Coal Authority website at www.coal.decc.gov.uk.

Property specific summary information on past, current and future coal mining activity can be obtained from the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

8. The applicant will be required to contribute:
 - a. the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
 - b. the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 - c. the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit on sections of Burnshot Road (starting from existing 30mph sign towards Kirkliston), and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed.
9. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details. Swept path diagrams for 12m long vehicles, together with bin store locations and collection arrangements will be required
10. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), 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.
11. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents.
12. 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. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Neighbours were notified of the application on 25 June 2020 and the proposal attracted 58 comments; 14 were objections, 42 were letters of support and 2 were general comments. The comments received 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 an allocated housing site as designated in the adopted Edinburgh Local Development Plan.

Date registered

15 June 2020

Drawing numbers/Scheme

01-12,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

E-mail: laura.marshall@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

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

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

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

Relevant Non-Statutory Guidelines

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

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.

Appendix 1

Application for Planning Permission 20/02413/FUL At Land 102 Metres Southeast Of The Farmhouse, Almondhill, Kirkliston Development of a 48 bed care home (class 8) and associated access, parking and landscaping

Consultations

Transport Planning

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

- 1. The applicant will be required to contribute:
 - a. the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
 - b. the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
 - c. the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit on sections of Burnshot Road (starting from existing 30mph sign towards Kirkliston), and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;**
- 2. A minimum of 3 secure cycle parking spaces required for the proposed development;*
- 3. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details. Swept path diagrams for 12m long vehicles, together with bin store locations and collection arrangements will be required;*
- 4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 5. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users.*

Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;

6. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

Note:

a) The applicant proposes 14 car parking spaces including 2 disabled bays and 2 EV charging spaces and complies with the Council's parking standards;

b) 2 motorcycle parking spaces being proposed complies with the Council's minimum requirement;

c) The proposed development is predicted to generate 22 two-way peak vehicular trips (14:00-15:00) and falls outside the road network peak morning and evening period.

d) The applicant has demonstrated that appropriate visibility splay (2.4m x43m) can be achieved for the proposed site access;

e) The applicant by means of swept path analysis demonstrated that servicing could be done;

f) It should be noted that due to safety concerns of prospective residents of the proposed care home, active travel routes through the site could not be provided.

Flood Planning

Thank you for the consultation request. CEC Flood Prevention have no significant concerns over this application.

We would encourage the applicant to continue to engage with Scottish Water to confirm they agree with the proposed surface water discharge to the surface water sewer, following their technical approval stages.

This application can proceed to determination, with no further comment from our department.

Aerodrome Safeguarding

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- monitoring of any standing water within the site temporary or permanent

- sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards.'
- reinstatement of grass areas
- maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow
- which waste materials can be brought on to the site/what if any exceptions e.g. green waste
- monitoring of waste imports (although this may be covered by the site licence)
- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste
- signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: *It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.*

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building.

Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances, it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

Submission of SUDS Details

Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:

- Attenuation times
- Profiles & dimensions of water bodies

- Details of marginal planting

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reason: *To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)*

We would also make the following observations:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Archaeology

Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for the development of a 48-bed care home (class 8) and associated access, parking and landscaping

Almondhill Farm occupies an area of high ground to the North of the River valley for the River Almond and to the east of the medieval town of Kirkliston. Almondhill Farm was formed in 1815 with the merger of the historic farms of Catleluck, Milton, Meadows and Loanhead and occupies the site of the former Catleluck or Cattlebow Farm recorded from as early as 1535 (Harris, Place Names of Edinburgh). Recent excavations at Gogar and Newbridge have shown that the high ground along the River Almond and its flood plain have been a focus for occupation since the Neolithic Period. Closer to this site excavations by AOC Archaeology Group (AOC 20195) in 2008, during the construction of the Kirkliston North development, uncovered the remains of a Neolithic/bronze age occupation including a polished stone axe and a group of truncated features, the remains of a possible unenclosed settlement.

The sites location places it within an area of archaeological potential adjacent to the medieval town of Kirkliston and on hill, ground overlooking the River Almond to the North. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local

Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The site is regarded as being located within an area of archaeological potential for containing archaeological remains associated with the development of the 16th century Cattlebuck Farm and prehistoric occupation (including possible funerary remains) dating back over 6000 years to the early Neolithic. The development will require significant ground-breaking activities associated with construction, landscaping and associated works which would have an adverse impact upon any surviving remains.

Though the overall significance of such impacts is regarded as low-moderate, it is recommended that a programme of archaeological excavation is undertaken prior to development to fully excavate, record and analysis any significant buried remains affected.

This will require a phased archaeological programme of work the initial phase will be the undertaking of an archaeological evaluation (10%) and metal-detecting survey of the site. The results of this programme of evaluation will allow to produce detailed secondary mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains prior to/during construction including public engagement.

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

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, metal detecting, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

This page is intentionally left blank

Development Management Sub Committee

Wednesday 23 September 2020.

**Application for Planning Permission 20/00972/FUL
At 48 - 50 Iona Street, Edinburgh, EH6 8SW
Demolition of the existing warehouse and ancillary office
building and construction of residential (flatted)
development including purpose-built student
accommodation, general housing and affordable housing,
public realm improvements, hard and soft landscaping and
associated infrastructure.**

Item number

Report number

Wards

B12 - Leith Walk

Summary

The proposal is acceptable in principle and is of an appropriate scale and design which will sit comfortably with the character and appearance of the surrounding area. The proposal will create a satisfactory living environment for prospective occupants, will not have a significant adverse impact on the amenity of neighbouring residents and does not raise any issues in respect of vehicle and cycle parking, flood prevention, setting of the adjacent conservation area or waste and recycling provision. The proposal will introduce a density which is higher than those of surrounding development, but is not considered overdevelopment of the site and the scheme will create a sustainable mixed-use community which will provide an appropriate mix of uses and tenures.

The application complies with the policies of the Local Development Plan and associated guidance. The application also complies with; The Historic Environment Policy for Scotland 2019, Managing Change in the Historic Environment: Setting, The Leith Conservation Area Character Appraisal, Non-Statutory guidelines Edinburgh Design, Non-Statutory guidelines Edinburgh Design, Non-statutory guidelines - Affordable housing.

Links

[Policies and guidance for this application](#)

LDES01, LDES03, LDES04, LDES06, LDES07, LDES08, LEN06, LEN12, LEN20, LEN21, LEN22, LEMP09, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU08, LTRA02, LTRA03, LRS06, LEN08, LEN09, HEPS, HESSET, CRPLEI, NSG, NSGD02, NSGSTU, NSHAFF,

Report

Application for Planning Permission 20/00972/FUL At 48 - 50 Iona Street, Edinburgh, EH6 8SW Demolition of the existing warehouse and ancillary office building and construction of residential (flatted) development including purpose-built student accommodation, general housing and affordable housing, public realm improvements, hard and soft landscaping and associated infrastructure.

Recommendations

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

Background

2.1 Site description

The site, which lies on the south side of Iona Street, occupies the central part of a perimeter block. The site frontage at 48-50 Iona Street is occupied by a two storey office/ showroom building, and a large warehouse building and yard to its rear. The application site is 0.53 hectares in area. Vehicular access is currently available on Iona Street.

The site slopes gently from north to south and is bounded on three sides by residential buildings fronting onto Albert Street, Buchanan Street and South Sloan Street, which vary between three and four storeys. A mix of communal garden ground, and private parking areas for each of these residential blocks directly abut the site boundary, including mature trees, particularly to the south east of the site.

On Iona Street itself, the site adjoins a three-storey tenement building to the east, and a 4 storey, late 20th century, block of flats to the west. Four storey, stone built tenement buildings on the opposite side of Iona Street, front onto the site. These lie on the southern boundary of the Leith Conservation Area. The view west along Iona Street is terminated by the category A-listed Pilrig Church.

2.2 Site History

27 October 1992 - Planning permission granted for alterations and extension to office building fronting onto 48-50 Iona Street (application number 92/01381/FUL).

9 August 2019 - PAN submitted in respect of: Demolition of the existing warehouse and office building. Construction of general market flatted dwellings, affordable flatted dwellings and student accommodation. Proposal presented to Development Management sub- Committee on 25 September 2019 (Reference 19/03802/PAN).

Main report

3.1 Description Of The Proposal

The proposals are for a mixed use development comprising student residential accommodation and residential flats.

The student accommodation contains a total of 250 bed spaces, with a mix of 81 studio apartments, 12 DDA studio apartments and a further 157 beds over 23 cluster apartments. These are located within the block fronting onto Iona Street. The main entrance to the student building, with communal amenity space is situated at ground level, to the east of the pend entrance. The student block will be six storeys high, including a basement level.

The proposed residential development comprises three adjoining blocks, which abut the south east of the student accommodation block and form an L shape. The residential accommodation includes 80 flats, 20 of which comprise affordable housing which is proposed to be for social rent. The residential blocks are between four and five storeys high, including an element of basement level.

The proposed mix of units for the private flats comprises: 20 studio units, 22 one bed units, six, two bed units, 12, three bed units. The proposed mix for the affordable housing component comprises: 14, one bed units, two, two bed units and, four, three bed units.

Proposed facing materials for the development include:

- Natural sandstone as the predominant material on the Iona Street frontage and buff coloured brick on 'book-end' features at each end of the building.
- Dark grey aluminium cladding finish to top floor of each block and surrounding dormer feature windows
- Buff coloured brick as the predominant facing material on the residential blocks to rear.
- Pre-cast feature surround to rear elevation of Iona Street facing block.
- Flat roofs to blocks are to be green sedum roof finishes, apart from the affordable housing, where solar PV panels are to be located at roof level.

Landscaped areas are to be provided mainly within the internal courtyard space. This area includes a swale at the western side of the soft landscaping, as part of the SUDS provision. The site as a whole will provide 1511 square metres of open space, 687 square metres of which is communal green space, the remainder being either private gardens or shared private ground. Private garden areas are provided to ground floor residential units around the site's periphery. Public realm alterations are also proposed to the Iona Street frontage, including the installation of flag paving, loading bays and three street trees.

There are no proposed parking spaces within the site with the development to be car free. Vehicular access is to be provided through a pend on Iona Street and is for refuse and maintenance access only with priority given to pedestrian and cycle access.

Cycle parking provision is provided at a mix of internal and external secure locations within the internal courtyard. A total of 415 spaces are included to be split as 234

spaces for the student accommodation and 163 spaces for the residential accommodation. A further 18 cycle visitor spaces are proposed at the entrance to the development on Iona Street.

Two main refuse stores are to be located at ground floor within buildings, one of which is for use of students only. An additional refuse store is to be located in an outbuilding within the courtyard area.

Previous Schemes

Scheme 1 showed alternative proposals, particularly to the Iona Street facing elevation of the student housing block. The changes which have been made since Scheme 1 are;

- Pull back the north east bookend to closely align with adjacent building (52 Iona Street);
- Reduce projection and alter fenestration details where top floor of the student block extends south (north east corner);
- Amend the plan form of Iona Street frontage so the pend is flanked by a more continuous building frontage;
- Replace white pre-cast with sandstone where appropriate to make it the primary cladding material and respect the uniformity of the conservation area;
- Step back top floor on Iona Street elevation to emphasise eaves level and improve daylight to existing Iona Street flats;
- Windows on the east and west elevations removed and replaced with alternative detailing to alleviate privacy concerns;
- Access junction has been redesigned in accordance with G7 Fact Sheet;
- External cycle store is fully enclosed with a timber structure;
- Provision of non-standard cycle storage;
- Cycle storage in store No4 to be horizontal and not vertical;
- Steps to the external student cycle store removed and replaced with a slow ramp (1:21).

The following supporting documents have been provided with this application:

- Pre-application Consultation Report;
- Design and Access Statement;
- Planning Statement;
- Daylight and Sunlight Assessment;
- Flood Risk Assessment and Drainage Impact Assessment;
- Sustainability Statement;
- Noise Impact Assessment;
- Phase 1 Habitat Survey;
- Construction Management Plan;
- Tree survey and Protection Plan;
- Letter from Port of Leith Housing Association as affordable housing partner;
- Travel Plan;
- Student Management Plan;
- Study of impacts on Protected and City Views, and;
- Pre-Demolition Site Investigation.

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

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The principle of the proposed mix of uses is acceptable and in accordance with relevant development plan policies;
- b) The proposals safeguard the setting of the adjoining conservation area (and the setting of neighbouring listed buildings);
- c) The design, scale and layout of the proposed development is acceptable and compatible with the neighbourhood character;
- d) The proposals safeguard the amenity of existing occupiers and provide a satisfactory standard of amenity for future occupiers;
- e) There are other material considerations;
- f) The matters raised in representations have been addressed.

a) The Principle of the Development

Local Development Plan (LDP) Policy Hou 1 (Housing Development) supports housing development at suitable sites within the Urban Area, subject to other development plan policy requirements. The proposal for residential flats at this site, complies in principle with the requirements of this policy (subject to other policy considerations).

The development, which will provide for 25% affordable housing within the residential component of the development, also meets the terms of LDP Policy Hou 6 (Affordable Housing) which requires the provision of a minimum of 25% affordable housing for development of this scale. It is anticipated that this will be provided by a registered social housing landlord and should be secured through a relevant legal agreement.

The provisions of LDP Policy Hou 8 (Student Accommodation) are also relevant to this application. This policy supports student housing on sites which are appropriate in

terms of access to university and college facilities, and will not result in an excessive concentration of student housing in a particular area. The site has a relatively high level of accessibility, with a number of bus and active travel routes within a short distance. The surrounding area also supports a mixed community and is not identified as being an area with an existing over concentration of student residents under guidance. The non-statutory Student Housing Guidance provides further locational criteria considerations, which in this case would seek the provision of a maximum of 50% student accommodation, and minimum of 50% floor space provision for residential flats from the total site area. The proposal, which includes an equal proportion of floor space allocation for student accommodation and residential units, complies with this guidance and would support the maintenance of balanced communities.

As the application site is less than 1 hectare, the provisions of LDP Policy Emp 9 (Employment Sites and Premises), in terms of the requirement to provide small business units on site do not apply to this application. The introduction of a non-employment use would not prejudice any other local businesses and the proposal will contribute to the regeneration of the site in accordance with the policy.

LDP Policy Hou 2 (Housing Mix) seeks provision of house types and sizes 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. For both the private and proposed affordable housing units, 20% of the total comprises units of three bedrooms and at least 91square metres in area, which accords with both the policy and with the relevant advice in the Edinburgh Design Guidance. All other housing units, excluding the student element, meet or exceed the minimum floorspace standards of the Edinburgh Design Guidance.

The Council has no minimum room size standard for student accommodation. A range of accommodation types are proposed in relation to smaller clusters to larger corridors with shared facilities. There is the potential for these to be converted in the future to mainstream residential uses with changes to layouts and appearance.

b) Impacts on Conservation Area and Setting of Listed Building

The northern boundary of the site on Iona street borders onto the southern edge of the Leith Conservation Area. LDP Policy Env 6 (Conservation Areas- Development) states that development within a conservation area or affecting its setting, 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. As the application site lies just outwith the Leith Conservation Area, the proposal is not subject to the provisions of section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Within the Leith Conservation Area Character Appraisal, side streets are noted as being mainly residential. However, the presence of other uses, such as churches or schools, is noted. There is also an area of parkland on the edge of the Area. Pilrig church, with its cascading roofscapes to Pilrig Street and its spire and eastern facade, is noted as a local 'set-piece', terminating Iona Street.

The clearly defined public frontage on Iona Street reflects this aspect of the traditional pattern of development on the street front. In this respect, the proposals contribute to the enhancement of the area's townscape, including its conservation area setting. The height of the proposed eaves on Iona Street is marginally lower than that of the tenement buildings on the opposite side of Iona Street and in this respect, reflect the characteristic roofscape. The use of sandstone on a significant part of the building frontage, which has been significantly increased since Scheme 1, also reflects the conservation area's character.

The proposals to improve the public realm on the Iona Street frontage, which include the planting of trees and new surfacing have the potential to enhance the Conservation Area setting.

With reference to Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) (Act), the proposals are required to preserve the setting of the listed Pilrig Church, including any special architectural or historic interests it possesses. Townscape Analysis documents have been submitted as part of Scheme 2 which show that the proposals will have a very limited impact on the setting of Pilrig Church. The reduced scale of the proposals means the proposed development will not appear visually dominant in westward views along Iona Street towards Pilrig Church.

As a result, this demonstrates compliance with the relevant requirements of LDP policy Env 3 and Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) (Act).

c) The Design, Scale and Layout

LDP Policies Des 1 - Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

An early iteration of the proposals was discussed at the Edinburgh Urban Design Panel (EUDP) on 24 March 2019. A copy of the report can be found in the consultations section in the appendix.

Layout

LDP policy Des 7 (Layout Design) of the LDP sets out that developments should have regard to the position of buildings on the site and should include a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths and open spaces.

The proposed layout involves two separate blocks, with the student accommodation located along the Iona Street frontage and part of the east side of the site. The proposed residential, and affordable housing block will be L shaped and positioned parallel to the eastern and southern boundary of the site. Private garden grounds along the south and east boundary itself will be accessible by ground floor flats of the residential block.

Communal open space is to be formed within a courtyard area, enclosed by the proposed buildings, with an open aspect to the west. No car parking is proposed within the site itself and cycle parking facilities are accessible from within the internal courtyard. The proposed layout will encourage the use of cycling and walking. The proposed residential units to the rear of the site will be accessed by a pend at ground floor of the student accommodation block, which reflects the characteristics of the surrounding area. It is considered that this access provides a safe and convenient route for movement in and around the development from Iona Street.

Design and Materials

The Iona Street elevation of the proposals have been revised as part of Scheme 2 to reduce the number of proposed materials, and better reflect the character of the Leith Conservation Area opposite. The predominant building material is blonde sandstone cladding with buff brick in key areas. The upper storey of this block has been considerably set back from the front building line to reduce the visual bulk of the block and will be finished in dark grey aluminium cladding panels.

The residential blocks within the site are to be finished in buff brick, again with aluminium cladding at upper level. This material appropriately reflects the buff coloured materials found in neighbouring modern developments and is appropriate for the residential setting. This block will have a subordinate feel in relation to the Iona Street frontage block and is of a high design standard.

Height

LDP Policy Des 4 (Development Design - Impact on Setting) states that development should have a positive impact on its surroundings, including the wider townscape and landscape, and impact on existing views including (amongst other matters) height and form.

The surrounding area has a mix of building heights although predominantly three or four storeys. The proposed development has taken a stepped heights approach with six storeys fronting Iona Street, including basement level, which then drops to four storeys towards the rear of the site.

The revised scheme has reduced the Above Ordnance Datum (AOD) heights of the proposals, so that both the proposed eaves and ridge line of the tallest part of the development, facing Iona Street, is lower than the tenement buildings on the opposite side of the street. The setting back of the upper storey of this front block has also assisted in reducing the bulky appearance from street level. This front block will remain of a visually greater scale than the adjacent tenement blocks, particularly at 52 Iona Street, which is three storeys. However, the design amendments made, and recessing of the front building line mean that this will not be an unacceptable juxtaposition in the streetscene.

The proposed development is not of a height and scale out of keeping with the context of the surrounding area. The development does not significantly impact any safeguarded key view cones or local identified views of importance.

Density

LDP Policy Hou 4 (Housing Density) promotes an appropriate density of development, taking account of the character of the site and its surroundings, and access to public transport. This policy also provides that in established residential areas, care should be taken to avoid inappropriate densities which would damage local character, environmental qualities or residential amenity.

Taking the housing element in isolation, comprising the residential flats and associated external space, the proposal has a density of 216 dwellings per hectare. This is a higher density than is found in existing tenemental stock in the Leith Walk area. However, given that the proposal meets other policy requirements including the provision of open space and is of an appropriate height in the townscape, this density is not inappropriate.

High density development is encouraged where there is good access to a full range of neighbourhood facilities, including immediate access to the public transport network which is the case for this site.

Open Space and landscape

LDP Policy Hou 3 (Private Green Space in Housing Developments) requires adequate provision of green space to meet the needs of future residents. Where communal provision is necessary, this should be on a standard of 10 square metres per flat, and a minimum of 20% of the total site area.

The proposed housing element of the development will include a mix of communal and private open space. The fourteen proposed ground floor flats for the residential block will have access to private areas of garden ground, each with a small patio and soft landscaped area.

Within the central courtyard will be an area of communal open spaces accessible to all other occupiers, with an additional small area of common space to the rear of the affordable housing block. A total area of 687 square metres of green space will be provided between these areas, which equates to 10.2 square metres per flat, and 28% of the total site area in accordance with policy.

Further areas of green space are also proposed at lower levels around the student accommodation block. The landscaping proposals show an appropriate mix of hard and soft landscaping on the site with a range of species, and maintenance proposals included in the application.

In terms of access to additional public space, Dalmeny Street Park is situated to the north east of the site. It is a high quality park with a play space rating of "Very Good" as per the North East Open Space Action Plan 2016 and will provide a supplementary open space for the use of future occupiers.

Green roofs are also proposed throughout the development site to increase biodiversity. Sedum grass is proposed on the roof level of the student accommodation and to private housing blocks. Additional planting areas of wild flowers, grass turf and

shrub planting will be formed on podium roof elements to both the student and affordable housing block, cycle and refuse stores.

Gull and Pigeon Deterrents

The Edinburgh Design Guidance requires that all developments should include roof designs which deter roosting and nesting gulls and pigeons. Example of roof designs which are unattractive for nesting are:

- Roofs which have a smooth surface and a pitch of more than 25%; and
- Green roofs which are intensive, accessible roof gardens as the associated human disturbance will prevent nesting.

Where a flat roof, or features on other types of roof, may support roosting and nesting, appropriate deterrent measures should be included in the design. In order to address this issue, a suitable informative is recommended.

d) Impact on Amenity of Neighbouring Residents and Future Occupiers

LDP Policy Des 5 (Development Design Amenity) supports development where the amenity of neighbouring residents is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy and immediate outlook.

Daylight and Overshadowing

Representations have been made concerning the impact of the development on residential amenity. The application site is in close proximity to a number of residential properties.

A Daylight and Sunlight Assessment has been submitted and has also been updated to reflect the changes made in scheme 2.

For residential properties directly surrounding the site on Iona Street, Buchanan Street, Albert Street and South Sloan Street, Vertical Sky Component (VSC) modelling has been used to demonstrate if there would be any impact on the existing residential uses. The VSC model shows that the majority of existing rooms meet the requirements of the Edinburgh Design Guidance (EDG) in relation to the retention of levels of daylight. Of the 444 windows assessed, 21 windows in 15 rooms do not meet the VSC standard and so the alternative Average Daylight Factor (ADF) assessment has been carried out, as recommended in the EDG.

The ADF assessment shows that daylight in all 15 rooms will be reduced by the development:

- In four rooms, daylight reduction meets the requirements set out in the EDG.
- In two rooms, where existing daylight levels conform to EDG minimum requirements, the ADF will drop slightly below the required minimum level.
- In nine rooms, existing daylight levels are already lower than minimum EDG requirements. Any reduction in ADF will therefore continue to infringe on EDG thresholds. In these rooms the

reduction in ADF arising from development ranges from 15% to 25%. Three of these rooms are located in main door flats at 25 and 31 Iona Street. These two properties are duplex flats which have been formed in former commercial units and have two small front windows at pavement level. Existing ADF values for these basement rooms were considerably lower than EDG's minimum requirements for new development. When measured, the ADF in these rooms will reduce by 25% whereas the actual drop (0.06%) is very small given their existing nature. On this basis a deviation from guidance is justified.

The Daylight and Sunlight Assessment demonstrates that, in general, the reduction in daylight to neighbouring properties is acceptable in terms of EDG requirements.

The ADF assessment shows, however, that daylight levels in 11 neighbouring rooms do not meet minimum requirements. This is largely due to existing daylight levels being already lower than minimum EDG requirements. It is also a result of the Iona Street frontage changing from a two-storey building and boundary wall to a continuous frontage, similar in scale to the surrounding townscape. The EDG states that the layout of buildings in an area will be used by the Council to assess whether the proposed spacing is reasonable, and that achieving reasonable amenity needs to be balanced against achieving good townscape.

The Daylight and Sunlight assessment also concludes that sunlight provision to neighbouring gardens is not materially compromised and the results are fully compliant with the EDG. Details have been submitted to show that there will be no significant impact on the health of existing trees within the garden ground of properties on South Sloan Street by way of overshadowing.

Taking into account the relatively high density of the surrounding context and the prevailing character of the townscape, this infringement of policy and guidance is acceptable when considering the benefits of the development as a whole.

Daylight to future housing occupiers

The revisions made in scheme 2 involve a degree of reconfiguration of internal spaces proposed within the new residential units. All units now meet the requirements of the EDG in relation to internal daylight levels.

Daylight to future student residence occupiers

The 'No Sky Line' assessment method has been used to assess daylight levels internally to the proposed student residence block. Alterations to scheme 2, including alterations to rooms sizes internally, mean that all proposed student residences now meet this requirement.

Privacy and noise

The development will reflect the grid pattern of the area along Iona Street, and an acceptable level of privacy will be maintained for neighbouring properties. The large double storey windows on the Iona Street elevation have been positioned so that they

will not cause excessive overlooking. To the rear of Iona Street, the reduced building heights will mean an adequate level of privacy is retained for neighbours. Adjacent modern flats on Albert Street feature car parking to the rear rather than garden ground, and the existing mature landscaping within communal gardens of South Sloan Street will also provide a degree of screening from the new development.

The proposal is for entirely residential uses, albeit a mix of flats and student accommodation. As a result, there is less potential for noise nuisance to neighbouring residents than from the existing business premises. In addition, a Student Management Plan has been submitted to show how potential anti social behaviour could be managed.

In order to mitigate existing traffic noise for future occupiers, upgraded acoustic glazing will be required on the Iona Street facing windows which can be controlled by condition.

e) Other Considerations

Transport

The proposal is for a 'car free' development with no designated off street parking forming part of the proposals. On street bays are to be formed on Iona Street for servicing purposes where existing parking provision is found. The application meets the 2017 Parking Standards in terms of the acceptability of providing zero on site car parking and the level of cycle parking provision proposed. It is noted that the site is in a highly accessible location with a number of bus routes within short walking distance. The site will also benefit from increased accessibility on completion of the Trams to Newhaven project.

A number of developer contributions relating to the provision of transport of infrastructure in the surrounding area have been identified, including Tram Line Developer Contributions, and contributions towards the provision of Car Club vehicles. Further details can be found in the Transport Planning consultation response below.

The proposal complies with LDP policies Tra 2 (Car Parking) and Tra 3 (Cycle Parking) and will not result in any significant transport issues.

Flood Risk and Drainage

LDP Policy Env 21 (Flood Protection) seeks to ensure that development does not result in an increased flood risk for the site being developed or elsewhere.

The submitted Surface Water Management Plan and Flood Risk Assessment has been considered by the Council's Flood Prevention team who are satisfied with these proposals.

The consultation response from Scottish Water notes a discrepancy between the requirements of the Council Flood Prevention team and their own requirements in terms of surface water discharge rate. The Council adopted standards allow for slightly higher diameters of hydraulic controls than those set by Scottish Water. This means that any flow rates using the CEC guidance will be higher, although the potential for blockages will be reduced.

Agreement with Scottish Water in relation to flow rates will be made by the applicant at the time of any formal connection application. Therefore, it is not necessary to require any further planning controls.

The proposals for surface water drainage and flood prevention are acceptable.

Archaeology

LDP Policy Env 8 (Protection of Important Remains) seeks to protect archaeological remains from being adversely impacted from development.

In relation to buried remains, the Archaeology Officer notes that the site is in an area which has been associated with industrial development from the mid-19th Century and is of local archaeological potential in terms of Edinburgh's Victorian Industry, Medieval/Post-medieval agriculture and potentially also for Palaeo-environmental evidence

Accordingly, a condition is recommended to be placed on any permission to agree a programme of works to fully excavate, record and analyse any significant remains affected.

Contaminated Land and Air Quality

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) seeks to ensure that there will be no significant adverse effect for health, the environment and amenity.

Environmental Protection has recommended a condition relating to investigation and evaluation of potential contaminated land prior to the erection of any new buildings on the site.

Although the site is located in close proximity to an existing Air Quality Management Area, its car free nature, and the removal of the existing business premises mean that there will be no adverse impact on air quality.

Ecology

The site is considered brownfield in nature due to its existing active industrial uses. There is no evidence that the proposals will result in a loss of existing biodiversity in or adjacent to the site, or that it will have an impact on any protected species, including bats. The inclusion of sedum roofs will provide enhanced biodiversity opportunities on completion of the development.

Sustainability

LDP Policy Des 6 (Sustainable Buildings) requires that developments can demonstrate that the current carbon dioxide emission reduction targets are met (including at least half of the target being met through the use of low and zero carbon generating technologies) and that other sustainable features are included in the proposals. This can include measures to promote water conservation, SUDS, and sustainable transport measures.

The applicant has submitted a sustainability statement in support of the application. The site is located in an urban area with excellent public transport links, allowing a reduced reliance upon the car. Photovoltaic panels are proposed to the roof of affordable housing block.

The proposal accords with LDP Policy Des 6 'Sustainable Buildings'

Other Developer Contributions

Education

This site falls within Sub-Area D-1 of the 'Drummond Education Contribution Zone'. Using the pupil generation rates set out in the Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery', the development is expected to generate at least one additional primary school pupil but not at least one additional secondary school pupil.

The proposed development is therefore required to make a contribution towards the delivery of these actions with a total infrastructure contribution required of £20,544. 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.

Healthcare

The site is not located in an area identified as requiring developer contributions towards new healthcare provisions.

f) Whether public comments have been addressed.

Scheme 1

Objections:

- Existing oversupply of student accommodation in the area (addressed in section 3.3(a) above);
- Unsuitable location for student housing due to distance from further education establishments (addressed in section 3.3(a) above);
- Insufficient contribution towards meeting local demand for housing (addressed in section 3.3(a) and 3.3(c) above);
- Failure of proposals to make a sufficient contribution to affordable housing need (addressed in section 3.3(a) above);
- Loss of local employment opportunities (addressed in section 3.3(a) above);
- Impacts on local educational provision, healthcare and services (addressed in section 3.3(e) above);
- Excessive scale, height, materials and design (addressed in section 3.3(c) above);
- Lack of open space (addressed in section 3.3(d) above);
- Impact on character and appearance of conservation area (addressed in section 3.3(b) above);
- Impact on setting of nearby listed building (addressed in section 3.3(b) above);

- Loss of daylight/sunlight to neighbours (addressed in section 3.3(d) above);
- Increased noise and disturbance in local area (addressed in section 3.3(d) above);
- Insufficient parking provision (addressed in section 3.3(e) above);
- Additional strain on local and drainage system (addressed in section 3.3(e) above);
- Impacts on refuse collection facilities (addressed in section 3.3(e) above);
- Impacts on local wildlife (addressed in section 3.3(e) above);

Support

- Provision of housing at an accessible location;
- Benefits to local businesses arising from student clientele;
- Support for mix of uses;
- Provision of green space;
- Benefits to area's amenity resulting from removal of timber yard;
- Support for modern design;
- High quality design of homes;
- Compatible with local character.

Non-Material Objections

- Potential short term let use of student accommodation;
- Lack of demand for student housing provision.

Community Council

The Leith Central Community Council did not request to be a statutory consultee but did object on the following grounds;

- Overdevelopment of the inner area perimeter block, contrary to LDP policy Hou 4 (addressed in section 3.3(c) above);
- Excessive height and scale, contrary to LDP policy Des 4 (addressed in section 3.3(c) above);
- Excessive increase in density of student housing population in the local area, contrary to LDP policy Hou 8 (addressed in section 3.3(a) above);
- Loss of daylight to existing residential properties on Iona Street and Buchanan Street, contrary to LDP policy Des 5 (addressed in section 3.3(d) above);
- Concerns relating to the provision of surface water removal from the site - (addressed in section 3.3(e) above);
- Failure to address increased demands on local services, including health care, schools and transport, contrary to LDP policy Hou 10 - (addressed in section 3.3(e) above);
- Impact of inappropriately dimensioned façade to Iona Street frontage on the setting of the listed Pilrig Church and the Leith Conservation Area - (addressed in section 3.3(b) above).

Additional comments received relating to scheme 2

Objections:

- The principle of student housing (addressed in section 3.3(a) above);
- The lack of car parking (addressed in section 3.3(e) above);
- The loss of sunlight/daylight on neighbouring properties (addressed in section 3.3(d) above);
- Inappropriate height, scale, massing and roofline design (addressed in section 3.3(c) above);
- Negative impact on the conservation area (addressed in section 3.3(b) above);
- The development does not comply with the Edinburgh Design Guidance in relation to pigeons and seagulls (addressed in section 3.3(e) above);
- The impact on protected species, mainly bats (addressed in section 3.3(e) above).

Conclusion

The proposal is acceptable in principle and is of an appropriate scale and design which will sit comfortably with the character and appearance of the surrounding area. The proposal will create a satisfactory living environment for prospective occupants, will not have a significant adverse impact on the amenity of neighbouring residents and does not raise any issues in respect of vehicle and cycle parking, flood prevention, setting of the adjacent conservation area or waste and recycling provision. The proposal will introduce a density which is higher than those of surrounding development, but is not considered overdevelopment of the site and the scheme will create a sustainable mixed-use community which will provide an appropriate mix of uses and tenures.

The application complies with the policies of the Local Development Plan and associated guidance. The application also complies with; The Historic Environment Policy for Scotland 2019, Managing Change in the Historic Environment: Setting, The Leith Conservation Area Character Appraisal, Non-Statutory guidelines Edinburgh Design, Non-Statutory guidelines Edinburgh Design, Non-statutory guidelines - Affordable housing.

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

3.4 Conditions/reasons/informatives

Conditions:-

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

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

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

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

2. The following noise protection measures to the proposed accommodation, as defined in the Robin Mackenzie Partnership 'Environmental Noise Assessment' report (Report No. R-8542-GH1-RGM dated 21st February 2020):

- Acoustic glazing units with a minimum insulation value of 6/12/10mm and trickle vents with a minimum noise reduction level of $D_{n,e,w} \geq 36$ dB shall be installed for the external doors and windows of the living room and bedrooms overlooking Iona Street and highlighted in Appendix A shall be carried out in full and completed prior to the development being occupied.

3. No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In the interests of public safety.
2. In order to protect the amenity of the occupiers of the development.
3. In order to safeguard the interests of archaeological heritage.
4. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. 1. Consent shall not be issued until a suitable legal agreement relating to education, affordable housing and transport has been concluded and signed. The legal agreement shall include the following:

- a) Education - A financial contribution of £20,544 in total (or £856 per unit for the 24 units above one bedroom in size), is required to Communities and Families to alleviate accommodation pressures in the local area as identified by the LDP Action Programme and associated LDP policy Del1.
- b) Affordable Housing - 25% of the total number of residential units shall be developed for affordable housing provision for social rent.

- c) Transport - A contribution towards the LDP Action Programme for the following transport works;
1. Contribute the sum of £279,105 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment
 2. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
 3. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 4. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £18,000 (£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.

- 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. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
- 6. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
- 7. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision 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 and real time information displays for local public transport.
- 8. In order to deter gulls and pigeons from roosting and nesting within the roofs of the development, deterrent measures should be included for the roofs of the buildings. Any measures must be carefully designed and maintained to avoid impacts on non-target species and also to avoid welfare issues such as trapping,

injury or death of birds. Gulls are a protected group by law (Wildlife & Countryside Act 1981).

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Scheme 1

The application was advertised on 10 March 2020. A total of 120 representations were received, 112 of which were objections, seven were in support and one was neither in favour or against the proposals, These included objections from the Leith Community Council.

Scheme 2

The revised scheme was advertised on 24 July 2020. A total of 34 representations were received. This comprised 33 letters of objection and one letter of general comment.

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

Background reading/external references

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

Statutory Development Plan Provision

The application site is located within the Urban Area and fronts onto the southern boundary with the Leith Conservation Area, as designated in the Edinburgh Local Development Plan.

Date registered

27 February 2020

Drawing numbers/Scheme

01,02,03A,04A,05,06,07B,08B,09,10A-30A, 31-46,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer

E-mail: rachel.webster@edinburgh.gov.uk

Links - Policies

Relevant Policies:

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

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

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

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

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

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

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

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

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

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

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

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

Appendix 1

**Application for Planning Permission 20/00972/FUL
At 48 - 50 Iona Street, Edinburgh, EH6 8SW
Demolition of the existing warehouse and ancillary office
building and construction of residential (flatted)
development including purpose-built student
accommodation, general housing and affordable housing,
public realm improvements, hard and soft landscaping and
associated infrastructure.**

Consultations

Environmental Assessment

Contaminated Land - 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 and 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).

Local Air Quality - The application site is located near to the city centre air quality management area; however it does not introduce any car parking, will be promoting a green travel plan and will be replacing an existing industrial yard that had a level traffic movements.

The impact on air quality arising from the use of the development has been considered due to its proximity to the AQMA. The main consideration from this type of development is the potential increase in fossil fuel driven motor vehicles. There is no parking provision associated with the development so its not a significant factor.

Due to the removal of the existing use on-site, there will be no net increase in traffic associated with the development. On this basis, it is considered that the proposed development will have a negligible impact on the road network and Central Air Quality Management Area.

It is noted that 'Block D Student' block will be served with a Combined Heat and Power (CHP) is being proposed to meet a significant amount of the building's hot water demand. This will be located within the plantroom. Heat pumps will be specified to provide heating and cooling to the management suite and student amenity areas however these will be located externally in a suitable plant enclosure where they will not impact visually. It should be noted that gas is no longer a fuel that we would want to encourage with any proposed energy centre. the applicant should look to reduce

energy demand to a minimum with use of good insulation linked to ground/air sourced heat pumps and PV/solar panels.

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

The construction phase has the potential to impact the neighbouring residential properties adversely in the form of particulates and dust. The site is surround by residential units therefore careful consideration has been given by the applicant to mitigate any impacts. The applicant has submitted a supporting construction environment management plan which details how construction impacts will be minimised. Environmental Protection will recommend an informative is attached to ensure this is addressed.

HMO - The development may require a HMO License then the applicant should make contact with the HMO Team to ensure that the design and layout will meet the HMO standards. they can be contacted on 0131 469 5151.

Noise - The applicant has submitted a supporting noise impact assessment which has identified that noise mitigation measures will be required. This will be in the form of acoustic glazing along Iona Street to mitigate transport noise. The glazing specification is dictated by the maximum noise levels at night. The living rooms and bedrooms overlooking Iona Street will require a minimum of 6mm glass - 12mm air cavity - 10mm float glass which provides a minimum R_w+C_{tr} of 33dB in order to comply with the required noise criteria. Trickle vents will need to provide a minimum noise reduction level of $D_{n,e,w}$ ≥ 36 dB.

The facades where bedrooms and living rooms that will need to be specified with the upgraded glazing is shown in Appendix A of the applicant noise impact assessment (Technical Report No. R-8542-GH1-RGM 21st February 2020). Due to the proximity of the development site to existing residential properties Environmental Protection highlighted that construction phase impacts must be considered. The applicant has submitted a supporting Construction Environment Management Plan (CEMP) which deals with noise construction dust emissions.

The applicants CEMP advises that creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 09:00 to 16:00 on Saturdays. Site will be closed on Sundays and Bank holidays. Environmental Protection shall recommend that this is included as an informative. It should be noted that Environmental Health can regulate construction noise under the Control of Pollution Act 1974.

Environmental Protection has no objections to this proposed development, subject to the following conditions:

Conditions

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

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

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

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

2. The following noise protection measures to the proposed accommodation, as defined in the Robin Mackenzie Partnership 'Environmental Noise Assessment' report (Report No. R-8542-GH1-RGM dated 21st February 2020:

- Acoustic glazing units with a minimum insulation value of 6/12/10mm and trickle vents with a minimum noise reduction level of $D_{n,e,w} \geq 36$ dB shall be installed for the external doors and windows of the living room and bedrooms overlooking Iona Street and highlighted in Appendix A shall be carried out in full and completed prior to the development being occupied.

Informative

1. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.

2. Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Head of planning and Building Standards.

3. The applicant should make contact with the HMO Team to ensure that the design and layout will meet the HMO standards. they can be contacted on 0131 469 5151.

Construction Mitigation

a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be

maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

f) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

g) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.

h) No bonfires shall be permitted.

i) Construction noise at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 09:00 to 16:00 on Saturdays. Site should be closed on Sundays and Bank holidays.

Waste Management

As this development is to be a mixture of residential and student accommodation, waste and cleansing services would be expected to be the service provider for the collection of any domestic and recycling waste.

I have been in direct contact with the architect for this development, I can confirm that they have provided the information for the bin stores and these are shown to be in line with our instruction for architects guidance and waste and recycling requirements have been fully considered.

I would ask that the architect passes my contact information to the developer/builder and to stress that they will need to contact this department a minimum of 12 weeks prior to any collection agreement to allow us 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 inline 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.

Archaeology

The site lies to the east of Leith Walk the historic medieval route between Edinburgh and its port at Leith. Map evidence indicates that until the late 19th century it was open

ground/ market gardens bisected by the Greenside Burn with its intersection with a further burn or drainage ditch. With the growth of Victorian Edinburgh, the site was developed between 1876 and 1893 with the construction of saw mills. Accordingly, the site has been identified as of being of local archaeological potential in terms of Edinburgh's Victorian Industry, Medieval/Post-medieval agriculture and potentially also for Palaeo-environmental evidence (associated with the burns).

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The proposals will require significant ground-breaking works during both demolition and construction. Such works will have a significant impact upon any surviving archaeological remains expected to range from the 19th century industrial saw mills through to Palaeo-environmental deposits associated with the Greenside Burn. It is essential that if permission is granted for this scheme, that a programme of archaeological mitigation is undertaken prior to demolition or development. This is to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken.

In consented it is recommended that the following condition (based upon the following CEC condition) be applied to secure this programme of archaeological works;

'No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Flooding

CEC Flood Prevention have no concerns with this application, which can proceed to determination with no further comments from our department.

Section 6.2.1 of the 'Flood Risk and Drainage Impact Assessment' notes that the proposed limiting surface water discharge rate is equal to the 1:2-year greenfield runoff rate (2.4l/s). This is in line with our current guidelines

Education

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this,

an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (February 2020).

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:

24 Flats (56 one bedroom / studio flats excluded)

This site falls within Sub-Area D-1 of the 'Drummond Education Contribution Zone'. Using the pupil generation rates set out in the Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery', the development is expected to generate at least one additional primary school pupil but not at least one additional secondary school pupil. The Supplementary Guidance states that if a development is expected to generate at least one primary school pupil but less than one secondary school pupil, only a contribution towards new primary school infrastructure may be required.

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

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

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

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

Total infrastructure contribution required:

£20,544

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.

Affordable Housing

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).

o 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.

o 25% of the total number of units proposed should be affordable housing.

o 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 comprising 80 residential flats alongside purpose-built student accommodation. There is an AHP requirement for a minimum of 25% (20) homes of approved affordable tenures.

The applicant has submitted an 'Affordable Housing Statement' which confirms that the 20 affordable homes that are required will be provided on-site. In the interests of delivering mixed, sustainable communities, the affordable homes will be integrated in a central part of the site and "tenure blind" in appearance. Leith Walk Town Centre and extensive public transport links are in easy walking distance.

The applicant has confirmed the intention that all the affordable homes will be available for social rent, the Council's highest priority tenure type. This is welcome and exceeds the Council's aim for a minimum of 70% of affordable homes to be available for social rent. The applicant has engaged with Port of Leith Housing Association (POLHA), a Registered Social Landlord. However, it should be noted that the applicant has not yet entered into contract with the RSL and has not confirmed that the homes would be sold to the RSL at price that would enable social rent.

The design of affordable housing should be informed by guidance such as Housing for Varying Needs and relevant Housing Association Design Guides. POLHA have written a letter of support and confirmed that it plans to work in conjunction with the applicant to refine the layouts to be adaptable enough to respond to the existing and future needs of its households. The affordable units will be contained in one block and accessed from a single stair core to allow effective management.

The affordable homes will be a mix of one (14), two (2), and three (4) bedroom flats. The proportion of two and three-bedroom flats is representative of what is being delivered across the wider site. The applicant has engaged with POLHA and agreed to provide one-bedroom units in place of studio flats which is welcome. The proposed mix is acceptable and will meet a range of housing needs.

The affordable home residents will have access to two communal garden spaces. Four flats on the lower ground and ground floor will have direct access to small private gardens. These either have one or two bedrooms. It would be preferable for larger three-bedroom units to be on the lower floors so that families would benefit from having direct access to the gardens. This was raised with the applicant, but no changes have been made as the applicant advised that the current design allows for one-bedroom affordable homes in place of studio flats.

An equitable and fair share of cycle and vehicle parking, consistent with the relevant parking guidance, should be provided for the affordable homes.

3. Summary

The applicant has submitted an "Affordable Housing Statement" which sets out the proposed approach for delivering affordable housing. It commits to providing 20 (25%) on-site affordable homes which complies with Affordable Housing Policy and will assist in the delivery of a mixed sustainable community. This should be secured by a Section 75 Legal Agreement.

The proposal that all affordable homes will be available for social rent is welcomed. The applicant has identified a Registered Social Landlord (RSL) to deliver the affordable housing units. The design of the units will be informed by guidance such as Housing for Varying Needs units and built to the RSL design standards and requirements.

The affordable housing will be "tenure blind" and comprise a variety of flat sizes which are representative of the provision of homes across the wider site.

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

Scottish Water

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

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

Foul - There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. A DIA will be required to be undertaken for this development to understand the impact on our drainage network.

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- The proposal for surface water connection to the combined sewer has been accepted for this site. Any changes to the site layout or discharging volume will require the case to be resubmitted to Scottish Water for review. The attenuation and discharge rate must be designed to mimic the quality and quantity of the site in its 'Greenfield' state, the appropriate calculation can be found in Appendix VII of Sewer for

Scotland. The area used in the calculation should be based on the hard standing draining areas only.

In addition, please see the below: Scottish Water does not accept that the minimum flow rate requirement, stated in the City of Edinburgh Council document for this site, is applicable for connection to a Scottish Water sewer or asset. This requirement contradicts the guidance in Sewers for Scotland 4 and will potentially result in greater strain on the network. This is due to a higher flow rate than that of the Greenfield equivalent or a flow rate with a 30mm diameter throttle control on privately-owned system (SfS4 2.7.2 & 2.15.2). For the proposed flow rate to be considered in the Technical Audit, Scottish Water will require the specific flood risk concerns for this site directly from CEC and the reasoning for a planning requirement for drainage that is not in line with the latest edition of Sewers for Scotland.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude. Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer. The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link:

<https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>

Transport Planning

Further to the memorandum dated the 15th of April 2020 and the subsequent amendments made there are no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to:
 - a. Contribute the sum of £279,105 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - b. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
 - c. 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 Cars1 policy, the applicant should contribute the sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;

3. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

Note:

I. The application has been assessed under the 2017 parking standards. These permit the following:

- a. A maximum of 122 car parking spaces (1 space per residential unit, 1 space per 6 student accommodation beds). Zero car parking is proposed;
- b. A minimum of 406 cycle parking spaces (for residential - 1 space per studio unit, 2 spaces per 2/3 room unit and 3 spaces for 4+ room unit. 1 space per student accommodation bed). 415 cycle parking spaces are proposed.
- c. As zero car parking is proposed, there is no requirement for EV or Accessible car parking;
- d. A minimum of 13 motorcycle parking spaces. (1 space per 25 units and Student Accommodation beds). 0 dedicated motorcycle parking is proposed;

II. The justification for the proposed level of car parking is centred around the site's location to local services and amenities and its accessibility to public transport which will be further enhanced by the completion of the Tram to Newhaven project. In conjunction with reviewing data from the Councils Strategic Parking Review (reported to T&E committee September 2019) the applicant conducted parking surveys of the surrounding streets which both found that this area is heavily parked on. The strategic parking review noted that the average parking pressures in the Leith Walk area is one of the highest in the city and has proposed an extension to the existing Controlled Parking Zone (CPZ) to address this pressure, this includes the Leith Walk area in Phase 1 of implementation (expected winter 2021). Under current policies parking permits are not issued to residents of Student Accommodation, and permit limits will be set for the residential development. The applicant also propose introducing car club vehicles to this area to further enhance sustainable travel options for the existing and future residents of this area. The proposed zero car parking complies with the Councils current parking standards and based on the justification provided is considered acceptable;

III. The proposed cycle is broken down into the following:

- a. Student Accommodation - 234 spaces a mixture of internal storage (90 spaces) and storage within covered and secure external stores (144 spaces);
- b. Residential - 163 spaces between a large internal store (139 spaces) and storage within secure and covered external store (24 spaces);
- c. 18 visitor spaces are proposed at the entrance to the development on Iona Street. Within this provision 5 non-standard bike spaces have been provided. All stores are considered to be easily accessible and where placed on the lower ground floor are accessed by a ramp with an appropriate gradient. Majority of the cycle parking is made up of high-density two-tier racks with a small amount of Sheffield stands. External stores are all fully weatherproof and secure and located within the semi-private amenity space. The proposed level of cycle parking complies with the Councils parking standards and the design, layout an access is considered acceptable;

IV. A transport assessment has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments and estimates in a worst-case scenario where vehicle trips are generated from both elements of this development, 13 vehicle trips during the AM Peak (0800-0900) and 24 vehicle trips during the PM Peak (1700-1800). No trip generation analysis was provided for the existing use (lumber yard), it would be anticipated that whilst this may not generate the same amount of vehicle trips at peak times, it would likely lead to a net reduction in vehicle trips when comparing the numbers over the course of a day (24 hours). The existing use would likely generate a number of daily large vehicle movements that would not be happening with the proposed use.

V. The proposed development is in zone 1 of the Tram contribution zone. The tram contribution is based on a net contribution that takes the existing use into consideration. The proposed use is based on 80 residential units and 6,331m² GFA of student accommodation = £345,392. The existing use is based on 4,352m² of warehousing use = £66,287. Net use = proposed use - existing use = £345,392 - £66,287 = £279,105;

VI. Consideration was given to the LDP Action Programme with regards to potential contributions to transport improvements. The applicant has demonstrated that there will be very little impact in terms of vehicular traffic from this development, therefore it is not considered reasonable to require contributions to any proposed junction improvements. Also there does not appear to be any active travel improvements within the vicinity that will greatly improve direct access by foot and bike to the development. It should also be noted that Iona Street is not highlighted in the Active Travel 5-year programme for any future improvements;

Leith Walk Community Council Comments

I write on behalf of Leith Central Community Council to object to the above planning application for the following reasons:

- By over-developing the inner area of the perimeter tenement block (arguably Edinburgh's most successful form of housing), located at the centre of the traditional, tenemental grid formed by Iona/Buchanan/Albert/South Sloan Street and the wider area between Leith Walk and Easter Road, the proposal adds to the extremely high residential density of the area (the most densely populated area in Scotland - census 2011) previously made - in part - possible by respecting the perimeter block, thus breaching Policy Hou4a and Hou4d.
- The proposal's domineering height, size and scale will have a negative impact on surrounding, existing housing, breaching Policy Des4a and Des4b.
- It will result in an unacceptable increase in the density of student accommodation and thus in the transient population with a far-reaching negative socio-economic impacts (instead of maximising - less lucrative rented accommodation for which there is proven demand), thus breaching Policy Hou8.

We do not accept the assumptions and calculations for existing student numbers in the applicant's supporting documentation.

- It reduces light amenity to neighbouring properties in Iona Street and Buchanan Street to unacceptable levels breaching Policy Des5a

- The increased footfall and movement of a transient student population and the attendant noise will impact negatively on what is a quiet - recently traffic calmed - residential street, breaching Policy Des5a.
- Given the density of the area, surface water removal is of the utmost importance. We note Scottish Water's letter (30 March 2020): 'Scottish Water does not accept that the minimum flow rate requirement, stated in the City of Edinburgh Council document for this site, is applicable for connection to a Scottish Water sewer or asset. This requirement contradicts the guidance in Sewers for Scotland 4 and will potentially result in greater strain on the network.'. Unless this is resolved, both applicant and the local authority must be concerned about potential future litigation.
- As the proposed development does not address how the increased demands on already stressed local services (health care, schools, public transport) will be resolved we consider this a breach of Policy Hou10.

Finally, we regard the impact of the insertion of an inappropriately dimensioned facade on the vista along Iona Street towards the A-listed Pilrig St Paul's Church and the Leith Conservation Area as detrimental to both, and perhaps more importantly on the identity of the area and thus the very quality - community cohesion - that underpins the high density of our area.

We urge you to reject the development in its present form and scale and would ask the developer to address our concerns regarding unacceptable student density and surface water issues that were highlighted during the PAC process.

Edinburgh Urban Design Panel meeting 24 April 2019.

The Panel welcomed the opportunity to comment on the emerging design proposals for this site at an early stage of the design process.

The Panel welcomed the design approach to date and in particular the Panel supported the following:

- The mix of student accommodation and residential;
- a tenure blind approach to the affordable housing
- the introduction of a pend

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

- a design which integrates but is creative with the existing urban grain, townscape and frontages;
- the landscape and public realm;
- the design of the new street.

1 Planning Context

The proposal is for 88 residential flats and accommodation for 270 students.

Site Description

This 0.53ha site is currently occupied by Walker Woodstock Timber who operate a timber yard, office and showroom from this location.

The site occupies the centre of a perimeter block with a frontage onto Iona Street comprising: a 3M high blank masonry wall; a vehicle entry point for the timber yard; and a one and a half storey brick building containing the office and showroom.

The site slopes from north to south and is bounded on three sides by tenements fronting onto Albert Street, Buchanan Street and South Sloan Street. The site is adjacent to but outwith Leith Conservation Area, whose boundary lies immediately to the north and west. The view west along Iona Street is terminated by the A-listed Pilrig Church at the junction of Pilrig Street and Leith Walk, on the edge of Pilrig Conservation Area.

Planning Policy

Proposals for development at this location must comply in principle with all relevant policies within the LDP, which include:

- Env 6, in terms of its impact on the character and setting of Leith Conservation Area:
- Env 12 addressing protection of existing trees on the eastern boundary of the site.
- All design policies including Des 2 (Co-ordinated Development) which requires proposals to demonstrate that design will not compromise the effective development of neighbouring sites at a future date.
- All Housing policies, including Hou 8, which supports purpose-built student accommodation where the location is appropriate in terms of access to university and college facilities and the proposal will not result in an excessive concentration of student accommodation. The Council's non-statutory Student Housing Guidance advises that sites greater than 0.25 hectares must provide a proportion of housing representing a minimum of 50 percent of the gross floor area of the overall development.

Panel Comments

The Panel had detailed comments as follows and welcomed the opportunity of providing advice at this early stage in the design process.

Use

The Panel noted the proposed land use for this site of, residential and student accommodation. In general this approach was encouraged. However, the Panel asked that the following be considered further:

The Panel suggested that the proposed level of student accommodation appears to be high for this area and therefore will require to be fully justified. The Panel suggested that consideration could be given to the student accommodation and residential accommodation being provided in both blocks and not split into two separate blocks. With respect to the element of affordable housing proposed for the site the Panel supported the tenure blind approach.

Urban Form

Generally the Panel noted concern with the overall height, mass and scale of the proposal.

Iona Street Frontage:

The Panel expressed concern regarding the proposed height and mass of the block on Iona Street. It was noted that it appeared out of context with the surrounding area but recognised that there is less uniformity of adjacent buildings and tenements on the south side of the street. The Panel suggested that the composition of this frontage could benefit from a more broken approach as illustrated in the presenter's precedent images, including a stepped upper storey roof scape of not just one but two storeys in parts which might enable a six storey building on this frontage.

It was suggested that the lowering of the block above the pend could be used as a device to mark the entrance to the pend, again as illustrated in one of the presenters precedent images.

The Panel noted the opportunity to form a cohesive, creative and active frontage to Iona Street while encouraging densification to this edge.

Rear blocks:

Given these blocks are secondary sitting behind the Iona Street primary frontage the Panel suggested that these should be lower and step down to achieve an appropriate height, mass and scale for this secondary frontage. It was also suggested that the layout of the rear blocks would benefit from the student block moving east away from the boundary. This could assist in establishing an appropriate relationship with the site boundary and adjacent properties.

Pend:

The introduction of a pend was generally supported by the Panel. However, it was recommended that the width be reconsidered to form a narrower mews scale access.

Architectural Response

The Panel advocated a creative architectural approach to this site, included and selection of materials which in this case may not necessarily be the natural stone.

The Panel encouraged the introduction of balconies to the elevations as both an architectural device and to provide amenity for the residents.

Landscape and Open Space

The Panel advocated the appointment of a landscape architect at this stage of the design process. The Panel expressed concern that the open space/landscape is 'left over' space between the buildings.

To assist with the design of the open space/landscape the Panel suggested that the layout and extent of road and car parking could be reconsidered. Access to the rear court parking area could be designed as a space to accommodate minimum vehicular movements with the focus on pedestrian movement and quality open space/amenity for the residents. A mews scale street was suggested. Concern was raised with respect to the proximity of car spaces to private space. The loss of sunlight to some existing garden spaces was also noted.

Public Realm

The Panel advocated a continuous footway to Iona Street to assist with pedestrian priority on this street. It was noted that there are good examples of this approach in the area.

Vehicular movements

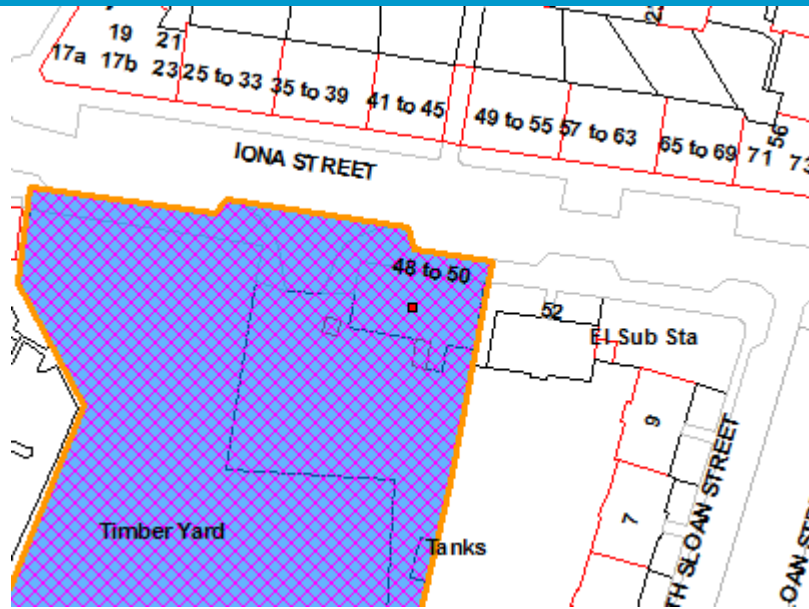
The Panel encouraged a car free approach to the site given it is well connected to the public transport network.

Also, consideration could be given to restricting vehicular movements within the site, with all of the main servicing being accommodated off Iona Street. This could include refuse collections and would assist in achieving high quality private space to the rear of the primary block. It was noted that disabled parking bays may require to be located within the site. The Panel noted that 100 pc electric charging points should be considered.

Security

The Panel advocated secure by design accreditation for this proposal. Cycle storage should be located in the buildings in secure areas.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

END

Development Management Sub Committee

Wednesday 23 September 2020

**Application for Planning Permission 20/02524/FUL
at 27, 29, 31 James Craig Walk, Edinburgh.
Change of use from student accommodation to Class 1
(Shops), Class 2 (Financial, professional & other services)
and / or Class 3 (Food and Drink) and Hotel / Class 7 uses,
proposed alterations, erection of shopfronts and associated
works (as amended).**

Item number

Report number

Wards

B11 - City Centre

Summary

The principle of the proposal has been established through the previous permissions and broadly complies with the policies within the Edinburgh Local Development Plan and section 59 and 64 of the Act. The Class 1 (Retail), Class 2 (Financial, professional and other services), Class 3 (Food and Drink) and Class 7 (Hotel) uses will form part of a broad mix of uses within the St James Quarter. The conservation and restoration will significantly enhance the external appearance of the listed building and character and appearance of the New Town Conservation Area. The changes will contribute towards the comprehensive regeneration of the St James Quarter and deliver significant enhancements to the public realm.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES04, LDES05, LDES07, LDES08, LEMP10, LDES12, LEN01, LEN03, LEN04, LEN06, LRET02, LTRA02, LTRA03, SUPP, SGDC, NSG, NSGD02, NSLBCA, OTH, CRPNEW,

Report

Application for Planning Permission 20/02524/FUL at 27, 29, 31 James Craig Walk, Edinburgh. Change of use from student accommodation to Class 1 (Shops), Class 2 (Financial, professional & other services) and / or Class 3 (Food and Drink) and Hotel / Class 7 uses, proposed alterations, erection of shopfronts and associated works (as amended).

Recommendations

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

Background

2.1 Site description

27 - 31 James Craig Walk is a five-storey tenement block located on the west side of the site of the St James development. The building sits on a south east to north west line with James Craig Walk, a pedestrian walkway linking Leith Street and Elder Street, passing along its front elevation. To the rear of the building are the gardens of Register House.

The building is a category B listed building and was listed on 27 January 1992 (LB Ref: 30027).

The building is located within the Edinburgh World Heritage Site.

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

2.2 Site History

13 July 2018 - planning application for stone cleaning and other minor alterations was granted and is being implemented (planning reference: 18/03770/FUL).

13 July 2018 - listed building consent for stone cleaning and other minor alterations was granted and is being implemented (planning reference: 18/03771/LBC).

15 September 2016 - Approval of following matters specified in condition 23 of outline planning permission 08/03361/OUT relating to amendments to the approved design of Edinburgh St James: i) number of units ii) location & extent of uses iii) design of external features & materials iv) cycle parking v) showers & lockers vii) pedestrian & cycle access viii) car parking ix) roads & footways x) cp venting xi) servicing xii) external lighting xiv) waste xvi) surface water & drainage xvii) hard & soft landscaping was granted and is being implemented (planning reference: 16/02791/AMC).

22 July 2016 - planning permission for the change of use from student accommodation to Class 1 (Shops), Class 2 (Financial, professional & other services), and/or Class 3 (Food and Drink) and Class 7 (Hotel) uses, proposed alterations and ancillary works was granted and is being implemented (planning reference: 16/03662/FUL).

22 July 2016 - listed building consent for Internal and external alterations and ancillary works was granted and is being implemented (planning reference: 16/03663/LBC).

4 June 2009 - Redevelopment and refurbishment including demolition works and new buildings to provide mixed use development comprising retail (Class 1), leisure and culture (Class 10 and Class 11), hotel (Class 7), offices (Class 4), food and drink (Class 3), residential, and other related ancillary uses (including Financial, Professional and other Services - Class 2), car parking, servicing, access arrangements, provision of new public realm and refurbishment of existing department store, detailed approval of siting and maximum height of building blocks, points of vehicular access and egress and location of pedestrian routes at the St James Centre, Edinburgh was granted (planning reference: 08/03361/OUT).

Main report

3.1 Description of the Proposal

The application is for detailed planning permission for the redevelopment of the B listed building forming a change of use from student accommodation to form Class 1 (Shops), Class 2 (Financial, professional & other services), Class 3 (Food and Drink) and Class 7 (Hotel) uses within the building, with associated public realm works. Retail and catering units will occupy the lower and upper ground floors, with hotel accommodation on the upper levels.

The proposals include the conservation and restoration of the building, including the re-introduction of original features such as:

- reinstatement of slated mansard roof and chimney stacks to original height;
- reinstatement of porticos to upper ground floor level;
- raising of the external ground floor level and
- reinstatement of traditionally styled entrance stairs.

The main change from the previously consented scheme is the introduction of four, two storey projecting shopfronts on the north east elevation. The shopfronts are of a traditional design, grouped in double or quadruple arrangement across the facade and utilise traditional building materials.

Scheme One

Amendments have been made during the assessment of the proposals. The main changes relate to:

- alterations of the internal layout.

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 have an adverse impact on the setting of the listed building or character and appearance of the conservation area;
- c) the design, scale and layout is acceptable;
- d) the proposals will result in an unreasonable loss to neighbouring amenity;
- e) the transport, access and parking arrangements are acceptable and
- f) comments raised have been addressed.

a) Principle

The site is within the City Centre as identified in the Edinburgh Local Development Plan (LDP). LDP Policy Del 2 (City Centre) supports a mix of uses appropriate to the location of the site and proposals that are comprehensively designed, considering relevant development briefs and guidance. LDP Policy Emp 10 (Hotel Development) supports proposals for hotel accommodation as part of mixed-use schemes and in locations with good public transport access to the City Centre. LDP Policy Ret 2 (City Centre Retail Core) supports proposals within high quality, commercially attractive units that will strengthen the role of Edinburgh as a regional shopping centre and contribute to the appearance of the city centre and public realm. Ret 11 (Food and Drink Establishments) permits changes of use in areas where the use will not lead to an unacceptable impact on residential amenity.

27 - 31 James Craig Walk forms part of the wider comprehensive redevelopment of the St James Quarter that will provide a broad mix of uses. The proposed uses are compatible with LDP Policies Del 2, Emp 10 and, Ret 2 and Ret 11. The proposed mix of uses is consistent with the previously consented uses being implemented through planning permission ref: 16/03662/FUL. Therefore, the principle of the proposed uses has been established and consistent with what is being implemented. Accordingly, the uses are acceptable, subject to compliance with other relevant LDP policies.

b) Built Heritage

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 require proposals to have special regard to the desirability of preserving the character of these buildings or their settings, or any features of special architectural or historic interest which they possess. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. LDP Policy Env 3 (Listed Buildings - Setting) permits development if not detrimental to the architectural character, appearance or historic interest of the building or its settings. LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) permits alterations where they are justified; there is no unnecessary damage to historic structures or diminution of its interest and should be in keeping with other parts of the building. LDP Policy Env 6 (Conservation Areas - Development) supports development which preserves or enhances the special character or appearance of the conservation area and demonstrates a high standard of design utilising appropriate materials for the historic environment.

The current building is in poor condition, with many of its original features lost as the building was significantly altered in the early 20th century, both internally and externally. The setting of the building detrimentally changed through the wholesale clearance of St James Square to make way for the St James Shopping Centre and the external ground levels were reduced, losing some of the traditional features of the building. This proposal is for the conservation and restoration of the listed building, including the repair and reinstatement of original features. The proposal forms part of the wider comprehensive redevelopment of the St James Quarter area and the emerging context will increase the prominence of the building, fronting the new St James Square public space and change its relationship with the street. The proposal represents a significant conservation gain and forms an integral heritage asset within the wider St James Quarter and links the new development with Edinburgh's built heritage.

This proposal will reinstate the original features, as previously granted permission, and significantly enhance the setting of the listed building and adjacent public realm.

The proposed modifications to the building would be undertaken in a sensitive manner, with much of the work being historic restoration. The proposals must also be considered in terms of the level of change to the building, including conservation benefits of the reintroduction of original features, such as the mansard roof and chimney stacks, porticos, entrance stairs and improvements to the public realm. These changes are a significant conservation gain of the scheme and align with the aspirations of the HES Managing Change Guidance.

The main changes from the previously consented scheme is the addition of four projecting shop fronts to the principal elevation. The shopfronts are required for retail display and will provide a distinct public face to address the new St James Square. The shop fronts will utilise traditional materials, proportions and colours, referencing examples of traditional shopfronts added in other parts of the New Town Conservation Area. Shopfronts will change the character of the building from a plain domestic tenement. However, it must be considered as part of the wider regeneration of the St James Quarter and the building's changing relationship with the new St James Square, hotel and shopping centre. Shopfronts will provide animation to the façade of the building and provide an attractive setting, that embraces the changing nature of this part of the city from domestic residential tenements to a vibrant component of the city centre retail core.

The traditional design will sit comfortably with the listed building and retains a traditional character of this built heritage asset within the wider St James Quarter. This provides a contrast with the contemporary St James Square and creates an attractive juxtaposition. The shopfront changes are reversible and can be removed later if no longer required and the original window fenestration will be retained and maintain the original fabric of the building. The inclusion of shopfronts contributes towards the building's sustainability and securing a long-term future for the building that can adapt to different uses. The restored building, including shop fronts, will provide an attractive setting to St James Square and provide an appropriate commercial presence that reflects the changing character of the area. An active frontage will contribute to the successful regeneration of this area and engage with the new public square to provide an attractive pedestrian environment. Therefore, in this exceptional circumstance the addition of shopfronts to a traditional building is acceptable.

With reference to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and setting of the listed buildings and the character or appearance of the New Town Conservation Area. The proposal complies with LDP Polices Env 3, Env 4 and Env 6.

c) Design, Scale and Layout

LDP Policy Des 1 (Design Quality and Context) supports development that will contribute towards the sense of place and draws upon the positive characteristics of the surrounding area. LDP Policy Des 2 (Co-ordinated Development) supports development that will contribute towards the comprehensive regeneration of the wider area. LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports the retention of existing characteristics and features worthy of retention and LDP Policy Des 4 (Development Design - Impact on Setting) supports development that has a positive impact on its surroundings regarding height, scale, form and materials.

The overall design of the existing building will remain, as granted by planning permission ref: 16/03662/FUL. The reinstatement of original features and enhancements to the public realm will return the building mostly to its original design intent and significantly enhance its external appearance, providing an attractive setting to the public square. The restoration and conservation will contribute towards the comprehensive regeneration of the St James Quarter and Edinburgh's role as a regional shopping centre.

The proposed traditional shopfronts will provide a contrast within the new contemporary St James Square. A traditional approach to the shopfront design of James Craig Walk will create a pleasing juxtaposition with the square that is reminiscent of examples across the New Town Conservation Area. The two storey shop fronts will maintain an appropriate space below the first-floor window cills, the top is delineated by cornice to provide a visual break between the shopfront and building above. The proportions are reminiscent of Victorian shopfronts, a prevalent style on Georgian buildings in the New Town. Shopfronts are grouped in double or quadruple arrangements across the façade to fit between the new upper ground porticos and provide a sense of unity across the elevation. Their placements have been aligned with window bays and maintain acceptable solid to void proportions vertically up the façade. The external finish will utilise traditional paint colours and their final colour is subject to a condition.

The scheme changes the design intent of the original proposal from appearing as a domestic tenement. However, the change will form an attractive façade that enhances the setting of the listed building and integrates with the new public realm, complying with LDP Policies Del 1, Des 3 and Des 4.

d) Amenity

LDP Policy Des 5 (Development Design - Amenity) supports development where it can be demonstrated that neighbours will have an acceptable level of amenity in relation to noise, daylight, sunlight, privacy and outlook.

The proposal forms part of a mix of uses and will be within a busy area within the city centre. Associated noise from the use of plant and equipment will be controlled using a condition. Environmental Assessment was consulted on the original application and raised no objections. There are no material changes relating to this matter from the previously consented scheme and accords with LDP Policy Des 5.

e) Transport

The scheme has been assessed against LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking). The policies support development on suitable sites in the City Centre that are accessible. Zero car or cycle parking will be delivered as part of the restoration and conservation of the tenement. In terms of car parking, there is no minimum requirement to provide car parking on the site. Whilst no cycle parking will be delivered as part of this planning application, significant car and cycle parking is being delivered as part of the wider St James Quarter, including cycle parking within the new St James Square, that will compensate for the lack of provision through this application. There are no material changes from the original consent relating to this matter and the proposal complies with LDP Policies Tra 2 and a minor infringement on Tra 3.

Transport contributions are secured as part of the wider redevelopment of Edinburgh St James through planning permission ref: 08/03361/OUT.

f) Public Comments

Neighbours were notified of Scheme 1 on 24 July.

Material Representations - Objections

- Uses; this is addressed in section 3.3 a)
- Built heritage; this is addressed in section 3.3 b)
- Privacy; this is addressed in section 3.3. d)
- Transport, parking and access; this is addressed in section 3.3 e)

Non-Material Representations

- Flooding; the changes relate to an existing building
- Internal works; internal works will be considered in the associated listed building consent and
- Covid-19.

Conclusion

The principle of the proposal has been established through the previous permissions and broadly complies with the policies within the Edinburgh Local Development Plan and section 59 and 64 of the Act. The Class 1 (Retail), Class 2 Financial, professional and other services), Class 3 (Food and Drink) and Class 7 (Hotel) uses will form part of a broad mix of uses within the St James Quarter. The conservation and restoration will significantly enhance the external appearance of the listed building and character and appearance of the New Town Conservation Area. The changes will contribute towards the comprehensive regeneration of the St James Quarter and deliver significant enhancements to the public realm.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Details of the paint colour scheme of all shopfronts shall be submitted to and approved in writing by the Planning Authority and implemented prior to occupation of the corresponding commercial units.
3. Prior to occupation, details of the extract flue and ventilation system, capable of 30 air changes per hour must be submitted, approved and implemented.

Reasons:-

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

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was publicised on the weekly list of applications on 29 June 2020. Neighbours were notified of the application on 25 June 2020 and the original 21 days were allowed for comment. The proposals received three objections.

Neighbours were re-notified on 24 July 2020 due to the submission of additional information. No further comments were received.

A full assessment of the representations can be found in the main report in the Assessment section 3.3.f).

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

23 June 2020

Drawing numbers/Scheme

01 - 16, 17A - 20A, 21 - 46,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Declan Semple, Planning Officer

E-mail: declan.semple@edinburgh.gov.uk

Links - Policies

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

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

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

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

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

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

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

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

LDP Policy Des 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 Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing 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 Ret 2 (City Centre Retail Core) sets criteria for assessing retail development in or on the edge of the City Centre Retail Core.

LDP Policy 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.

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

Relevant Non-Statutory Guidelines

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

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

Other Relevant policy guidance

The 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.

Appendix 1

Application for Planning Permission 20/02524/FUL At 27, 29, 31 James Craig Walk, Edinburgh, Change of use from student accommodation to Class 1 (Shops), Class 2 (Financial, professional & other services) and / or Class 3 (Food and Drink) and Hotel / Class 7 uses, proposed alterations, erection of shopfronts and associated works (as amended).

Consultations

Archaeology - response dated 20/07/2020

Further to your consultation request I would like to make the following comments and recommendations regarding this application for change of use from student accommodation to Class 1 (Shops), Class 2 (Financial, professional & other services) and / or Class 3 (Food and Drink) and Hotel / Class 7 uses, proposed alterations, erection of shopfront's and associated works.

This B-listed building constructed c.1870 building lies at the core of the UNESCO World Heritage Georgian New Town and represents the last significant survival of the James Square designed by James Craig. Designed originally as tenements for Walter Ferguson WS, the building was converted in to offices for HM Commissioners of Works in 1898.

Accordingly, this site has been identified as occurring within an area of archaeological potential and this application must be considered therefore under terms of Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV 4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The works will require significant internal alterations to this Georgian B-listed building including the removal of an original staircase, internal stripping, excavation of new basement levels, lift shafts and a new tunnel linking it with the adjacent St James development.

It is recommended therefore hat a programme archaeological historic building survey (level 2 annotated plans/elevations, photographic and written survey) of the existing building is undertaken prior to and during any alterations and ancillary works, to provide a permanent record of this important historic structure and understand its development history from James Craig Design through to Late Victorian Government Offices. This will continue from and incorporate the results from the Historic building survey

undertaken by AOC Archaeology Group (AOC 24323) in May 2018 prior to the undertaken of internal downtakings/demolitions.

In addition, a programme of archaeological excavation will be required to be of the interior of the buildings and route of the new tunnel, to fully excavate, record and analysis any archaeological remains, The results of this programme of evaluation will inform detailed secondary mitigation strategies to be drawn up to ensure the appropriate excavation, recording and analysis of any surviving archaeological remains prior to/during construction.

It is recommended that the following condition is attached in order fully record these important industrial buildings but also any associated buried remains as follows;

'No demolition/ development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, recording and analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Historic Environment Scotland - 30/07/2020.

Thank you for your consultation which we received on 29 June 2020. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

<i>Ref</i>	<i>Name</i>	<i>Designation Type</i>
<i>100018438</i>	<i>Edinburgh World Heritage Site Boundary</i>	<i>World Heritage Sites</i>
<i>LB29728</i>	<i>23, 24, 25 & 26 ST JAMES SQUARE</i>	<i>Listed Building</i>

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

Our Advice

The development at the Category B listed Nos.27-31 James Craig Walk is adjacent to the Category A listed twinned tenement at Nos. 24-25. (The rear also overlooks the A listed New Register House and Dundas House). It is also within the Old and New Towns of Edinburgh World Heritage Site.

Both blocks are surviving elements of St James Square, planned and designed by the New Town's architect James Craig (1739-95) as early as 1773, and largely built over the following decade.

We consider that the addition of two storey shopfronts onto Nos. 27-31 will cause some harm to the setting of No.24-25, by reducing its residential appearance in relation to the A listed tenement, which survives in near original condition. It could limit our understanding and appreciation of the two buildings as part of the same linked C18th development.

However, the harm would not be substantial.

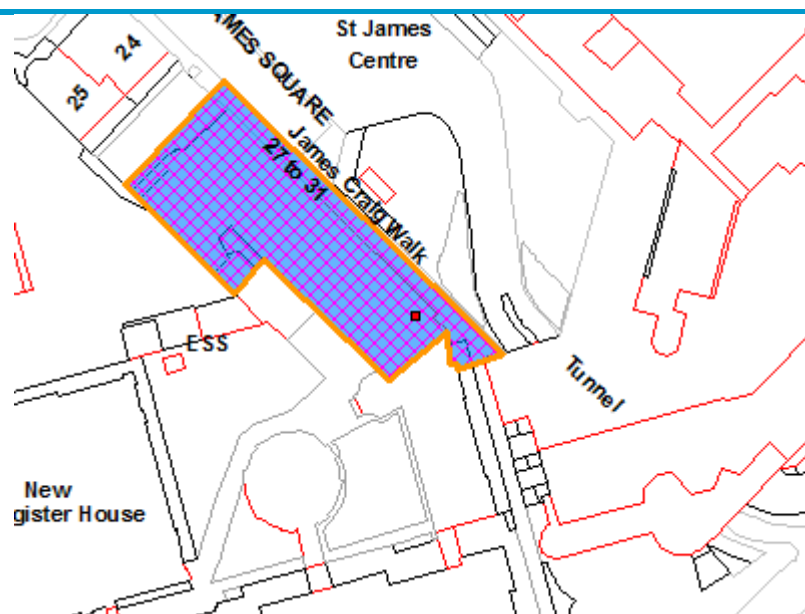
The block is the surviving SW side of St James Square, important as an early planned Square, and addition to the first New Town. The OUV of the Edinburgh World Heritage Site notes the New Town's survival of planned ensembles of buildings and the authenticity of surviving townscape. Although the proposals are intending to add new and inauthentic additions to a listed building, we do not consider that the development will impact significantly on the OUV of the WHS.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

END

This page is intentionally left blank

Development Management Sub Committee

Wednesday 23 September 2020

**Application for Listed Building Consent 20/02527/LBC
at 27, 29, 31 James Craig Walk, Edinburgh.
Internal and external alterations, erection of shopfronts and
associated works (as amended).**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposals enhance the character of the listed building and the character and appearance of the conservation area. The scheme accords with the Managing Change guidance and Section 14 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Links

[Policies and guidance for this application](#)

HEPS, HESCON, HESINT, HESROF, HESUSE, HESWIN, HESDOR, LDPP, LEN01, LEN03, LEN04, LEN06, NSG, NSLBCA, OTH, CRPNEW,

Report

Application for Listed Building Consent 20/02527/LBC at 27, 29, 31 James Craig Walk, Edinburgh. Internal and external alterations, erection of shopfronts and associated works (as amended).

Recommendations

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

Background

2.1 Site description

27 - 31 James Craig Walk is a five-storey tenement block located on the west side of the site of the St James development. The building sits on a south east to north west line with James Craig Walk, a pedestrian walkway linking Leith Street and Elder Street, passing along its front elevation. To the rear of the building are the gardens of Register House.

The building is a category B listed building and was listed on 27 January 1992 (LB Ref: 30027).

The building is located within the Edinburgh World Heritage Site.

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

2.2 Site History

13 July 2018 - planning application for stone cleaning and other minor alterations was granted and is being implemented (planning reference: 18/03770/FUL).

13 July 2018 - listed building consent for stone cleaning and other minor alterations was granted and is being implemented (planning reference: 18/03771/LBC).

15 September 2016 - Approval of following matters specified in condition 23 of outline planning permission 08/03361/OUT relating to amendments to the approved design of Edinburgh St James: i) number of units ii) location & extent of uses iii) design of external features & materials iv) cycle parking v) showers & lockers vii) pedestrian & cycle access viii) car parking ix) roads & footways x) cp venting xi) servicing xii) external lighting xiv) waste xvi) surface water & drainage xvii) hard & soft landscaping was granted and is being implemented (planning reference: 16/02791/AMC).

22 July 2016 - planning permission for the change of use from student accommodation to Class 1 (Shops), Class 2 (Financial, professional & other services), and/or Class 3 (Food and Drink) and Class 7 (Hotel) uses, proposed alterations and ancillary works was granted and is being implemented (planning reference: 16/03662/FUL).

22 July 2016 - listed building consent for Internal and external alterations and ancillary works was granted and is being implemented (planning reference: 16/03663/LBC).

4 June 2009 - Redevelopment and refurbishment including demolition works and new buildings to provide mixed use development comprising retail (Class 1), leisure and culture (Class 10 and Class 11), hotel (Class 7), offices (Class 4), food and drink (Class 3), residential, and other related ancillary uses (including Financial, Professional and other Services - Class 2), car parking, servicing, access arrangements, provision of new public realm and refurbishment of existing department store, detailed approval of siting and maximum height of building blocks, points of vehicular access and egress and location of pedestrian routes at the St James Centre, Edinburgh was granted (planning reference: 08/03361/OUT).

Main report

3.1 Description of the Proposal

The application is for amendments to the previously approved listed building consent reference: 16/03663/LBC. The proposals, as per the previous permission, include the conservation and restoration of the building, including the re-introduction of original features such as:

- reinstatement of slated mansard roof and chimney stacks to original height;
- reinstatement of porticos to upper ground floor level;
- raising of the external ground floor level; and
- reinstatement of traditionally styled entrance stairs.

The main change from the previously consented scheme is the introduction of four, two storey projecting shopfronts on the north east elevation. The shopfronts are of a traditional design, grouped in double or quadruple arrangement across the facade and utilise traditional building materials.

Scheme One

Amendments have been made during the assessment of the proposals. The main changes relate to:

- alterations of the internal layout.

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 and
- c) any comments have been raised and addressed.

a) Listed Building

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Historic Environment Policy for Scotland sets out how we should care for the historic environment when taking planning decisions. The guidance on Managing Change in the Historic Environment sets out the principles that apply to these specific works and how it should inform planning policies. Policy Env 3 - Listed Buildings - Setting and Env 4 Listed Buildings - Alterations and Extensions in the Edinburgh Local Development Plan (LDP) state that proposals to alter a listed building will be permitted where those alterations are justified; will not result unnecessary damage to historic structures or result in a diminution of the buildings interest; and any additions would be in keeping with other parts of the building. Development within the curtilage of the listed building will only be permitted if not detrimental to the character, appearance of the historic interest of the building or its setting.

The main changes from the previously granted listed building consent (planning ref: 16/03663/LBC) relate to the addition of four projecting shop fronts to the principal elevation. The shopfronts are required for retail display and will provide a distinct public face to address the new St James Square. The shop fronts will utilise traditional materials, proportions and colours, referencing examples of traditional shopfronts added in other parts of the New Town Conservation Area. It is acknowledged that shopfronts will change the character of the building from a plain domestic tenement. However, this change must be considered as part of the wider regeneration of the St James Quarter and the building's changing relationship with the new St James Square, hotel and shopping centre. The proposals must also be considered as a whole in terms of the level of change to the building, including conservation benefits of the reintroduction of original features such as the mansard roof and chimney stacks, porticos, entrance stairs and improvements to the public realm. These changes are a significant conservation gain of the scheme and align with the aspirations of the Historic Environment Scotland (HES) Managing Change Guidance.

The traditional design will sit comfortably with the listed building and retains the traditional character of this built heritage asset within the wider St James Quarter. This will provide a contrast with the contemporary St James Square and creates an attractive juxtaposition. The shopfront changes are reversible and can be removed later if no longer required and the original window openings will be retained and maintain the original fabric of the building. The inclusion of shopfronts contributes towards the building's sustainability and securing a long-term future for the building that can adapt to different uses. The existing building is plain in design with its historic significance in its association with James Craig and the historic James Craig Square. This proposal will significantly enhance the condition of the building, reinstating many of the original features and the addition of shopfronts will form part of the comprehensive regeneration of the wider area and provide an attractive, animated façade to the new St James Square.

HES has objected to the addition of shopfronts as it believe they will cause some harm to the setting of the listed building by reducing its residential appearance. Concerns have also been raised in terms of the relationship with the neighbouring A listed tenement that survives in near original condition. However, HES has acknowledged that the harm would not be substantial. Whilst, the validity of HES's assessment is acknowledged, with the preference being that the tenement is conserved and restored as originally intended, it is considered that there are overall benefits to the building which outweigh any negative aspect of these additions. There are exceptional circumstances in this case that would justify the addition of shopfronts. Considering the wider redevelopment of the St James Quarter and formation of the new public square, the change in character from domestic tenement to a more commercially orientation reflects the changing nature of this part of the city and the building's ongoing history. Therefore, in this exceptional circumstance, the addition of shopfronts to the building is acceptable. If the Committee is minded to grant this application, it will be referred to Scottish Ministers for a period of 28 days.

With reference to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and setting of the listed building.

b) Conservation Area

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities. LDP Policy Env 6 Conservation Areas - Development permits development that preserves or enhances the special character or appearance of the conservation area and demonstrates a high standard of design, utilising appropriate materials to the historic environment.

The reuse of the building will form part of a diverse mix of uses and contribute towards the comprehensive redevelopment of the Edinburgh St James Quarter. The addition of shopfronts to the building will assist in providing visual interest to the building and integrating it with its new surroundings and reflects the changing character of this area. The conservation and restoration of the listed building will, overall, enhance the character and appearance of the conservation area and are a significant improvement on the existing condition. The proposal complies with LDP Policy Env 6 and Section 64 of the Act.

c) Representations

A site notice was published on 30 June 2020.

Material Representations - Objections

- Character of the listed building; this is addressed in section 3.3 a)

Conclusion

In conclusion, the proposals enhance the character of the listed building and the character and appearance of the conservation area. The scheme accords with HES Managing Change guidance and Section 14 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. If Committee is minded to grant consent, the matter shall have to be referred to Scottish Ministers.

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 30 June 2020. Three objections were received. A full summary of the matters raised by the objectors can be found in section 3.3 (c).

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

23 June 2020

Drawing numbers/Scheme

01 - 16, 17A - 20A. 21 - 46,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Declan Semple, Planning Officer

E-mail: declan.semple@edinburgh.gov.uk

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.

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

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

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

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

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

Managing Change in the Historic Environment: Doorways: Government guide sets out the principles that apply to altering the doorways of historic buildings.

Relevant policies of the Local Development Plan.

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.

Relevant Non-Statutory Guidelines

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

Other Relevant policy guidance

The 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.

Appendix 1

Application for Listed Building Consent 20/02527/LBC At 27, 29, 31 James Craig Walk, Edinburgh, Internal and external alterations, erection of shopfronts and associated works (as amended).

Consultations

Archaeology - response dated 20/07/2020

Further to your consultation request I would like to make the following comments and recommendations regarding this application internal and external alterations, erection of shopfront's and associated works.

This B-listed building constructed c.1870 building lies at the core of the UNESCO World Heritage Georgian New Town and represents the last significant survival of the James Square designed by James Craig. Designed originally as tenements for Walter Ferguson WS, the building was converted in to offices for HM Commissioners of Works in 1898.

Accordingly, this site has been identified as occurring within an area of archaeological potential and this application must be considered therefore under terms of Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV3, ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The works will require significant internal and external alterations to this Georgian B-listed building including the removal of an original staircase, internal stripping, excavation of new basement levels, lift shafts and a new tunnel linking it with the adjacent St James development. Although the removal of the original staircase is a significant and adverse impact upon the fabric of this historic building it is regarded in this instance to be acceptable given the consent history of the development.

Similarly, the proposed additions of wooden shop fronts are considered to have a significant and potentially adverse, impact upon the original character of these Georgian tenements by adding new and prominent architectural details. That's said on archaeological grounds this impact is not considered to be relatively moderate in terms of the impact upon the fabric and understanding of the building.

However, as stated in response to the accompanying FUL application (20/02524/FUL). it is recommended therefore that a programme archaeological historic building survey (level 2 annotated plans/elevations, photographic and written survey) of the existing building is undertaken prior to and during any alterations and ancillary works, to provide

a permanent record of this important historic structure and understand its development history from James Craig Design through to Late Victorian Government Offices. This will continue from and incorporate the results from the Historic building survey undertaken by AOC Archaeology Group (AOC 24323) in May 2018 prior to the undertaken of internal doughtings/demolitions.

In addition, a programme of archaeological excavation will be required to be of the interior of the buildings and route of the new tunnel, to fully excavate, record and analysis any archaeological remains. The results of this programme of evaluation will inform detailed secondary mitigation strategies to be drawn up to ensure the appropriate excavation, recording and analysis of any surviving archaeological remains prior to/during construction.

It is recommended that the following condition is attached in order fully record these important industrial buildings but also any associated buried remains as follows;

'No demolition/ development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, recording and analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Historic Environment Scotland - response dated 30/07/2020

Thank you for your consultation which we received on 29 June 2020. The proposals affect the following:

Ref Type	Name	Designation
LB30026 Building	JAMES CRAIG WALK AND PRINCES STREET, GENERAL REGISTER HOUSE SASINE OFFICE	Listed
LB30027 Building	JAMES CRAIG WALK, SCOTTISH OFFICE, FORMERLY 27-31 (INCLUSIVE NOS) ST JAMES'S SQUARE	Listed

Our Advice

We object to the application because the introduction of a range of two-storey shopfronts on the eighteenth-century terrace would significantly harm the character and special interest of the listed buildings.

Background

Nos.27-31 James Craig Walk (along with the Category A listed twinned tenement at Nos. 24-25) represents the last surviving, SW side, of St James Square, planned and designed by the New Town's architect James Craig (1739-95) as early as 1773, and largely built over the following decade. Craig's pared-down classicism relied on proportions and detail, and although now lost, one side of the square introduced Edinburgh's first 'palace front', where buildings were designed as a unified composition.

Although the range concerned has been much altered, not least with the extension of the Sasine Office in the first decade of the 20th century, it survived the late 1960s demolition of the remaining three sides of the Square. However, it was then left awkwardly sited with the lowering of the adjacent public realm. The only original doorpiece remained marooned at first floor level, until it too was removed.

The original Design Statement for the outline planning permission for the St James development (2008) urged sensitivity towards the block, and the associated Heritage Statement noted any alterations to the buildings should be informed by a conservation plan. In 2014 a conservation plan (heritage statement and impact assessment) was drawn up by heritage specialists Purcell for the listed building consent (LBC) for conversion of the buildings. It urged future changes should restore the original character of the buildings, whilst being as authentic as possible. The LBC application did just that

- restoring the original doorpieces, entrance stairs/platts and fenestration, as well as removing the latter sheer storey (1904) and restoring Craig's original mansard roof. This was in conjunction with the wider St James development's restoration of external levels to close to the original level of the Square.

Internally, there were only cross walls and the structure of a curved stair (we were informed that the stair itself was modern - if it is indeed original we would have urged its retention). We judged the removal of additional sections of the original internal walling as acceptable, being balanced by the positive external improvements to the listed building.

We welcomed the proposed restoration of this important range of buildings, viewing it as a major conservation benefit within the overall St James Centre redevelopment. We have since supported the removal of paint from the facades, and have raised no concerns over the changing use for the buildings.

Current proposals

In a pre-application meeting last year we intimated that we would be unable to support an approach to add two storey shopfronts to the buildings.

We consider that the current proposals, to add four sections of two-storey faux shopfronts onto the eighteenth-century facades, would be significantly harmful to the building's special interest, and is a retrograde step from the conservation plan adopted for the buildings in 2014.

Although we have no concerns with retail or catering uses within the buildings, we do not consider the extent of the alterations proposed are either necessary or desirable.

In such a major retail-led development (St James) we would suggest that uses that complimented the character and special interest of the buildings should be sought - there is a reference to different offers to the 'mall environment' within the Design and Heritage Statement. With this in mind, we note that around 50% of the units on ground and upper ground floor are planned for catering/retail. We would suggest that a catering use (bar, restaurant or café) would not require the level of advertisement and display space proposed.

We note the comments within the Design and Heritage Statement regarding display and advertisement. There are several retail and catering units in Edinburgh that operate within a similar Georgian façade without the need for shopfronts, even including one at 95 Princes Street, which has a similar accessible half-basement level.

The block has the benefit of level access to the entire lower ground level from the south of the site, and is centrally and prominently sited in the heart of the development with an open forecourt across from the signature hotel. It will undoubtedly benefit from a considerable level of both visibility and footfall.

With this in mind, we consider that there are other less harmful options for providing methods of advertisement for the units. As well as display and advertisement from within the units, there is scope for sensitive signage, hanging signs, free-standing panel signs and use of feature lighting.

The shopfronts proposed, which are not traditional, but rather a timber and glazed screen placed over the elevations, would harm the special interest of the buildings, which, despite alterations, still have a recognisable character, retaining all their original façade openings (with only the former doors changed to windows). We do not agree the shopfronts would 'retain the Georgian heritage of the building' as the chosen form of the shopfronts is from a much later historical period and approach to shopfront design. We consider the works would harm our understanding and experience of the block, introducing an artificial interpretation of its history, from that of one of Edinburgh's first residential squares. It would also differentiate the block from its Category A listed neighbour at Nos.24-25, which survives in near original condition.

In conclusion, we consider that the proposals would significantly harm the character and special interest of this range of Category B listed buildings.

The demolition of the majority of St James Square, originally designed in 1773 by James Craig, was one of Edinburgh's worst architectural losses in the post-war period. The approved proposals followed the recommendations of the Purcell conservation plan, and were a welcome restoration of the surviving side of the Square, a rare work by the designer of the First New Town.

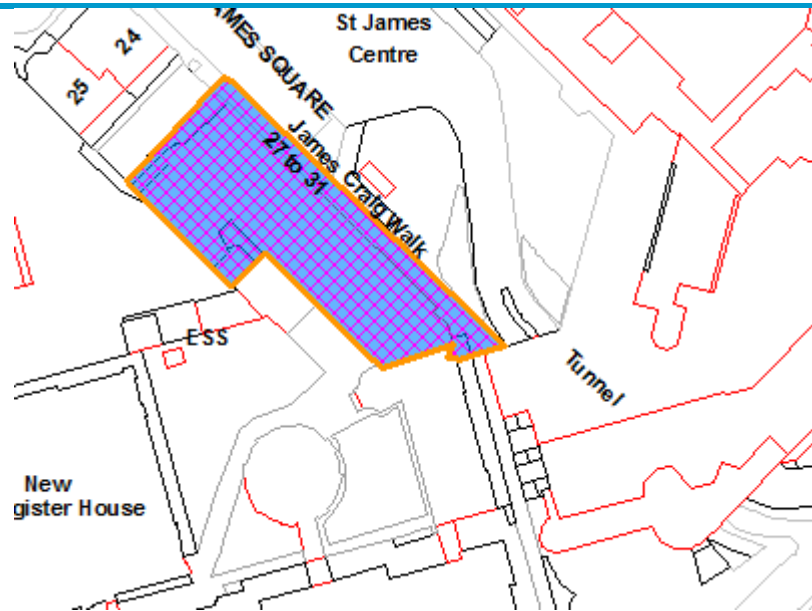
We welcome the investment to repair and convert these important buildings, but, consider that there are less harmful options to both reuse and advertise the units within the block. With this in mind, we would be happy to meet you and the applicants, remotely if necessary, to discuss our concerns and potential solutions.

If you are minded to grant consent, with or without conditions, you are required under the terms of the Planning (Listed Buildings and Conservation Areas) (Notification of Applications) Direction 2015 to notify Scottish Ministers.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 23 September 2020

**Application for Planning Permission 20/02790/FUL
at 1F1 16 Johnston Terrace, Edinburgh, EH1 2PR.
Change of use of apartment from residential to short term
business/holiday accommodation.**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposal is contrary to the policies contained in the adopted Edinburgh Local Development Plan. The proposed change of use would have an unacceptable impact on residential amenity. There are no other material considerations to outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL02, LHOU07, LEN06, LEN04, NSG, NSBUS, NSLBCA, OTH, CRPOLD,

Report

Application for Planning Permission 20/02790/FUL at 1F1 16 Johnston Terrace, Edinburgh, EH1 2PR. Change of use of apartment from residential to short term business/holiday accommodation.

Recommendations

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

Background

2.1 Site description

The application relates to 1F1 16 Johnston Terrace, Edinburgh. It is a two bedroom, first floor flat which is accessed through a communal door and stair. The property is five storeys with a ground floor level in use for commercial purposes.

The site lies adjacent to commercial uses, a hostel and places of worship. To the east of the site is four storey tenement buildings with residential use on the upper floors and commercial use at ground level. To the west, is the grounds of Edinburgh Castle.

The building is category B listed (listed on 14 December 1970 Reference: LB29194) and lies within the World Heritage Site.

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

2.2 Site History

The site has the following planning history:

29 October 2014 - Alter existing flat to relocate kitchen to existing bedroom accessed off lounge and form new bedroom within existing kitchen. - Permission not required (14/04164/LBC)

Main report

3.1 Description of the Proposal

The application is to change the use of apartment from residential to short term business/ holiday let accommodation

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 change of use is acceptable in this location;
- b) the proposal will preserve the character and appearance of the Old Town Conservation Area;
- c) the proposal will preserve the architectural and historical character of the listed building;
- d) the proposal raises any issues in respect of parking and road safety and
- e) any comments have been addressed.

a) Principle of development

The site is within the city centre where Edinburgh Local Development Plan (LDP) policy Del 2 (City Centre) permits development which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city. The policy requires uses or a mix of uses appropriate to the location of the site, its accessibility and the character of the surrounding area.

Policy Hou 7 (Inappropriate Uses in Residential Areas) states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

It should be noted that the LDP does not include any policies against the loss of residential use.

The non-statutory Guidance for Business states that for a change of use to short term commercial visitor accommodation, special regard will be made to the following:

- the character of the new use and of the wider area;
- the size of the property;
- the pattern of activity associated with the use including numbers of occupants,
- the period of use, issues of noise, disturbance and parking demand and
- the nature and character of any services provided.

The guidance states that change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs.

In connection to short stay lets it states - *The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.*

There have been a number of appeal decisions which have helped to assess whether a change of use has taken place and whether that change of use is acceptable.

There has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay lets. These decisions have typically allowed short term let uses in main door properties or flats with their own private accesses e.g. 11 Stevenson Drive (CLUD-230-2007), 103 Restalrig Road (CLUD-230-2006) and 17 Old Fishmarket Close (PPA-230-2238). There are also currently 66 planning enforcement cases open in relation to short stay let uses.

Recent appeal decisions like that at Flat 3F2, 22 Haymarket Terrace (ENA-230-2156) stress that the frequent movement by tourists, and other itinerant residents, of baggage along landings and stairwells as well as the necessity for daily servicing of the apartment all lead to a pattern of intense usage of the access stairs and communal areas beyond that which may otherwise be expected from an apartment of this size. All of which creates the potential for unacceptable noise and disturbance to existing residents.

The application site has no direct access from the street. The property is accessed via a communal entrance and stair. There will be direct interaction between users of the short term letting accommodation and long term residents of the surrounding residential properties.

The proposed use would enable new individuals to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents.

On the balance of probability, there could be the potential for disturbance to the living conditions of neighbouring occupiers and a detrimental impact on residential amenity.

In the appeal decision for 19 Old Fishmarket Close, where planning permission was refused, the Reporter highlighted "there is an important distinction to draw between external ambient noise, which is a characteristic of a city centre location such as this, and sources of noise and disturbance from within the building itself."

The Reporter added "the occupiers of residential flats on Old Fishmarket Close would be accustomed to some degree of ambient noise/ disturbance, and I consider it would be unrealistic to expect otherwise in such a location".

Whilst this application site is near the city centre, on a relatively busy street with varying uses present, there is the potential to create disturbance from the level of activity created by short term letting. The flat in question is located on first floor level, it is not a main door flat and the proposal could adversely impact on neighbouring residential amenity. The proposals do not comply with LDP policy Hou 7.

In terms of policy Del 2, the use is compatible with the mixed use nature of the area.

b) Character and appearance of the Old Town 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 which preserves or enhances the special character and appearance of the conservation area and which is consistent with the relevant character appraisal.

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

The proposal does not involve alterations to the building and will therefore not have an impact on the appearance of the conservation area. In addition, there is a range of uses evident in the immediate vicinity including a hostel, churches and shops. In the context of the existing variation present, the proposal will not impact on the character of this part of the conservation area.

Due to the small-scale nature of the proposal, there is no requirement to assess the impact on the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site.

The proposal therefore accords with LDP policy Env 6.

c) 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."

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

No alterations are proposed and there will therefore be no harm to the listed building.

The proposal preserves the architectural and historical character of the listed building and its setting and complies with LDP policy Env 4.

d) Parking and Road Safety

LDP policy Tra 2 (Private Car Parking) 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.

LDP policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where proposed cycle parking and provision complies with standards set out in Council Guidance.

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

It is noted that the applicant proposes no off-street parking provision for the site and whilst no cycle parking is proposed, the property is located within a city centre location with nearby access to public transport provision.

The proposal complies with LDP Policy Tra 2 and Tra 3.

e) Public Comments

Material comments - objections

- Support of planning reporter that proposed use is not appropriate in tenement property - addressed in section 3.3 a)
- Proposal contrary to local and national policy - Addressed in all sections
- Impact on listed building and conservation area -addressed in section 3.3 b and 3.3 c)

- Proposal lies in a World Heritage Site - addressed in 3.3 b)
- Impact on neighbouring amenity - addressed in 3.3 a)
- Impact on area through loss of character and community - assessed as part of sections 3.3 a) and b)

Non-material comments

- Continued use for short term accommodation during planning process - This matter cannot be materially assessed as part of assessing the merits of the planning application. Any unauthorised use may be a matter for planning enforcement to investigate separately
- Adequate provision of hostels and hotels, over provision of Air B n B properties - this is a commercial consideration which is not covered by current planning policy
- Loss of housing stock - the LDP does not include any policies against the loss of residential use.
- Impact on house prices - this matter cannot be materially assessed as part of this planning application.
- Fire and safety standards - this matter cannot be materially assessed as part of this planning application and may be a building standards issue.
- Impact on property insurance and title deeds - this is a private, civil or legal matter and therefore does not form part of the material assessment under this planning application.
- Use leads to an over capacity of people in the city - this matter cannot be materially assessed as part of this planning application.
- Contrary to SPP on New Homes - this is an application for change of use and this policy is not directly relevant. There is no LDP policy in relation to the loss of homes

Conclusion

The proposal does not comply with policy Hou 7 of the Edinburgh Local Development Plan. The proposed change of use would have an unacceptable impact on residential amenity. There are no other material considerations to outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as it would have an unacceptable impact on residential amenity.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Nine objection comments have been received.

Background reading/external references

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

Statutory Development

Plan Provision

Policies - Edinburgh Local Development Plan - Urban Area

Date registered

17 July 2020

Drawing numbers/Scheme

01, 02,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer

E-mail: lewis.mcwilliam@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

Other Relevant policy guidance

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

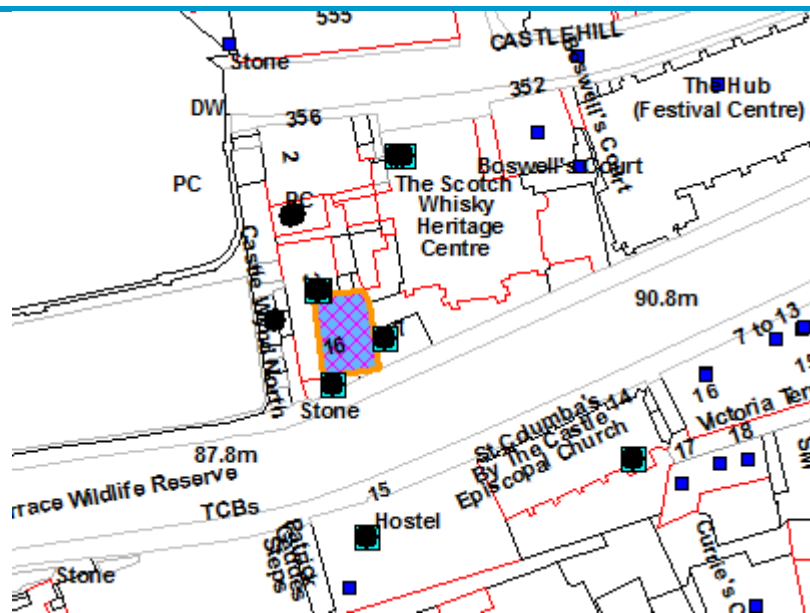
Appendix 1

**Application for Planning Permission 20/02790/FUL
at 1F1 16 Johnston Terrace, Edinburgh, EH1 2PR.
Change of use of apartment from residential to short term
business/holiday accommodation.**

Consultations

No consultations undertaken.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

This page is intentionally left blank

Development Management Sub Committee

Wednesday 23 September 2020

**Application for Planning Permission 20/02337/FUL
at Telecoms Apparatus 27 Metres North West of 55 Mayfield
Road, Edinburgh.**

**Proposed telecommunications installation: Proposed 20m
Phase 8 Monopole C/W wrapround Cabinet at base and
associated ancillary works (as amended in location and
reduced to 15m in height.**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The proposal, as amended, has an acceptable impact on the character and appearance of the conservation area. It does not have a significant or unacceptable impact upon neighbouring amenity and no adverse effect upon pedestrian movement. It complies with relevant local plan policies. No other considerations outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LEN06, LDES04, NSLBCA,

Report

Application for Planning Permission 20/02337/FUL at Telecoms Apparatus 27 Metres North West of 55 Mayfield Road, Edinburgh.

Proposed telecommunications installation: Proposed 20m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works (as amended in location and reduced to 15m in height).

Recommendations

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

Background

2.1 Site description

The site is a linear section of pavement backing onto a railing which encloses a small single storey commercial premises and front yard (behind a section of hedge).

The site lies opposite Mentone Terrace, which has a four storey tenement at its junction with Mayfield Road. However, the dominant built form is lower: a mix of single storey commercial and two storey residential. The adjacent garden ground to the north west has a group of well established trees within a private garden.

The only building of greater height lies well to the south, at the junction of Mayfield Road and West Savile Terrace, where there is a five storey tenement. This application site is located within the Grange Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The application proposes a 15-metre-high mast and associated ground cabinets on an area of pavement.

The application was amended from a higher (20 metre) mast, sited slightly further north.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal is appropriate to the existing streetscape;
- b) the proposal is appropriate to the character and appearance of the conservation area;
- c) the proposal preserves neighbouring amenity;
- d) the proposal impacts on pedestrian movement and
- e) comments are addressed.

a) Streetscape

LDP Policy Des 4 (Development Design - Impact on Setting) considers the impact of development on setting and local streetscape.

Scottish Planning Policy 2014 states that the planning system should 'support: development which helps deliver the Scottish Government's commitment to world-class digital connectivity' and 'infrastructure provision which is sited and designed to keep environmental impacts to a minimum'.

The location of the proposal has been amended, moving the structure southward. This, in conjunction with a height reduction of 5 metres, would reduce its visibility considerably when viewed from Mentone Terrace. Given the height of trees to the north, west and south-west, the structure would be screened effectively from those directions, at least for part of the year. The proposal would remain visible from Mayfield Road itself, but in its immediate context it would fit into a streetscape of mixed heights and character. Although the height of the monopole would exceed the height of nearby buildings, its narrow width mitigates its visual impact considerably, and its backdrop, being that of a small industrial yard, would also assist in mitigating the effect of the functional appearance of the mast.

The ancillary equipment is low level and would have a minimal and acceptable impact on the streetscape.

The proposal complies with LDP Policy Des 4.

b) Impact on the Conservation Area

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

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

The site is in a peripheral part of the conservation area, being on a main road, and the character here is somewhat different from other parts of the conservation area. Although the structure is higher than buildings in the immediate vicinity, its amended location and narrow form means that there would be minimal visual impact upon the surrounding conservation area. As seen from the north west and south-west, the structure would be partially screened by trees on neighbouring sites for at least part of the year.

The proposal complies with LDP Policy Env 6.

c) Impact on Neighbours

In terms of daylight, the monopole is too narrow to have any significant impact on daylight enjoyed by neighbouring residents.

Although the structure will be visible from a number of residential properties, its impact will not have a material effect on outlook.

d) Impact on Pavement

The pavement width is adequate, and the equipment would not have any adverse impact upon pedestrian movement.

e) Public Comments

65 objections were received. Reasons for objection were:

Material Comments

- excessive height/ visibility - addressed in 3.3 a) and b)
- poor siting - addressed in 3.3 a) and b)
- inappropriate in a conservation area - addressed in 3.3 b)

Non-Material Comments

- no drawings show relationship to tenement - sufficient drawings are submitted to allow assessment of the proposal
- health concerns - this is not a material planning consideration.

Conclusion

The proposal, as amended, would have an acceptable impact on the character and appearance of the conservation area. It would not have an unacceptable impact upon neighbouring amenity and no adverse effect on pedestrian movement. The proposal is acceptable and complies with relevant local development plan policies. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 3 July 2020.

65 objections were received. These are assessed in section 3.3 e) of the assessment.

Background reading/external references

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

Statutory Development

Plan Provision

The proposal is situated within the Grange Conservation Area.

Date registered

11 June 2020

Drawing numbers/Scheme

1a to 6a,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior planning officer

E-mail: stephen.dickson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

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

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

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

Appendix 1

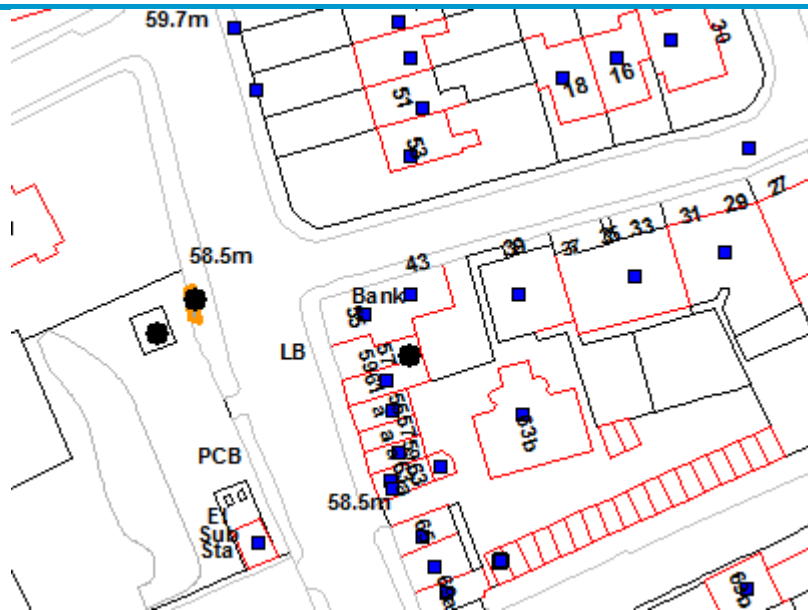
**Application for Planning Permission 20/02337/FUL
At Telecoms Apparatus 27 Metres North West Of, 55 Mayfield
Road, Edinburgh
Proposed telecommunications installation: Proposed 20m
Phase 8 Monopole C/W wraparound Cabinet at base and
associated ancillary works (as amended in location and
reduced to 15m in height.**

Consultations

Roads Authority

No objections

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Report Returning to Committee – Wednesday 23 September 2020

Application for Planning Permission in Principle 14/01177/PPP

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

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

Item number

Report number

Wards

A05 - Inverleith (Pre May 2017)

Recommendations

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

Background information

The application was granted by Development Management Sub-Committee on 25 February 2015 subject to a legal agreement requiring a financial contribution for educational infrastructure, affordable housing, transport infrastructure and Tree Management. This legal agreement was not concluded, and so planning permission has not been issued.

Since 2015 there have been new material planning considerations which meant that the application needed to be re-assessed. The duty to consider all material considerations continues until the time a grant or refusal is made, whether or not the resolution to grant is subject to a legal agreement.

On 19 June 2019 the Development Management Sub-Committee considered the application in the context of the new material planning considerations. The application was continued in order to provide more information in relation to changes in Local Development Plan Policy, mainly healthcare contributions, since the application's consideration of the proposal by Development Management Sub-Committee in 2015.

The application was then continued until 14 August 2019, where healthcare contributions were clarified as not being required. The Development Management Sub-Committee was satisfied and so the application was minded to grant.

All issues have now been resolved. However, due to timescale delays, the application is required to be presented to the Development Management Sub-Committee as it is outwith the timescale allowed under the scheme of delegation for completion of the legal agreement.

Main report

Legal Agreement:

There are no new material planning considerations which affect the Development Management Sub-Committee decision on 14 August 2019, where it was minded to grant this application subject to a legal agreement first being concluded to secure the necessary contributions towards education, transport and affordable housing.

Progress has been made in negotiating the terms of the legal agreement. Due to the complexities of the site, this has been time consuming and requires bespoke drafting over and above that found within the model S75 agreement.

Discussions have reached a point where it is considered that a further three month extension to the period will allow the legal agreement to be concluded.

Links

Policies and guidance for this application

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

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

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

Or [Council Papers online](#)

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Karen Robertson, Senior planning officer

E-mail: karen.robertson@edinburgh.gov.uk

This page is intentionally left blank

Development Management Sub Committee

report returning to Committee - Wednesday 23 September 2020

Application for Planning Permission 18/10180/FUL at Royal Blind School, 2B Craigmillar Park, Edinburgh. Refurbishment and conversion of existing listed school for residential use (21 units). Refurbishment and extension of existing gate lodge building. Demolition of non-listed structures and formation of new residential dwellings (27 units) (as amended).

Item number

Report number

Wards

B15 - Southside/Newington

Recommendations

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

Background information

The Committee was minded to grant planning permission on 31 July 2019, subject to the conclusion of a legal agreement within six months of this date to secure developer contributions towards education and affordable housing. The period for conclusion of the legal agreement has been extended for a further 3 months under delegated powers but that period has now expired.

Negotiations are continuing and are nearing conclusion.

Main report

There are no new material planning considerations which affect the Development Management Sub-Committee decision on 31 July 2019 that it was minded to grant this application subject to a legal agreement first being concluded to secure the necessary contributions towards education and affordable housing.

Meaningful progress has been achieved in negotiating the terms of the legal agreement. It is considered that a further three-month extension to the period to conclude the legal agreement will enable the planning permission to be released for this application.

It is recommended this application be granted to extend the deadline for concluding the legal agreement to enable planning permission thereafter to be released.

Links

Policies and guidance for this application

LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LDES06, LEN02, LEN03, LEN04, LEN05, LEN06, LEN09, LEN12, LEN16, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LHOU06, LTRA02, LTRA03, LTRA04, LRS06, NSG, NSGD02, OTH, CRPCMP, HEPS,

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

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PJ5I33EWKIT00>

Or Council Papers online

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

E-mail: laura.marshall@edinburgh.gov.uk

Development Management Sub Committee

Wednesday 23 September 2020

Application for Planning Permission 19/05832/FUL at Bangholm Outdoor Centre, Craighall Gardens, Edinburgh. Erection of new build Sports and Outdoor Centre to replace existing facilities on site (to be demolished) and provide sports facilities to be used by both Trinity Academy (located on Craighall Avenue) and the wider community.

Item number

Report number

Wards

B04 - Forth

Summary

The proposal will enhance the existing recreational and community facility and is acceptable in principle and in terms of design and form. The proposal will not result in any unreasonable loss of amenity to neighbouring properties or have a detrimental impact on road safety. The impact on trees is acceptable subject to replacement planting.

The proposal complies with the Edinburgh Local Development Plan and there are no material considerations which outweigh this consideration.

Links

[Policies and guidance for this application](#)

LEN06, LEN12, LEN15, LEN16, LEN18, LEN21, LDES01, LDES03, LDES04, LDES05, LHOU07, LTRA02, LTRA03, LEN22,

Report

Application for Planning Permission 19/05832/FUL at Bangholm Outdoor Centre, Craighall Gardens, Edinburgh. Erection of new build Sports and Outdoor Centre to replace existing facilities on site (to be demolished) and provide sports facilities to be used by both Trinity Academy (located on Craighall Avenue) and the wider community.

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 an area of open space and sports facilities known as Bangholm Recreation Ground. The site is used by the nearby Trinity Academy and the community and is owned by the Council.

The site lies within the urban area. The majority of the site is designated as open space in the Edinburgh Local Development Plan (LDP) with the exception of the land covered by existing buildings. The pedestrian access to the north west is also covered by a Local Biodiversity Site.

The surrounding area is predominantly residential. To the east, this includes two storey villas and flatted blocks which form part of the Trinity Conservation Area. Immediately surrounding the site to the north and south west are two heavily planted active travel routes, the Victoria Path and the Chancelot Path, which form part of a linear Local Biodiversity Site. Trinity Academy is approximately 400 metres by road to the north east.

The development site covers an area of 1.29 hectares while the wider playing fields cover an area of 1.95 hectares. The development site consists of various single storey buildings, a car park/ hardstanding area and part of the existing grass rugby pitch, along with an area linking to the Victoria Path and an area connecting to Holy Cross Primary School.

The existing buildings were constructed at different periods. The oldest building dates from the 1930s and was built as a pavilion type building with later temporary prefabricated buildings added in the 1950s. The newest building on site dates from 2006 and currently functions as a sports centre. All but the newest of the buildings are now in a poor state of repair and considered unsafe for use. There are also a number of shipping containers onsite used for equipment storage.

The car park currently has marked parking spaces for eight vehicles. However, much of the hard-surfacing functions as a general car park area providing in excess of 20 spaces.

The vehicle access to the site is from Craighall Gardens with cycle and pedestrian access from the Victoria Path to the north.

2.2 Site History

20 December 2005 - proposal for replacement pavilion and all weather sports pitches and floodlighting determined as deemed consent following referral to Scottish Ministers (05/00082/CEC).

4 September 2006 - New changing pavilion to replace existing, deemed permission (06/02862/CEC).

Main report

3.1 Description of the Proposal

It is proposed to demolish the existing buildings and redevelop the area occupied by the buildings and the existing car park. The development would consist of a main block measuring 2733 sqm. The block would be two storeys in height and function as a sports centre. Internally this will accommodate a main sports hall, a gym hall, dance studio, fitness suite, a flexible PE theory, community learning and café/community facility, along with changing rooms, toilets, office, storage and associated ancillary uses. A smaller building, measuring 50sqm, is proposed to the north east of the site which would operate as an outdoor centre including a workshop and changing facilities. A further external store is also proposed in this area.

Vehicular access will be provided using the current site entrance off Craighall Gardens with new pedestrian and cycle access points to the south east of the site connecting to Holy Cross Primary School and to the Victoria Path to the north west.

Supporting Information

The following documents were submitted in support of the application:

- Design and Access Statement;
- Local View Statement;
- Landscape Plan;
- Surface Water Management Plan;
- Ecological Survey;
- Bat Survey;
- Tree Survey and
- further Tree Survey and Method Statement.

These documents are available to view on the Planning 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 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 or enhance the character or appearance of the conservation area;
- c) the scale, form and design are appropriate;
- d) the impact on trees and the local biodiversity site is acceptable
- e) impact on neighbouring amenity is acceptable;
- f) the proposal will have any parking, traffic or road safety issues;
- g) there are any other material considerations and
- h) any comments have been addressed.

a) Principle of Development

The site is within the urban area and the majority of the site is designated as open space other than the footprint of the buildings which historically occupied the site, noting that the facility dating from 2006 is partially within the open space designation. The proposed sports centre and outdoor access centre are a replacement and enhancement of existing facilities; together these will increase the developed area by approximately 1000 sqm and include the development of land designated as open space.

Local Development Plan (LDP) Policy Env 18 (Open Space Protection) is used to assess any loss of open space. This states that proposals involving the loss of open space will not be permitted unless it is demonstrated that:

- a) there will be no significant impact on the quality or character of the local environment and
- b) the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area and

- c) the loss would not be detrimental to the wider network including its continuity or biodiversity value and either
- d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space, or
- e) the development is for a community purpose and the benefits to the local community outweigh the loss.

The open space proposed to be lost currently forms the hardstanding and car park area between the existing buildings. None of the space functions as usable open space.

In accordance with the criteria of LDP Policy Env 18, the development, though larger in scale than the existing facility, will not have an unacceptable impact on the quality or character of the local environment. The portion of open space is a small part of a much larger area and has very limited value. Whilst there is a noted shortage of accessible space in the wider Trinity area to the north west, the site itself offers and is surrounded by good quality open space and the loss of this area would not be detrimental to the wider network. Overall, the development is for a community purpose and the benefits to the local community outweigh the loss of this small non-functional area.

The loss of open space complies with LDP Policy Env 18.

b) 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 affecting the setting of a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area.

The eastern edge of the development site adjoins the Victoria Park Conservation Area. The conservation area is focused around Victoria Park and Victoria Park House and includes Victorian suburban development, with terraces and large villas in generous grounds. The conservation area character appraisal notes the contrast between open parkland and the more compact development which surrounds it.

The two residential streets of Craighall Gardens and Craighall Terrace border the development and contain semi-detached stone villas and terraces, along with a modern four storey flatted development.

A local view statement has been submitted as part of the application. This describes how the main building has been designed so that the double height spaces are located to the north west corner. This allows for the massing to be reduced to single storey where it is closest to the conservation area in order to minimise any impact.

Replacement tree planting is to be used to minimise the impact of the scheme when viewed from the conservation area. Additionally, the development will improve the appearance of the site through removal of dilapidated buildings.

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

c) Scale, Form and Design

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

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

LDP Policy Des 4 (Development Design - Impact on Setting) also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having 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 main building has a basic rectangular form reflective of the functional spaces within. The overall form and height of the building is broken up through the set back of the upper storey space, which is to be used as a double volume, sports halls. The use of semi-translucent cladding to this upper storey will enhance this appearance and add interest to the form. The ground floor elevations consist of plain buff and feature brickwork patterns with glazing and a slight recess to the main entrance and glazing to the west. The entrance and café area will provide further animation to this space.

The smaller scale outdoor centre will be relatively utilitarian in design, having a low-key appearance, with vertical-laid black metal cladding.

The development sits within a mixed context of open space playing fields and modern, four storey flatted residential blocks bordering the Victoria Park Conservation Area, which contains larger semi-detached villas. The linear Local Biodiversity sites are heavily planted and provide some screening to the site from the north and west in local views. The proposed buildings will be distinct within this context. However, the design adds a degree of interest and animation to the space and is appropriate for its use. It responds to the context through the recess of the upper storey where it sits close to the open space and conservation area. In height, the development will sit lower than the neighbouring flatted blocks. The use of cream/buff brick will complement the sandstone palette of nearby buildings, subject to condition.

The site itself has few features of interest. The removal of the existing dilapidated buildings from the site will have a positive impact on the character of the area.

The proposal complies with LDP Policies Des 1, Des 3 and Des 4.

d) Impact on Trees and the Local Biodiversity Site

The site incorporates part of a local biodiversity site to the north west and borders the Victoria Park Conservation Area.

Trees

LDP Policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

LDP Policy Env 6 (Conservation Areas - Development) requires development to preserve trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area.

It is proposed to remove 12 trees in total to facilitate the development. Two of these trees are from within the site and 10 in the surrounding area, including within the local biodiversity area. The tree survey and supporting information identify the majority of these trees as being in category U trees, meaning that they are in a poor condition. The survey recommends removal based on their health.

To the main entrance, an existing category C cherry tree is proposed for removal to facilitate construction. The tree is in moderate condition and currently acts to soften the edge of the site with the conservation area. Had it not been proposed for removal, it would be expected to live for a further 10 years. It is proposed to replace this tree with two further trees, which in time will establish this role.

The survey also identifies a 23m high lime tree just beyond the development boundary to the north east of the site, on the edge of the conservation area and within the garden ground of the modern flatted block on Craighall Avenue. This tree has been classed as a category A tree as a result of its landscape value. The single storey outdoor centre is proposed to be developed within the projected root protection and canopy area of this tree. At present the existing pavilion building lies partially within this area, along with several metal storage containers. A separate tree report and method statement has been submitted in relation to the tree. This recommends that prior to development, a series of investigations be undertaken to ascertain the actual locations and extent of the tree's roots. It provides detail on methods for ground protection, demolition of buildings and potential foundation solutions to allow development without affecting the tree roots.

Despite this, it is unknown if it will be possible to construct the outdoor centre without negatively affecting this tree. Given the extent to which the building is proposed within the indicative root protection and canopy area, there is potential that there will at least be some negative impact on the tree.

However, it is accepted that should methods to preserve the tree not be possible, given the wider community benefits of the proposal, the impact or loss of this tree can be justified, subject to replacement tree planting.

A planting plan has been submitted indicating 12 new trees within the grounds of the sports centre. However, this does not include replanting within the local biodiversity site and as yet cannot indicate a replacement tree should the category A lime tree be affected by the development. As such, conditions have been applied requiring a further planting and landscape plan along with maintenance arrangements to be submitted. This requires trees to be selected to enhance biodiversity, amenity and range of tree species.

Local Biodiversity Site

LDP Policy Env 15 (Sites of Local Importance) ensures development will not have an effect on locally protected sites.

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

A preliminary ecological appraisal and bat survey were submitted as part of the application. These indicate that there will be no adverse impact on species within the area with the site being generally of low ecological value. The appraisals recommend precautionary methods to avoid impact on breeding birds when felling trees along with enhancement measures including bat boxes. These elements have been included as informatives.

e) Neighbouring amenity

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

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) does not permit development which would have a materially detrimental effect on the living conditions of nearby residents.

The nearest residential properties to the development lie to the east of the site on Craighall Gardens and Grandfield to the north east.

The site is currently in use as a sports and outdoor centre and is regularly used by neighbouring schools during the day and the wider community in the evenings and weekends. The proposal would see an increase in activity, with the provision of a larger amount of facilities. However, these are housed within the proposed buildings, ensuring minimal noise disruption from activities. The only increase in outdoor provision is that of a small grass running track.

A sun path analysis has been submitted as part of the application and this indicates there will be no overshadowing to neighbouring properties and only limited overshadowing to shared amenity ground. There are no windows to the upper floor of the main sport centre block and no windows proposed on elevations to the outdoor centre where this adjoins the garden ground of neighbouring residential properties.

The semi-translucent upper storey of the proposed main building has the potential to cause a degree of light pollution, as does the existing floodlights to pitches. As a result of the 2006 application, the floodlights are currently restricted for use only between 8am and 10pm. A further informative has been applied to ensure there is no disturbance from illumination of the building.

Concerns have been raised in relation to the potential disturbance from both pupils and members of the public accessing the facilities.

Although this application does not form a proposal for a material change of use of the land, the applicants have advised that the new pedestrian and cycle access to the north will be the preferred route for pupils from Trinity Academy and there is a proposed access from Holy Cross Primary School. This will minimise the current use of informal short cuts and residential streets.

Existing access arrangements will remain in place for other users and vehicular access will be facilitated by the provision of a drop off point and turning circle for mini buses. Reduced parking and increased active travel access will encourage users not to travel by car and create a better environment for pedestrians. Parking is addressed further in part e).

The use of the site as a sports centre, along with community uses, is long established and whilst there will be an increase in activity with the new facilities, this will be controlled through operational means and improved access arrangements. The development will not create an unacceptable impact on neighbouring residential amenity and complies with LDP Policies Des 5 and Hou 7.

f) Transport

LDP Policy Tra 2 (Private Car Parking) 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.

LDP Policy Tra 3 (Private Cycle Parking) 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.

The proposal includes 50 cycle parking spaces in two different locations, at the main entrance and from the active travel route to the north. Parking on site has been reduced to two disabled spaces and four spaces with electric vehicle charging.

As indicated in d) the proposal has been designed to increase active and sustainable transport through increased cycling provision and connections and a reduction in parking.

The Roads Authority has no objections to the proposal and has commented that a controlled parking zone is being pursued for this area and is anticipated to come into operation in 2023.

The proposal will reduce the use of cars, prioritises active travel and accords with LDP Policies Tra 2 and Tra 3.

g) Other material considerations

Flooding

LDP 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 submitted a surface water management plan and supporting information. The Council's flooding officer has confirmed that this is acceptable subject to Scottish Water consultation. Scottish Water has no objections to the proposal.

Waste

A suitable bin storage area has been provided on site, with bins moved to the front of the site on collection days to facilitate access. The development will be subject to 'internal trade' collections as it is in Council ownership. Waste officers have confirmed they have no objections.

Contaminated land

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) states that planning permission will only be granted for development where there will be no significant effects for health, the environment and amenity.

Environmental Protection has requested that a site survey is undertaken prior to the commencement of development in order to establish whether there is a risk to human health from contaminants in the land as a result of prior railway use. The applicant will be required to complete and submit a contaminated land investigation for approval by the Council before any works commence on site.

The proposal complies with policy Env 22.

Archaeology

The City Archaeologist has concluded that there are no known archaeological implications regarding this application.

h) Public comments

Material comments - objections

- Lack of parking provision and impact on street parking - This is addressed in section 3.3 f);
- Increased traffic; - This is addressed in section 3.3 f);
- Road safety issues with pupils having to cross roads - new access arrangement for pupils are proposed and addressed in section 3.3 f);
- Loss of amenity from ball fences - This has been removed from the updated landscape plan;
- Impact of noise - This is addressed in section 3.3 d);
- Impact on trees - the is addressed in section 3.3 b).

Non-Material comments - objections

- Loss of view - This is not a material planning consideration;
- Potential for increase in on-site anti-social behaviour - the site will increase security and minimise trespassing as a result.

Material comments - Neutral

- Support scheme but concerned over parking - This is addressed in section 3.3 e);
- Support but concerned for protected species - This is addressed in section 3.3 c).

Material comments - Support

- Positive support for the application and provision of facilities.

Conclusion

The proposal will enhance the existing recreational and community facility and is acceptable in principle and in terms of design and form. The proposal will not result in any unreasonable loss of amenity to neighbouring properties or have a detrimental impact on road safety. The impact on trees is acceptable subject to replacement planting.

The proposal complies with the Edinburgh Local Development Plan and there are no material considerations which outweigh this consideration.

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

3.4 Conditions/reasons/informatives

Conditions: -

1. A fully detailed planting and landscape plan shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. This must detail replacement tree planting within the local biodiversity site and should tree NT5 as specified on Tree Protection Plan (reference ERZ 19 14 P20) be found to be compromised by the development, detail of its replacement. Trees to be included must enhance biodiversity, amenity and range of tree species. The approved plan shall be implemented within 6 months of the completion of the development.
2. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".

3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
4. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of by the Planning Authority, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the 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 to the satisfaction of the Planning Authority.

Reasons: -

1. In order to ensure that suitable replacement and enhanced tree planting is achieved, appropriate to the location of the site.
2. In order to safeguard protected trees.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

Informatives

It should be noted that:

1. 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. Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the planning authority.
5. Any new lighting scheme, including internal and external illumination, should be designed to avoid illuminating any of the woodland belt to the north-west of the site likely used by foraging and commuting bats.
6. Internal illumination at the upper level should be controllable to prevent disturbance to neighbours.
7. Internal illumination at the upper level should cease after 10pm to prevent disturbance to neighbours.
8. Based on the proposed demolition and tree felling there is a risk of killing/injury to nesting birds within these habitats which could result in an offence being caused; particularly during the nesting bird season (February to August, inclusive). Any demolition/felling should take place outside of the bird nesting period (i.e. outside of March to August inclusive) or failing that following confirmation by a suitably qualified ecologist that nesting birds are absent from the habitats to be cleared. These mitigation measures are a legal requirement and would therefore be secured as such.
9. To aid the schemes accordance with 'Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features' of the Edinburgh Local Development Plan, a minimum of two bat boxes should be installed on on-site mature trees.
10. A contribution of £2,000 will be required to progress the necessary traffic order.
11. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.
12. In order to ensure that the landscaping works are properly established on site, a landscape management plan, including tree replanting, should be submitted to the Planning Authority before work is commenced on site and implemented within 6 months of the completion 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

The application was advertised on 10 January 2020.

A total of 132 representations were received relating to the proposal. These included 15 objections, 115 support comments and two neutral comments. These included a response from the community council.

The representations 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

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

Date registered

13 December 2019

Drawing numbers/Scheme

01-11, 13,

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

Links - Policies

Relevant Policies:

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

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

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

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

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

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

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

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

Appendix 1

**Application for Planning Permission 19/05832/FUL
At Bangholm Outdoor Centre, Craighall Gardens, Edinburgh
Erection of new build Sports and Outdoor Centre to replace
existing facilities on site (to be demolished) and provide
sports facilities to be used by both Trinity Academy (located
on Craighall Avenue) and the wider community.**

Consultations

Roads

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

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

Note:

*The proposed application reduces the number of off-street spaces from 20 to 7 (including 2 disabled and 4 electric vehicle charging spaces);
It is understood that 50 cycle parking spaces are being made available;
A controlled parking zone is being pursued for this area and is anticipated to come into operation in 2023;
A travel plan is being progressed separately.*

Flood Officer

Thank you for sending through the responses. These satisfy CEC Flood Prevention's concerns. Once received, please confirm that Scottish Water agree with the proposed surface water discharge to the combined sewer.

Scottish Water

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 Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

This proposed development will be serviced by Edinburgh PFI Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently 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 via our Customer Portal or contact Development Operations.

Please Note

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 from the customer taking account of various factors including legal, physical, and technical challenges.

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

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of new build Sports and Outdoor Centre to replace existing facilities on site (to be demolished) and provide sports facilities to be used by both Trinity Academy (located on Craighall Avenue) and the wider community.

The site lies on the coastal plain to the SW of the historic harbour at Newhaven and appears to have remained agricultural land until the construction of the current sports ground in the 1920's, of which the sports pavilion is a surviving element. Although of some local historic interest, the loss of the 1920's pavilion is not considered significant.

Further, although considered to be within a wider area of archaeological potential, the new sports pavilion will be constructed essentially on the site of the current sports facility. As such due to this previous site history it is considered that it is unlikely that this scheme will affect any surviving archaeological remains.

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

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

This page is intentionally left blank

Development Management Sub Committee

Wednesday 23 September 2020

**Application for Approval of Matters Specified in Conds
18/08266/AMC
at Site North Of, Ferrymuir Gait, South Queensferry.
Residential development comprising 125x dwellings
(Approval of Matters Specified in Conditions of consent
14/01509/PPP),**

Item number

Report number

Wards

B01 - Almond

Summary

The Approval of Matters Specified in Conditions application accords with the conditions of the planning permission in principle and the Edinburgh Local Development Plan. One hundred and twenty-four new homes will be delivered at the site offering future residents a good standard of amenity including good pedestrian and active travel access to and from the site.

The proposed development is in the urban area and sits adjacent to existing urban development of suburban style. There is no impact on the setting of the nearby Forth Bridge World Heritage Site.

Access to and from the site from three separate roads, one of which is a private access road, is acceptable and the Roads Authority does not raise any concern with proposed new access from the site's east boundary.

There are no material considerations to outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN08, LEN12, LEN21, LHOU01, LHOU02, LHOU04, LHOU06, LTRA01, LTRA02, LTRA03, LTRA09, LRS06, NSG, NSGD02,

Report

Application for Approval of Matters Specified in Conds 18/08266/AMC at Site North Of, Ferrymuir Gait, South Queensferry. Residential development comprising 125x dwellings (Approval of Matters Specified in Conditions of consent 14/01509/PPP)

Recommendations

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

Background

2.1 Site description

The application site is located within South Queensferry on the former site of the Corus Hotel. The site is currently vacant land and is largely covered with scrub vegetation following the demolition of the previous hotel. The site slopes substantially towards the Firth of Forth and there are established trees in the north-west corner of the site. Further trees are established along the site's east boundary.

Vehicular access is currently from the south via Ferrymuir Gait, which is a private road. Residential properties surround the site to the north and east, and a play park is located at the site's southern boundary beyond which lie further residential properties. An off-road section of the National Cycle Network Route 1 passes through the south of the site via a shared path.

The former Forth Estuary Transport Authority (FETA) facility and compound bounds the site to the west.

2.2 Site History

22 January 2003 - an application for the erection of 117 dwelling houses and associated works was withdrawn (application reference: 02/00926/FUL);

05 November 2003 - the Committee was minded to refuse an application for a residential development comprising of 121 units and associated car parking (application reference: 03/00113/FUL);

12 February 2004 - an appeal against non-determination of the application for residential development was dismissed (appeal reference: P/PPA/230/559);

08 October 2015 - planning permission in principle was granted for residential development with associated accesses, roads and landscaping (application reference 14/01509/PPP); and

04 September 2019 - An application under Section 42 of the Town and Country Planning (Scotland) Act 1997 for removal of condition 2 (relating to design principles and site layout) of Planning Permission in Principle 14/01509/PPP is currently pending consideration (application reference 18/05713/FUL).

Main report

3.1 Description Of The Proposal

Scheme 4

This application seeks approval of matters specified in conditions 1-8 of planning permission in principle (PPP) 14/01509/PPP and includes the erection of 124 dwellings at the site with associated infrastructure and landscape works. A summary of PPP conditions 1-8 is in Section 3.3 a) of this report.

One hundred and twenty-four dwellings are proposed at the site consisting of market housing (92 units) and affordable housing (32 units / 25% of the total units). A mixture of housing types and sizes is proposed at the site.

Market housing comprises 1 bed flats (x4) and 2 bed flats (x11) in a single four storey building. Terrace and detached housing consist of 4 bed houses (x65) and 3 bed houses (x12). The affordable units include three bed terrace houses (x6) and a four-storey apartment building comprising 26 flats. The affordable flats comprise one bed flats (x7) and two bed flats (x19).

Gardens are located to the front and rear of houses and communal green spaces are included at apartment buildings. Informal green spaces are located around a proposed pedestrian access from Loch Place, at the centre of the site where tree planting is proposed and at the northwest of the site.

Proposed materials are limited to dry dash render, cast stone, grey concrete roof tiles or red roof pantiles and brick or cast stone basecourse.

Boundary features between housing plots include 1.8-metre-high timber fencing, hedging comprising Escallonia, Hornbeam, Laurel and Photina species and retaining walls are utilised in combination with fencing in selected parts of the site in response to topography. Boundaries interfacing with neighbouring properties at the site boundaries will be mostly unchanged from existing vegetation and trees.

Landscape and site level plans show hard and soft landscape proposals. Soft landscaping at the site includes tree planting across the site and at boundaries, mixed meadow and wildflower seeding, shrub planting, amenity grass and various hedging mixes. Hard landscape features include palisade boundary fencing, decorative aggregate in front of selected properties, asphalt paths with hand railing and tactile paving at the top and bottom of steps.

Retaining walls of varying heights are used in combination with the palisade fencing at some site boundaries in response to the site's topography, with a larger retaining wall featuring to the rear of gardens in plots 9 and 18-25. Similarly, some properties have under-build walls which responds to site levels at a limited number of plots and the private apartment building.

A SUDS basin is located at the lowest part of the site at the northwest corner, within a landscape setting.

Vehicular and pedestrian access to the site is proposed via Hugh Russell Place and Henry Ross Place at the site's east boundary. A further private access road to the site is provided via Ferrymuir Gait at the southwest of the site. Two additional pedestrian accesses are included from Loch Place at the east of the site and at the northwest corner leading beneath the Forth Road Bridge approach to Stewart Terrace.

Vehicular parking at the site is provided at individual properties or in courtyard spaces for apartments. Detached houses are each provided with driveways and in some cases secure garages are also provided at the ground floor. Semi-detached, townhouse and terraced properties have been provided with 1 space each. Both apartment buildings include 12 parking spaces each including one disabled space, two electric vehicle spaces and motorcycle parking.

Bicycle parking is available in private gardens for houses. The affordable apartment building includes a secure bicycle store on the ground floor for 52 bicycles. The private apartment building includes a secure bicycle store on the ground floor for 30 bicycles. National Cycle Network Route 1 is retained off-road on a three-metre-wide shared path at the south of the site and bicycle wheeling ramps are provided on steps at the north of the site where there is a change in levels at the site.

Supporting statement

The applicant has included several technical documents in support of the application. These are available to view on the Planning & Building Standards Online Services:

- Planning, Design & Access Statement;
- Site layout and detailed plans;
- Swept Path Analysis and refuse collection plan;
- Noise Assessment;
- Transport Assessment;
- Site Investigation Report;
- Flood Risk Assessment, Drainage Strategy and self-certification forms;
- Affordable Housing Statement;
- Archaeological evaluation and
- Sustainability Statement form.

Scheme 3

Following a change in applicant a revised masterplan and house types were submitted to the Council. The masterplan layout was revised to more accurately reflect the development concept submitted at the PPP stage including access points reverting to Henry Ross Place, Hugh Russell Place and Ferrymuir Gait.

A linear landscape area was re-introduced at the north of the site as well. Apartment buildings were reduced to four storeys in height in this scheme. Materials and house types were amended to reflect the new house builder taking the application forward. The National Cycle Network Route 1 was on-road and no provision was made for bicycles to navigate steps at the north of the site.

Scheme 2

The site layout for Scheme 2 differed slightly in street layout, building designs and appearance whilst apartment building heights were up to five storeys. Access at the east of the site was taken from Loch Place.

Scheme 1

The initial site layout resembled the indicative site plan that was considered as part of the PPP application. Access was provided through Henry Ross Place and Hugh Russell Place with emergency access available from Ferrymuir Gait at the site's southwest boundary. Houses and apartment building designs differed in materials, design and appearance reflecting the preferences of the previous applicant.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the development complies with the development plan and the planning permission in principle;
- b) the layout and design of the development is acceptable;
- c) the proposals are detrimental to the amenity of future occupiers and neighbours;
- d) access, movement and road arrangements are acceptable;
- e) impact on equalities and human rights are acceptable;
- f) there are any other material considerations and
- g) the representations have been addressed

a) Compliance with the development plan and planning permission in principle

Planning Permission in Principle (PPP) was granted for residential development with associated accesses, roads and landscaping on 08 October 2015. The PPP was granted subject to eight conditions and the applicant has now submitted a subsequent Approval of Matters Specified in Conditions (AMC) planning application to approve matters required in the PPP conditions.

Development Plan considerations

Since the grant of planning permission in principle on 8th October 2015 the Edinburgh Local Development Plan (2016) has been adopted. The site is located in the urban area as defined in the LDP Proposals Map. LDP policy Hou 1 part d) affords priority to housing proposals in the urban area, subject to compliance with other policies in the development plan. The principle of the development and extant planning permission in principle comply with the provisions of the Edinburgh LDP in principle.

Compliance with the planning permission in principle

The requirements of each of the PPP conditions and the applicant's response to them can be summarised as follows:

Condition 1 - sets out a range of details that the applicant must provide prior to commencement of any development at the site. Information required includes: site layout, design of all buildings and spaces; boundary treatments; car and cycle parking; road and cycle route design; drainage and landscaping and tree protection details; lighting details; a site survey; archaeological evaluation and access arrangements.

- Information submitted by the applicant, as detailed in the description of the development within this report, comprehensively addresses the matters specified in Condition 1 of the PPP.
- Condition 2 - requires the details of the development to substantially accord with the design principles established in the indicative masterplan submitted with the PPP.
- The submitted details substantially reflect the indicative masterplan from the PPP stage. Access roads at the east of the site, the position of streets, location buildings and landscape features as well as SUDS closely reflect the indicative PPP masterplan. The addition of an additional vehicle access to the site via Ferrymuir Gait is acceptable in the context of this condition and the proposed site layout and design principles substantially reflects the PPP.
- Condition 3 - is a pre-commencement condition relating to ground conditions and any subsequent remedial or protective works.
- The applicant submitted a site investigation report with the application. The Council's Environmental Protection service has not confirmed the details of this condition are met; however, this is not a requirement at this time and confirmation is required only prior to commencement of works.

An informative is recommended to note that the terms of condition 3 are not satisfied until confirmation is received from Environmental Protection that ground conditions and any remedial works are acceptable.

- Condition 4 - places a requirement on the applicant to include full details of the location and design of the surface water drainage scheme to be installed within the application site to the satisfaction of the Council and to SEPA's standards.
- The applicant has submitted a flood risk assessment and drainage plan with the AMC application and accords with the requirement of this condition. The Council's Flood Prevention Service does not object to the proposed drainage design. The site layout follows the principles of Sustainable Urban Drainage.
- Condition 5 - restricts the number of residential units at the site to 125.
- The applicant proposes 124 residential units in the form of apartments and houses at the site and complies with this condition.
- Condition 6 - requires the applicant to submit all hard and soft landscape details including planting species, location and quantity, tree protection measures and a maintenance schedule to be provided prior to commencement of development and the satisfaction of the Council.
- Detailed plans including hard and soft landscape details, planting information and tree protection measures with a maintenance schedule has been provided and the applicant accords with this requirement.
- Condition 7 - places a requirement on the applicant to secure a programme of archaeological work at the site to the satisfaction of the Council.
- The applicant has submitted an archaeological evaluation report and the City's Archaeology Service confirms that no further work is required. The applicant has complied with the terms of this condition.
- Condition 8 - requires the applicant to submit a noise impact assessment considering noise generated from a neighbouring compound at the west of the site. Mitigation measures must be identified and implemented if required following the assessment.
- The applicant has submitted a noise impact assessment in support of the application. Following a noise survey, it is confirmed that no mitigation is required, and the applicant complies with the terms of this condition.

The proposal and each of these conditions are now considered in further detail in the following paragraphs.

b) Layout and design

Layout

The proposed site plan is required to substantially reflect the design principles established at the PPP stage. In response to this requirement the applicant has retained a similar layout to the PPP indicative design, with properties and flatted blocks positioned mostly along streets that run east-west. Landscaped areas and the location of SUDS also reflect the design principles established for this site.

The proposed layout of the properties respects the urban grain in the surrounding area by providing detached, terrace and semi-detached housing with front and rear garden spaces. Townhouses and two apartment buildings add a mixture of house types at the site as supported by LDP policy Hou 2 Housing Mix. Density was addressed as part of the PPP with a maximum of 125 units permitted in principle, the applicant proposes 124 units as part of this AMC application delivering a density of 29.95 units per hectare at the site which accords with the terms of the PPP.

The layout of streets, type of properties and proportion of garden spaces are similar to existing properties in the surrounding area. Two four storey apartment buildings are located at the west of the site and there are 15 townhouses proposed which are three storeys in height; these buildings add variation to the type of houses within the site and are appropriate in their context which is suburban housing development. At the south of the site properties face on to a local park (Inchcolm Park) and offer a degree of natural surveillance at this location. Houses and flats around the rest of the site generally face on to the streets and pathways as well. The proposal complies with criteria b) and c) LDP policy Des 4 (Development Design - Impact on Setting) which require new development to reflect the surrounding townscape character and building positions on a site.

The proposed landscape design introduces tree and grass planting around the site, whilst most boundary trees are also retained. A linear landscaped area is included across the centre of the site where the topography begins to slope downward toward the north of the site; this space offers useable amenity space around the pedestrian access from Loch Place, and tree planting of a higher density will create an attractive landscape feature. A SUDS basin with surrounding grass planting is located at the northwest corner of the site which is the lowest part of the site.

Tree removal includes three unmaintained trees at the site's northern boundary following a suggestion by neighbours, eight trees at the east boundary to facilitate access and which was established at the PPP application stage, and a limited number of trees internal to the site where their removal was accepted at the PPP application stage. Replacement tree planting offsets the loss of these trees to provide a good landscape structure and the proposal complies with LDP policy Env 12 (Trees). Most existing trees at the site are retained in compliance with LDP policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features). An appropriate landscape planting schedule and maintenance scheme has been submitted. A condition is recommended to ensure the applicant implements the maintenance scheme.

The site is well-integrated with the surrounding area for pedestrians and cyclists with access points at the north, east, south and west of the site. National Cycle Network Route 1 passes through the site and the applicant has retained the off-road section of the route along the south of the site. Streets are safely designed and connect with the wider pavement and road network to offer future residents a route to local services and destinations by walking, active travel and vehicular modes.

Proposed vehicle parking for cars and motorcycles accords with Council standards and the layout is mostly at the front of properties and well-overlooked.

The proposal accords with LDP policies Des 7 (Layout Design) and Des 8 (Public Realm and Landscape Design).

Design

The proposed development consists of two storey houses, three storey townhouses and two four storey apartment buildings one of which is pitch roofed and the other has a flat roof. Surrounding properties are in the most part detached or semi-detached with two stories with pitch roofs.

The roof/ridge levels of the two proposed apartment buildings are similar in height to the neighbouring Transport Scotland building to the west of the site's boundary and form a small part of this development, the majority of which comprises two storey pitch roof properties. This brownfield site is within the urban area as shown in the LDP map and the proposal will be suburban in nature on a previously developed site, adding to the adjacent suburban area of Queensferry.

Representations raise concern over the introduction of two four-storey buildings at the site and possible impact on the Forth Road Bridge and the Forth Bridge World Heritage site. The Forth Bridge World Heritage Site was inscribed in July 2015. The application for planning permission in principle on this site (14/01509/PPP) considered the potential implications of development on this site on any viewpoints to the Forth Bridge. It was noted within the report on the PPP application that evidence was submitted to demonstrate that there was not an unacceptable impact on the important views.

The Edinburgh Design Guidance provides an updated context for assessing the impact on views and refers to the viewpoints contained in the document "The Forth Bridge World Heritage Site: Key Viewpoints" October 2016, prepared after the PPP decision was issued. There is one specific viewpoint contained within this document located to the west of the site adjacent to the Transport Scotland building.

The applicant has prepared updated visual information to support the development of the site and to gain a revised understanding of the relationship with the Forth Bridge. The viewpoint within the document is position in a location not on the formal viewing platform, which provides a series of views to enjoy the Bridge from. It is accepted that the view will alter as a result of this development. However, the topography of the site allows the housing to be set down and the bridge can be viewed. The applicant has provided additional visual information to demonstrate how the view changes as you progress along the viewing platform.

The alteration to the view was accepted as part of the PPP application and the detailed proposals now submitted maintains the position established at this stage. The design of the housing has been adjusted to ensure that the impact on the view is limited.

The site plan shows that material treatments vary between plots and the materials are appropriate within their context for a housing development. Some properties will be split level, with stepped access to rear garden spaces and lower level ground floors. The use of split-level properties, mostly at the north of the site, is an acceptable approach in response to the site's topography.

Bicycle parking is available in garden spaces at detached, semi-detached and terrace housing. Both the private and affordable apartment buildings include secure bicycle stores at the ground floor shown floor plans. A combination of single tier and two-tier racks will be used in the stores and the proposed number of cycle parking spaces complies with the Council's parking standards.

Refuse collection will be from within secure internal stores on the ground floor of the two apartment buildings and the refuse store layout, capacity and mixture of bins for recycling and residual waste meets the Council's standards. A street collection will operate for houses at the site. A swept path analysis submitted with the application demonstrates that refuse vehicles can operate safely at the site and the Council's Waste Service has confirmed the site's layout is appropriate for collection purposes.

The development's design reflects the type of properties in the local area and the urban grain which are evident in the surrounding area and a good standard landscape environment is proposed. The proposal complies with the requirements of LDP policy Des 1 (Design Quality and Context) and LDP policy Des 4 (Development Design - Impact on Setting) in terms of height and form and materials and detailing.

Layout and Design Summary

The proposal demonstrates a design-led approach that is consistent with the indicative masterplan considered as part of the Planning Permission in Principle. Existing features at the site, notably trees, are retained where possible and in combination with the landscape design contribute to placemaking. The site is well-integrated with the surrounding area via roads and pedestrian paths. Landscape design has influenced the masterplan and areas of public realm will be of appropriate scale and quality for a site of this size. Houses and apartment buildings offer a mix of house types at the site and the alignment of streets and type of houses are broadly reflective of the surrounding area's character.

c) Amenity

Design polices in the LDP lend support to well-designed developments that are appropriate in their surrounding context. Requirements relating to amenity are set out LDP policy Des 5 Development Design - Amenity and the EDG.

Neighbours

Neighbouring properties will retain a good level of amenity with reference to overlooking and privacy, appropriate distances between properties and boundary treatments.

Neighbouring properties to the east of the application site at Loch Place, Henry Ross Place, Hugh Russell Place and Canmore Street and are located at appropriate distance from proposed houses to ensure appropriate privacy and daylight is retained. Properties at Stewart Terrace which are north of the application site boundary sit lower than the proposed development due to the local topography. However, the proposed houses are in excess of 10 metres from the mutual boundary which is acceptable.

Neighbours object to disturbance and safety from increased vehicle traffic entering the site through Hugh Russell Place and Henry Ross Place. The principle of access at these locations was established in the PPP, whilst the Roads Authority is satisfied that these roads have adequate capacity for proposed vehicle movements. A private access to the site via Ferrymuir Gait at the west of the application site is also available for vehicle access which offers alternative access. Vehicle movements will increase on the adopted roads to an acceptable level in the context of neighbouring amenity. Transport and access are assessed in further detail below in Section 3.3 d) in this report.

Future residents

In accordance with LDP policy Hou 2 (Housing Mix) and the EDG a mix of dwelling types and sizes are proposed at the site to cater for different occupant requirements. Generally apartment and house sizes comply with floor space requirements and design features such as storage cupboards, utility rooms or ground floor garages are shown in floor plans. Eight three-bedroom houses (four affordable and four market) are approximately 4.5 sqm short of the recommended floorspace in the EDG. The 116 other homes provide space that exceeds the EDG requirements. Over 20% of homes provide space for growing families and the minor floor space deviation of the eight houses is acceptable. Both apartment buildings include dual aspect flats in excess of the 50% recommended in the EDG as well which is supported.

Gable ends of houses and apartments are designed to avoid overlooking neighbouring plots, boundary features include a combination of 1.8 metre palisade fencing and retaining walls, houses have appropriate private garden spaces and apartment buildings have access to external amenity space at the site. Retaining walls at plots 9 and 18-25 vary from one to a maximum of three metres. This approach at limited plots is acceptable in the context of the site's topography.

The neighbouring Inchcolm play park at the south of the site is also within walking distance for all properties. The Community Council requests that Inchcolm play park at the site's southern boundary be upgraded as part of the development; this is not a planning requirement and does not form part of the legal agreement concluded as part of the planning permission in principle. The location and layout of amenity space for the proposal accords with the objectives of the LDP design policies and policy Hou 3 (Private Green Space in Housing Development).

An appropriate level of internal and external amenity is provided for future residents within the site.

Amenity conclusion

Details submitted by the applicant show that a good level of amenity can be delivered across the site and in line with LDP policy Des 5 and the EDG.

d) Access and movement

Three main vehicular and pedestrian access routes are proposed at this site. Two vehicle access roads are located at the east of the site and these reflect substantially the PPP design principles for the site. The third access at the south west of the site via Ferrymuir Gait is a private road that serves the application site, facilitates access to the neighbouring former FETA building and also forms part of National Cycle Network Route 1. The applicant proposes 124 car parking spaces in a combination of courtyard and private driveways which complies with the Council's standards for Zone 3.

Two further new pedestrian paths to/from the site are proposed with an access point at the east of the site from Loch Place, and a further path at the northwest corner of the site providing a link to Stewart Terrace. These pavements, including the long linear path at the north of the site are asphalt surfaced paths. Where ground levels drop at the north of the site, a series of steps with accompanying steel handrails and bicycle wheeling channels are included to negotiate the site's terrain. The applicant confirms that an at grade path is not achievable at this location due to the site's topography and a suitable design solution for pedestrians and cyclists has been accommodated in this part of the site.

Representations object to the introduction of access roads to the application site from the east of the site on the grounds of road and pedestrian safety, increased traffic, disturbance and land ownership issues that would prevent the use of these accesses. Many representations express a preference for a single access point to the site via Ferrymuir Gait only, with no access taken from the site's eastern boundary.

The principle of access from the east of the site via two access points was approved at the PPP application stage and assessed to be suitable for a development of up to 125 housing units. The Roads Authority does not object to the introduction of these two access roads which include pedestrian pavements on both sides and would connect to existing roads and paths at Henry Ross Place and Hugh Russel Place. Accesses at the east of the site provide a safe route for all pedestrians, vehicles and cyclists. The National Cycle Network Route 1 is retained and will continue to be off-road through the site using a three-metre-wide shared path from Ferrymuir Gait through the site to Hugh Russel Place. Retention of this route, which is also a Core Path, complies with criteria b) of LDP policy Tra 9 (Cycle and footpath Network).

Many representations note that an alleged ransom strip at the site's eastern boundary would prevent the applicant from building access roads to the site via Hugh Russell Place or Henry Ross Place. The applicant has responded to contest these assertions and also confirm an unrestricted right of access to the site from Ferrymuir Gait; however, these are land ownership concerns and not planning matters. Representations further request that the adoption of Ferrymuir Gait by the Roads

Authority be a condition of any approval for this AMC application; this is not a requirement and access via two existing roads at the east of the site was established as being suitable in the PPP decision. The applicant has demonstrated via a Transport Assessment and survey data that proposed access points at the east of the site have suitable capacity to accommodate the proposed development, and this is accepted in comments received from the Roads Authority.

The applicant has attempted to address the objections regarding access to the site by introducing an extra vehicular access to the site via Ferrymuir Gait, which is a private unadopted road under the apparent ownership of Transport Scotland. At the PPP stage this road was only identified for emergency access, however the applicant contends that a right of access allows unrestricted use of this access road to access the application site. The inclusion of this unadopted additional access is acceptable where two alternative adopted access roads will be available from the east of the site. The use of Ferrymuir Gait as a private access road is a supplementary access to the site and is not a planning or Roads Authority requirement.

The application provides suitable access and accords with LDP policies Del 1 (Developer Contributions and Infrastructure Delivery) part 2, Tra 1 (Location of Major Travel Generating Development), Tra 2 (Private Car Parking) and Des 7 (Layout Design).

e) Equalities

The proposed development will introduce an environment that is safe and secure. A range of living accommodation, including affordable housing, is proposed and the applicant will be required to comply with the provisions of the Equality Act 2010 and Scottish Building Regulation requirements. Accessible parking spaces are included and comply with parking standards and the site is well situated for access to active travel and bus routes.

f) Other material considerations

Affordable Housing

The applicant proposes 32 affordable homes at the site in the form of houses and apartments. A Registered Social Landlord (RSL) has been involved in negotiations with the applicant and amendments were made to the layout of affordable apartments during the application process in response to the RSL's comments. Materials, apartment sizes and house types are appropriate despite not being reflective of the wider site, as no four-bedroom properties are provided. The Council's Affordable Housing service has provided comments confirming the 25% contribution required by policy Hou 6 (Affordable Housing) is met. An informative is proposed which requires the applicant to update their Affordable Housing Statement.

Proposed affordable housing complies with LDP policy Hou 6 (Affordable Housing) and is secured by the existing legal agreement.

Flood risk and drainage

The applicant submitted a Flood Risk Assessment and drainage information in support of the application. Drainage infrastructure at the site includes a surface water sewer, porous paving around apartment buildings and a SUDS basin at the north west corner of the application site. The applicant confirms that all drainage infrastructure is designed to Scottish Water standards for adoption. Scottish Water has also confirmed sufficient capacity for water and wastewater within their infrastructure network.

The Council's Flood Prevention Service is satisfied with the proposed drainage arrangements at the application site. An informative is recommended confirming that the Council will not adopt and maintain the surface water system including SUDS.

The proposal complies with LDP policy Env 21 (Flood Protection) and policy RS 6 (Water and Drainage).

Archaeology

The applicant submitted a Written Scheme of Investigation with the application to the satisfaction of the City's Archaeology Service. The archaeological work was completed in 2019 and reporting concluded that no further work was required to be undertaken. The application complies with LDP policy Env 8 (Protection of Important Remains) clause b) which seeks to protect archaeological remains in situ.

Noise

Condition 8 of the PPP required the applicant to submit a noise impact assessment in support of the development due to the presence of the Forth Estuary Transport Authority compound at the west boundary of the site. The assessment confirms that no mitigation is required, and noise levels are within required thresholds for residential development. The Council's Environmental Protection Service did not comment on the revised layout for this proposal but confirmed in earlier comments that no mitigation would be required for housing at the west of the site which was in a similar location and of a similar form.

Ground conditions

In response to PPP condition 1 I) and condition 3 the applicant submitted a Site Investigation Report (SIR) with the application. The SIR is still under review by the Council's contaminated land officer and it is recommended that the applicant liaises with Planning and Environmental Protection to confirm all aspects of PPP conditions 1 I) and 3 are addressed as the development progresses.

The information provided at this stage is of a sufficient detail to allow the development to progress. However, the committee and the applicant must note that PPP conditions 1 I) and 3) would not discharge as part of this AMC and the conditions remain until the Council's Environmental Protection service confirms acceptance of supporting information.

Sustainability

The application submitted Sustainability form S1 in support of the application. The proposal utilises a brownfield site, sustainable drainage infrastructure is acceptable, appropriate cycle parking provision and well-connected streets at the site provide opportunity to travel by different modes and domestic refuse and recycling provision is included. The applicant will be required to comply with Scottish Building Regulations.

The proposal complies with LDP policy Des 6 (Sustainable Buildings).

g) Representations

Representations raise the following material matters:

Object

- Traffic impact and road safety impact for neighbouring residents and surrounding network - addressed in Section 3.3 d);
- Safety of school pupils walking through the site - safe pedestrian access through the site is provided, addressed in Sections 3.3 b) and d);
- Refuse access from the east of the site and make adoption of Ferrymuir Gait a condition of any planning permission - addressed in Section 3.3 d);
- Proposed parking does not comply with parking standards - addressed in Section 3.3 d);
- Proposed path to the north west of the site should have appropriate surfacing instead of whin stone - addressed in Section 3.3 d), whin stone surface was removed and changed to asphalt in response to this comment;
- Impact on the National Cycle Network Route 1 - addressed in Section 3.3 d), an off-road shared path was retained in response to this comment;
- Proposed height of apartment buildings is inappropriate at this site and out of character with reference to the surrounding area and views of the World Heritage site at a visible site - addressed in Section 3.3 b);
- Tree loss associated with the development - addressed in Section 3.3 b);
- Noise impact on new properties - addressed in Section 3.3 c);
- Request upgrade to Inchcolm play park at the south of the development - addressed in Section 3.3 c);
- Impact on local services, schools and no developer contributions to mitigate any impacts - addressed in Section 3.3 f); and
- Drainage concern for properties at Stewart Terrace - addressed in Section 3.3 f).

Neutral

- Concern regarding access to the site and preference for Ferrymuir Gait to be utilised - addressed in Section 3.3 d);
- Request electric vehicle charging at the site - addressed in Section 3.1);
- Details of tree removal and maintenance should be provided - addressed in Section 3.3 b);
- Drainage concern at number 35 Stewart Terrace resulting from archaeological excavations - addressed in Section 3.3 f) and no further archaeological excavations are required at this site; and
- Prioritise non-motorised users at the site - addressed in Sections 3.3 b) and d).

Support

- New houses offer opportunity for those seeking a property in the area;
- Satisfied to see the site brought back to gainful use;
- Satisfaction with the proposed plan.

Non-material matters raised in representations include:

- Alleged ransom strip to prevent access at the east of the application site - this is a legal matter outwith the scope of planning legislation;
- Request that Transport Scotland agrees to Ferrymuir Gait being adopted - this is not a planning matter;
- Object to construction traffic accessing the site via the east boundary and request only Ferrymuir Gait is used for construction traffic - this is not a planning matter;
- Applicant did not consult the local community on the proposal prior to submitting plans - pre-application consultation is not a requirement for AMC applications;
- Alleged inaccuracies contained in supporting transport information;
- Alleged corruption within the Council - this is a police matter;
- Need for more shops in Queensferry in response to new homes - this application is for housing only.

Summary

The Approval of Matters Specified in Conditions application accords with the conditions of the planning permission in principle and the Edinburgh Local Development Plan. One hundred and twenty four new homes will be delivered at the site offering future residents a good standard of amenity including good pedestrian and active travel access to and from the site.

The proposed development is in the urban area and sits adjacent to existing urban development of suburban style. There is no impact on the setting of the nearby Forth Bridge World Heritage Site.

Access to and from the site from three separate roads, one of which is a private access road, is acceptable and the Roads Authority does not raise any concern with proposed new access from the site's east boundary.

There are no material considerations to outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The approved landscaping and maintenance scheme (planning drawing references: 55C-58C) shall be fully implemented within 6 months of the last property's occupation.

Any trees or plants which, within a period of five years from the completion of that phase of the development, die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.

2. Trees specified for retention in the landscape plans (planning drawing reference numbers 55C-58C) shall be protected for the duration of all site preparation and construction works at the site by fencing and in accordance with the requirements of BS 5837:2012 "Trees in relation to design, demolition and construction".
3. Notwithstanding the information submitted and for the avoidance of doubt reserved matters 1l) and condition 3 are not discharged on the basis of the nature of these matters requiring further on site investigations following commencement of development.

Reasons:-

1. In order to ensure the landscaping is established at the site and maintained.
2. In order to adequately protect the trees on site.
3. For the avoidance of doubt.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
4. The applicant will be required to contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;

5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), 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.
6. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
7. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
8. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
9. All private driveways should be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They should be installed and operational in full prior to the development being occupied.
10. The applicant is required to update the Affordable Housing Statement and submit to the Planning Authority to satisfy the terms of the Legal Agreement.
11. The existing footpath on the north west part of the site (leading to beneath the bridge) is required to be built to adoptable standards/RCC will be required;
12. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification;

13. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
14. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of the application's submission and revised plans on 10 October 2018, 04 November 2019 and 29 April 2019.

One hundred and fifty-one letters of representation were received in 2018 comprising 145 comments objecting to the proposal, one comment in support and five neutral comments.

Two hundred and fifty-four letters of representation were received in 2019 comprising 246 comments objecting to the proposal, four comments in support and four neutral comments.

Four hundred letters of representation were received in 2020 comprising 393 comments objecting to the proposal, four comments in support and no neutral comments. Three late comments were received.

One Member of the Scottish Parliament made comments objecting to the proposal.

Queensferry & District Community Council provided comments objecting to the proposal on 05 January 2020 and further comments objecting to the amended proposal on 20 May 2020.

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

Background reading/external references

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

Statutory Development

Plan Provision

The application site is shown to be in the Urban Area in the adopted Edinburgh Local Development Plan (LDP).

Date registered

3 October 2018

Drawing numbers/Scheme

01,02D,03D,04E,05D,06E,07B-21B,22C,23C,24B-53B,,
55C-59C,63C,64C,65D,66D,67-76,77A,78-89.,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Sean Fallon, Planning Officer

E-mail: sean.fallon@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Approval of Matters Specified in Conds 18/08266/AMC At Site North Of, Ferrymuir Gait, South Queensferry Residential development comprising 125x dwellings (Approval of Matters Specified in Conditions of consent 14/01509/PPP)

Consultations

Environmental Protection comment

The applicant proposes developing up to 125 residential properties on land that is bounded to the north by Stewart Terrace, to the east by Loch Place and Canmore Street, and to the south by a small park. The A90 is, at various distances, to the west of the land.

The applicant has submitted a support noise impact assessment due to the proximity of the A90. This assessment advises that no specific mitigation measures will be required. The applicant had also submitted a local air quality screening assessment with the PPP application which advised that no further air quality assessment analysis was required. Environmental Protection had concurred with those findings however would now highlight now that the applicant should consider installing electric vehicle charging points for all driveways serving residential properties. Environmental Protection would recommend that all properties have an outdoor standard 3-pin plug (13amp) installed with an option for future owner to upgrade them to a 7KW (32amp) with type two socket. Environmental Protection would request that the applicant highlights the charging point locations on a drawing.

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Therefore, Environmental Protection offer no objection subject to the following condition remaining attached with the addition of an informative;

Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

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

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

Informative

All private driveways shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They should be installed and operational in full prior to the development being occupied.

Transport Scotland comment

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

Transport Scotland updated comment

Having considered the revised plans and documents published on the planning portal on 7 April 2020, I would confirm that our response of 22 November 2019 remains unchanged.

Archaeology comment

I can confirm that I am now in receipt of the final report regarding the archaeological evaluation the first phase of the programme of work (excavation) required to be carried in response to the condition attached to 14/04172/FUL and associated 18/08266/AMC for proposed development of 151 houses and flats and community facility.

The archaeological work was undertaken by AOC Archaeology Group in October/November this year. Although a late-medieval/post-medieval boundary ditch was encountered, out with this single significant feature the results indicated that the rest of the site had been significantly affected by the construction and demolition of the former hotel which occupied most of the site. Therefore, having assessed and accepted this report it was concluded that no further work was required to be undertaken. Accordingly, I am happy to advise that the archaeological planning condition attached to these linked permissions can now be discharged.

Queensferry and District Community Council comment

QDCC wishes to place on record with the Planning Authority our vexation with the unusual "planning process" that has been adopted with this application.

QDCC contests that the agents acting on behalf of Corus have flexed the system to their advantage and to the detriment of the Queensferry Community.

The Applicant Corus and their agents have generally been obstructive in approach, haven't engaged in meaningful terms with the Community Council nor the community of Queensferry. This is contrary to good planning principles. In this present day generally there is obligation on agencies and service providers to consult with their end user, their customers and stakeholder groups. Corus and EMA have actively avoided consultation and should be called to account. At this late stage of the planning process we should not be looking to resolve outstanding issues.

For these reasons alone the plan should be outright rejected and not be accommodated by planning officers.

The present plan is so far removed from the approved plan, that had timed out and a new application should have been lodged, re-advertised and local consultations held in line with the Council Concordat agreement with Community Councils The fact that this request was refused is completely unacceptable.

Further that QDCC has written to the Direct of Place and no reply or satisfactory answers have been offered brings the planning process into disrepute. The role of a community council is to represent the views of the community it serves and QDCC seeks recourse such that the community is consulted about this revised plan. By allowing the applicants agents to circumvent due planning process denies QDCC its right to represent the communities' views.

The application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle. The decision letter for 14/01509/PPP was dated 8th October 2015 and on the 3rd October 2018 18/08266/AMC application was submitted just 5 days prior to the 3 years time limit allowed expiring and with no detailed documents.

QDCC takes the view that the developer agents were ill-prepared for this application and submitted just enough documentation for the AMC application to be registered so that that the PPP would not be dismissed and to provide them more time to work on the required documents.

Fact being it then took over a year for the required detailed documents to be finally added to the portal on the 4th November 2019. It was over 5 years since 14/01509/PPP was submitted and over 4 years since this was approved.

QDCC feels this should not have been allowed to happen and the application should have been refused. QDCC noted also that in the 14/01509/PPP application there was correspondence added to the portal on the 28th May 2018 regarding renewal of consent advice given to the agent and verifies QDCC's concerns that the developer wasn't ready to proceed and were needing to extend the timescales attached to the original consent. A further two extensions of time were given in February and July 2019.

QDCC did request further consultation events because of the time which has passed and the alterations to the original plan. AMC applications are linked to Planning

Permission in Principle that was granted previously (14/01509/PPP) - in these cases the applicant is only required to address the conditions specified in the PPP decision.

QDCC feels this decision was wrong and as our role as stated is to represent the views of the community QDCC contests that the whole of the Queensferry community should have been given the opportunity to view and discuss the new plans with the developer to understand the reasoning behind the significant changes in the plan and comment accordingly.

A precedent was set in Queensferry in 2014 when Bellway Homes were instructed to conduct a public consultation when lodging their revised application to build homes on the Ferrymuir site.

They had increased the number of homes by eleven more than the previous application, and altered the layout primarily necessary due to delays to the development caused by the building of the Queensferry Crossing.

QDCC together with many in the Queensferry community are opposed to just housing on this site and a mixed development would have been more favourable, creating jobs, leisure facilities and much needed tourist facilities.

QDCC is concerned that this plan puts at risk the Forth Bridge Tourism Strategy that CEC signed up to. This is a unique site and we feel that this is a missed opportunity not just for Queensferry but for all of Scotland where else is there such a unique setting with views of three bridges built in three different centuries, so much more could have been done at this location for so many more people to enjoy.

Our comments and concerns on the application presented are as follows:

o This development will have a significant impact on the community of Queensferry because of its unique location. Being on the boundary of the conservation area for Queensferry and because of its unique character and location which is pivotal as a gateway beside the Forth Road Bridge the design and build should be of a high standard of design. The design is just another 124 home housing development which could be built anywhere in Scotland is out of context with the locality. Corus are being allowed to offload this site and not being held to account.

o The traffic study is no longer relevant and out of date. Six hundred and fifty homes have been built and occupied in Queensferry since 2014, with another development for over 300 homes in progress at South Scotstoun, the Queensferry Crossing has opened and Queensferry has seen a model shift in traffic movement. This has placed additional traffic on Kirkliston Road which is the first point of access through the Varney estate to this development.

o Trip generation and queuing analysis is based on a traffic count from February 2012. There will have been changes in the existing Varney estate residents since then, with different travel patterns now applying to reflect its changing demographic profile and the new development is likely to attract younger families with different travel patterns. The 2019 proposal's estimate of vehicles numbers hasn't changed (33/hour morning peak. 43/hour arriving in the evening peak. QDCC feels that a further assessment is required together with an assessment on the impact of the additional

traffic in the other streets within the Varney estate such as Viewforth Road and Loch Place. The review is flawed quote; "being based on observation that on-street parking isn't common and most homes have driveways" how convenient and condescending is this statement! The study should be dismissed

o For congestion we now have more stringent parking restrictions at Queensferry Primary School, bus stop boxes on Kirkliston Road and more parking restrictions planned for the future which will possibly displace some parked vehicles into the Varney housing estate.

o Main vehicle access once in the Varney estate to the site has been changed to via Loch Place, the applicant Corus Hotels Ltd asked for this change but we do not know the reasoning behind it. There is emergency access only via Ferrymuir Gait. The most logical choice would be for the main access to be via Ferrymuir Gait as the vehicle access route via the Varney Estate encourages more traffic through Queensferry's roads especially Kirkliston Road and the Loan whereas the access via Ferrymuir Gait would negate that with a more direct route from the arterial roads but QDCC is led to believe that there has been no progress in being allowed this access. QDCC cannot understand

o how the emergency vehicle access only via Ferrymuir Gait will operate. Will this road be open but with no entry signage stating except for emergency vehicles. Two residents have also claimed they own a strip of land at Loch Place where the access road to the development is to be situated, it is said it is in their title deeds and they will not sell this land therefore access via Loch Place will not be possible at this location.

o Pedestrian connectivity through the development linking both east and west to other parts of Queensferry needs to be encouraged, enhanced and progressed in line with the authorities Active Travel Strategy. Connectivity from the South West is poor and doesn't provide easy access to the High street shops from the Forth Road Bridge. Pedestrian access from the development to the Hopetoun Crossroads bus stops is also required.

Housing Types

In the PPP application we were given the impression that housing would be two storeys high but with the AMC application we now have two 5 storey blocks of flats plus town houses. The views of the bridges were not to be restricted from the Contact and Education Centre

QDCC seeks that housing styles are sympathetic to the unique location and surroundings QDCC totally objects to having 5 storey flats built here

QDCC would like to bring to your attention a Reporters paper dated 12 Feb 2004 by the Scottish Executive Development Department a Mr Stephen Partington who comments; "The former Hotel though unattractive was relatively low and unassertive in its form. In contrast the proposed flats would dominate the skyline from all directions". So what has changed; the Forth Bridge is UNESCO World Heritage listed and QDCC believes that the five-storey flats impacts on the views of the Forth Bridge and sister bridges from the south west. The views are protected and if the view was important before UNESCO listing then the view is even more important now!

Open Space

There is little usable open space and the plan is dependent solely on the present open space available. The amount of open space should be increased per populace not decreased. The present plan doesn't conform to the authorities open space policy

Inchcolm Play Park

The existing Inchcolm Play Park will form the south edge of the development, with housing overlooking the park. This will integrate the park to the surrounding residential area and will no longer be isolated.

QDCC seeks that substantial investment is made on upgrading the park to give play opportunities and equipment for children of different age groups.

Taking also into consideration CEC's Play Area Action Plan(2016), which states houses and flats should have access to at least one of the following:

- o a play space of good play value within 800 metres walking distance*
- o A play space of very good play value within 1200 metres walking distance*
- o A play space of excellent value within 2000 metres direct distance*

The existing Inchcolm play park does not make it into the Good category in the latest play park audit. Dundas play park was classed as good at the time of the audit but is some distance away and Echline play park was classed as very good but the most direct access to this would be via the underpass at the Forth Road Bridge and across a grassy field. Good/very good play park facilities are required as near as possible to this development.

QDCC asks that should this application be approved that construction traffic does not use the streets within the Varney Estate and all construction traffic use Ferrymuir Gait as access

QDCC supports the comments received from residents:

- o Oppose access from the Varney estate*
- o Ferrymuir Gait access preferred*
- o The Varney Estate was never intended as a through route it has narrow streets, cul-de-sacs and tight junctions*
- o Access problems via Loch Place as two residents own a strip of land where the access is required. The Reporter in 2003 raised concerns about land ownership and this matter remains unresolved. The developer agents have done little to resolve the issue such that questions remain*
- o Questions asked about pedestrian accesses at both Henry Ross Place and Hugh Russell Place*
- o Objection to the inclusion of 5 storey flats in the plan*
- o Safety issues for children using this route to and from school and cyclists regarding the extra traffic the development will bring through the Varney Estate*
- o Validity of traffic study as it was taken so long ago*
- o Concerns regarding the junction from Viewforth Place onto Kirkliston Road*

- o Concerns that construction traffic will use the Varney Estate access
- o Ferrymuir Gait as access for construction traffic QDCC's objective in writing this letter is to have this plan rejected and revisited.

Queensferry and District Community Council updated comment

We acknowledge that the new developers have changed the site layout to try and eliminate some of the concerns raised by the local community and QDCC and to be more in line with the original PPP. It is on record that QDCC objected to the original plans which were subsequently approved but our objections remain particularly about safety and access to the development.

Our comments and concerns on the application presented are as follows:

This development will have a significant impact on the community of Queensferry because of it's unique location. Being on the boundary of the conservation area for Queensferry and because of it's unique character and location which is pivotal as a gateway beside the Forth Road Bridge the design and build should be of a high standard. The design is just another 124 home housing development which could be built anywhere in Scotland is out of context with the locality.

QDCC understands that in the PPP the Varney Estate was granted as the access route as the development has to connect to roads that are adopted but that does not mean it is the correct access for the community.

In the updated Design and Access document it is stated that it is intended to provide a 3rd access point via Ferrymuir Gait, a private and unadopted road but is the preferred access to the development for QDCC and many in the community. This was the original access to the site when the "Motel" was in existence. The developer has said publicly that they have rights of access and if necessary will take legal proceedings to do so but what assurances do we have that access will be granted and the necessary adoption of the road by CEC takes place. It's a bit disingenuous of the developer to claim this as primary access when it isn't adopted. QDCC seeks a condition to this planning application that the developer is required to confirm that they have obtained the necessary permissions for the Ferrymuir Gait access and adoption before any decision on the AMC. CEC's assessment on the likely adoption of that road would be helpful. If the Ferrymuir Gait access and adoption is successful - QDCC doubt that 3 vehicular accesses are required to the development and would seek that there is no need for vehicular access through the Varney estate. QDCC asks that this be a condition of the planning approval document.

The applicant owns the land on the north-west side of the development which runs towards the FRB and behind 1 - 4 Stewart Terrace. This land provides access to the FRB and the proposed development. QDCC is informed that the developers intention is to lay in "whin" footpaths. QDCC seeks that a condition of planning approval is that the paths are built to a standard that can be adopted and that similarly the surrounding land is landscaped and maintained as part of the overall development.

Concerns raised regarding the vehicle access from Hugh Russell Place over the proximity of the play park to the new road, from both a safety and pollution perspective.

An access road next to the play park is a poor idea, especially when alternatives are available. Concerns too on the pavements on the new access road at the very least there should be an allowance for an extra-wide pavement because this would be on the NCN1 cycle route and it's next to the existing play park where there's likely to be a lot of pedestrians too . At the moment pedestrians and cyclists have a dedicated vehicle-free path in this section which is presently too narrow for pedestrian and cyclists to pass safely. The plans show a narrow pavement on just one side of the road. Pavements on both sides of this road are required as children from the new development have no play areas on site and will be using the existing play park and will have to cross this road.

The cycling environment is adversely affected by the proposal of including vehicle access along Hugh Russell Place. Firstly an existing on-road route through Viewforth Place and Hugh Russell Place will become busier. Secondly there is no provision for cyclists in the extension of Hugh Russell Place (plots 63 to 72) near the play area where there is a footway proposed on just the south side of the street. This forces cyclists onto the new road. With the new road being built on an existing cycle route, as a minimum a 3 metre wide pavement should be provided so that an existing amenity on NCN Route 1 is not lost.

To have vehicular access through the Varney Estate it has to be remembered that this is not only cars but all types of vehicles, delivery vans of all sizes and at times HGV's delivering materials or home removals.

For congestion we now have more stringent parking restrictions at Queensferry Primary School, bus stop boxes on Kirkliston Road and more parking restrictions planned for the future which will displace parked vehicles into the Varney housing estate. This is seen at the moment during school hours at the junction with Viewforth Road and Kirkliston Road. Additional DYL's required here to make the junction clearer and safer for vehicles entering and leaving the Varney Estate.

Pedestrian connectivity through the development linking both east and west to other parts of Queensferry needs to be encouraged, enhanced and progressed in line with the authorities Active Travel Strategy.

Connectivity from the South West is poor and doesn't provide easy access to the High street shops from the Forth Road Bridge. Pedestrian access from the development to the Hopetoun Crossroads bus stops is also required.

Housing Types

The revised AMC shows that the 5 storey flats have been reduced to 4 storey QDCC does not feel that flats are appropriate in this development and seeks to have this reduced further to at least 3 storey or at the worst 3.5 storey style to reduce the height of the flatted properties.

QDCC seeks that housing styles are sympathetic to the unique location and surroundings.

QDCC would like to bring to your attention a Reporters paper dated 12 Feb 2004 by the Scottish Executive Development Department a Mr Stephen Partington who comments; "The former Hotel though unattractive was relatively low and unassertive in its form. In

contrast the proposed flats would dominate the skyline from all directions". So what has changed; the Forth Bridge is UNESCO World Heritage listed and QDCC believes that the four-storey flats impacts on the views of the Forth Bridge and sister bridges from the south west. The views are protected and if the view was important before UNESCO listing then the view is even more important now!

Open Space

There is little usable open space and the plan is dependent solely on the present open space available. The amount of open space should be increased per populace not decreased. The present plan doesn't conform to the authorities open space policy.

Inchcolm Play Park

The existing Inchcolm Play Park will form the south edge of the development, with housing overlooking the park. This will integrate the park to the surrounding residential area and will no longer be isolated. QDCC seeks that substantial investment is made on upgrading the park to give play opportunities and equipment for children of different age groups. Taking also into consideration CEC's Play Area Action Plan(2016), which states houses and flats should have access to at least one of the following:

a play space of good play value within 800 metres walking distance

A play space of very good play value within 1200 metres walking distance

A play space of excellent value within 2000 metres direct distance

The existing Inchcolm play park does not make it into the Good category in the latest play park audit. Dundas play park was classed as good at the time of the audit but is some distance away and Echline play park was classed as very good but the most direct access to this would be via the underpass at the Forth Road Bridge and across a grassy field. Good/very good play park facilities are required as near as possible to this development.

Construction Traffic

QDCC asks that should this application be approved with vehicular access through the Varney Estate that construction traffic does not use the streets within the Varney Estate and all construction traffic use Ferrymuir Gait as access. The streets within the estate cannot accommodate large vehicles and machinery deliveries. It is a safety hazard for the all residents especially the elderly and children and the condition of the roads would deteriorate within the estate very quickly. QDCC asks that construction workers and contractors/visitors have parking facilities within the site footprint and not park in the surrounding streets especially in the Varney Estate.

Revised Transport Assessment

On-street parking - the document states a review of the residential streets to the east of the site demonstrates that houses on both Henry Ross Place and Hugh Russell Place have driveways, therefore reducing the need for on street parking. This ensures that two-way traffic movement can be accommodated on these roads. QDCC disagrees with this statement as we have checked out this location and on street parking does exist especially in Hugh Russell Place thus making two way traffic difficult.

Car Parking - Paragraph 2.4.2 states CEC might allow up to 222 parking spaces in the development, but only 140 are being provided by the developer. In theory this might discourage residents from buying more cars than they need, but we know from experience lack of parking provision leads to conflict and displacing cars in surrounding streets or public car parks and in this case would mean the Varney Estate or the Transport Scotland and FRB car park. QDCC would like to see the parking spaces increased not expecting 222 spaces but more than the 140 quoted.

Paragraph 7.1 - Traffic for the site compound, the FRB admin offices and Contact & Education Centre will have an option of using a route through the housing development. There is no guarantee it will continue to use the private Ferrymuir Gait access, as this may not be maintained to the existing standard once alternatives are available.

Therefore the modelled scenarios should have been extended to include baseline traffic presently using Ferrymuir Gait which may divert to the other access points. QDCC accepts that the transport assessment covers the scenario of all new development traffic using existing adopted routes from B907 Kirkliston Road. However it fails to address the scenario of existing Ferrymuir Gait traffic from the B800 Ferry Muir Road switching to adopted accesses. This could happen either through driver preference or if Ferrymuir Gait falls into disrepair, and the applicant has offered no assurance that Ferrymuir Gait will be maintained once the development is complete. A further concern might be if the existing neighbours choose to leave the area. It is essential that liability for upkeep of Ferrymuir Gait is established now, before moving forward. This is necessary to preserve Ferrymuir Gait at least as an emergency access, if not the primary access often claimed by the applicant.

Ransom Strip

Although not deemed a planning matter but a legal one this has to come to a conclusion between the developer and the residents as it could get very bitter The residents objections/concerns are:

Objects to access via the Varney Estate

Pupils walking to school use the route through the Varney Estate and the added traffic would adversely affect their safety and wellbeing

It is part of the National Cycle network

The only acceptable route to the development is via Ferrymuir Gait - the residents want no access through the estate

Trees in Canmore Street would also be lost if these roads were to be constructed despite in previous Applications stating that all trees will be retained

Objects to the inclusion of 4 storey flats - They are sited at the highest area of the site , a blot on the skyline and seen for miles and they certainly are not sympathetic to their surroundings.

Not enough parking spaces within the site - There are only 18 parking places serving 41 flats as stated in Sweco Transport Assessment and described as "well below standard"

In the Sweco report it states that in both Hugh Russell Place and Henry Ross Place the houses have driveways saving off street parking resulting in no problems with two way

traffic. This assumption is incorrect. Most houses have just one space in front of their garages.

Ransom strip ignored by Ambassador Homes

Transport Scotland must agree to allowing Ferrymuir Gait as the access to this site and have it adopted by the Council for any development to take place

Concerns related to vehicular movements across the estate

Our objections remain because of access as we would like to see a solid commitment to Ferrymuir Gait for access as at the moment it is only intent.

Roads Authority Issues

The application should be continued.

Reasons:

Given the size of the development (over 100 units), a transport assessment should be submitted in support of the development. This would enable transport to fully assess the impact on the surrounding road network. It is noted that a transport statement has been submitted but this is not of sufficient detail.

Note;

The scoping and extent of the transport assessment to be agreed with transport.

Roads Authority Issues updated comments

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

- 1. The applicant will be required to contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;*
- 2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification;*
- 3. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*
- 4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-*

quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

5. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

6. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

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

Note:

a) A transport assessment has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments. Vehicular access will be taken from Henry Ross Place, Hugh Russell Place and Ferrymuir Gait. The development is estimated to generate 49 and 66 two-way vehicular traffic respectively for the morning (08:00-09:00) and evening (16:30-17:30) peak hours. For robust assessment of traffic impacts of the proposed development on existing road network, the modelling assumes that vehicular access will be taken from Henry Ross Place and Hugh Russell Place. The modelling results for studied junctions (10% threshold analysis) Viewforth Road/Viewforth Place junction and Viewforth Place/B907 The Loan junction) shows that both priority junctions will operate under capacity (RFC < 0.85).

The applicant has therefore demonstrated that the proposed and existing transport infrastructure will be able to accommodate the traffic impacts of the proposed development;

b) 22 cycle parking spaces proposed for the 11 apartment Block, 60 cycle spaces for the 30 apartment Block. Cycle parking will be provided within the curtilage of all the houses. The proposal complies with CEC cycle parking requirement in Zone 3;

c) 140 car parking spaces being provided complies with the Council's 2017 Parking Standards which could allow a maximum of 222 parking spaces in Zone 3; Passive EV charging provision will be provided for each house with a driveway /

garage; 4 EV charging and 2 accessible bays within the de-coupled parking provision associated with the flats and terraced housing;

d) The applicant proposes 3m wide walking and cycling route to connect Hugh Russell Place to Ferrymuir Gait along the site southern boundary (National Cycle Route);

e) The existing footpath on the north east part of the site is expected to be built to adoptable standards/RCC will be required;

f) The site layout provides active travel infrastructure which is well linked to the easts and is within 5 minutes walking distance to bus services (Lothian bus service 43 (2 service per hour) and service 63-1 per hour). the site is within 15mins walking distance to GP practice, supermarket, primary school and services within South Queensferry city centre;

g) It is expected that the applicant provides a footway connecting the site to the existing footway on south side of Ferrymuir Gait which ends few metres away from the site boundary. Ferrymuir Gait is 5.5m wide private access without footway on the north side. Ideally the Council would want the access to be brought to adoptable standards but given that it is not under the ownership of the applicant such requirement is considered unreasonable.

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 will be required to contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;

2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification;

3. The existing footpath on the north west part of the site(leading to beneath the bridge) is required to be built to adoptable standards/RCC will be required;

4. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;

5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), 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;

6. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

7. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

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

Note:

a) A transport assessment has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments. Vehicular access will be taken from Henry Ross Place, Hugh Russell Place and Ferrymuir Gait. The development is estimated to generate 49 and 66 two-way vehicular traffic respectively for the morning (08:00-09:00) and evening (16:30-17:30) peak hours. For robust assessment of traffic impacts of the proposed development on existing road network, the modelling assumes that vehicular access will be taken from Henry Ross Place and Hugh Russell Place. The modelling results for studied junctions (10% threshold analysis) Viewforth Road/Viewforth Place junction and Viewforth Place/B907 The Loan junction) shows that both priority junctions will operate under capacity (RFC < 0.85).

The applicant has therefore demonstrated that the proposed and existing transport infrastructure will be able to accommodate the traffic impacts of the proposed development;

b) The applicant proposes 52 secure cycle parking spaces for the 26 flats (affordable block) and 30 spaces for the 15 flats (private block). Cycle parking will be provided within the curtilage of all the houses. The proposal complies with the Council's minimum cycle parking requirement in Zone 3.

c) 140 car parking spaces being provided complies with the Council's 2017 Parking Standards which could allow a maximum of 222 parking spaces in Zone 3; Passive EV charging provision will be provided for each house with a driveway /

garage; 4 EV charging and 2 accessible bays within the de-coupled parking provision associated with the flats and terraced housing;

d) The applicant proposes 3m wide walking and cycling route to connect Hugh Russell Place to Ferrymuir Gait along the site southern boundary (National Cycle Route);

e) The site layout provides active travel infrastructure which is well linked to the easts and is within 5 minutes walking distance to bus services (Lothian bus service 43 (2 service per hour) and service 63-1 per hour). the site is within 15mins walking distance to GP practice, supermarket, primary school and services within South Queensferry city centre;

f) It is expected that the applicant provides a footway connecting the site to the existing footway on south side of Ferrymuir Gait which ends few metres away from the site boundary. Ferrymuir Gait is 5.5m wide private access without footway on the north side. Ideally the Council would want the access to be brought to adoptable standards but given that it is not under the ownership of the applicant such requirement is considered unreasonable.

Roads Authority Issues updated comments

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

1. The applicant will be required to contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;

2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification;

3. The existing footpath on the north west part of the site (leading to beneath the bridge) is required to be built to adoptable standards/RCC will be required;

4. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;

5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), 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;

6. *The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;*

7. *Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;*

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

Note:

a) *A transport assessment has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments. Vehicular access will be taken from Henry Ross Place, Hugh Russell Place and Ferrymuir Gait. The development is estimated to generate 49 and 66 two-way vehicular traffic respectively for the morning (08:00-09:00) and evening (16:30-17:30) peak hours. For robust assessment of traffic impacts of the proposed development on existing road network, the modelling assumes that vehicular access will be taken from Henry Ross Place and Hugh Russell Place. The modelling results for studied junctions (10% threshold analysis) Viewforth Road/Viewforth Place junction and Viewforth Place/B907 The Loan junction) shows that both priority junctions will operate under capacity (RFC < 0.85)*

The applicant has therefore demonstrated that the proposed and existing transport infrastructure will be able to accommodate the traffic impacts of the proposed development;

b) *The applicant proposes 52 secure cycle parking spaces for the 26 flats (affordable block) and 30 spaces for the 15 flats (private block). Cycle parking will be provided within the curtilage of all the houses. The proposal complies with the Council's minimum cycle parking requirement in Zone 3.*

c) *124 car parking spaces being provided complies with the Council's current Parking Standards which could allow a maximum of 124 car parking spaces in Zone 3; Passive EV charging provision will be provided for each house with a driveway /*

garage; 4 EV charging and 2 accessible bays within the de-coupled parking provision associated with the flats and terraced housing;

d) The applicant proposes 3m wide walking and cycling route to connect Hugh Russell Place to Ferrymuir Gait along the site southern boundary (National Cycle Route);

e) The site layout provides active travel infrastructure which is well linked to the easts and is within 5 minutes walking distance to bus services (Lothian bus service 43 (2 service per hour) and service 63-1 per hour). the site is within 15mins walking distance to GP practice, supermarket, primary school and services within South Queensferry city centre;

f) It is expected that the applicant provides a footway connecting the site to the existing footway on south side of Ferrymuir Gait which ends few metres away from the site boundary. Ferrymuir Gait is 5.5m wide private access without footway on the north side. Ideally the Council would want the access to be brought to adoptable standards but given that it is not under the ownership of the applicant such requirement is considered unreasonable.

Waste Services comment

As this is to be a residential development, waste and cleansing services would be expected to be the service provider for the collection of any domestic and/or recycling waste produced.

I have looked at the drawings available in the planning portal file, we would require further input to the points raised below in conjunction with our current instruction for architects and developers guidance (attached) to ensure waste and recycling requirements have been fully considered.

1. Confirmation on the waste strategy, are these all individual collections, is there any presentation point.
2. Confirmation that the swept path analysis, on file, is for the 12m vehicle in line with our guidance. Please note there can be no overhang from the road surface, over grass or shared surfaces/pathways.

Waste Services updated comment

As this is to be a residential development waste and cleansing services would be expected to be the service provider for the collection of domestic and recycling waste (Only).

Waste strategy agreed at this stage Y/N? Y

I can confirm that the architect has provided the information for the individual properties and the bin stores for the flatted properties, these are shown to be in line with our

instruction for architects guidance and waste and recycling requirements have been fully considered.

I would ask that the architect passes my contact information to the developer/builder and to stress that they will need to contact this department a minimum of 12 weeks prior to any collection agreement to allow us 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 inline 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.

Flood Prevention initial comment

We have no significant concerns over this application, but would request the following clarifications:

1. *Is this considered a major development under Planning definition? If so, an independent consultant is required to check the design and submission. They must then sign the required declaration (Certificate B1) for inclusion with the application prior to issue to CEC Flood Prevention. The certificate B1 already submitted has been signed by a professional from within the same organisation as those that have prepared the Flood Risk Assessment and Drainage Strategy Report (Bayne Stevenson Associates Ltd). The independent check should be conducted by someone from outside of Bayne Stevenson Associates Ltd.*

2. *Have any further discussions been had with Scottish Water? Could the applicant please clarify whether they accept the proposed surface water discharge rate to the surface water sewer and that they agree to adopt and maintain the surface water system?*

Flood Prevention further comment

We have no significant concerns, but perhaps this could added as a condition:

o Construction shall not commence until confirmation has been provided that Scottish Water accept the proposed surface water discharge rate to the surface water sewer and that they agree to adopt and maintain the surface water system, including SuDS.

Affordable Housing

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).

- o 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.*
- o 25% of the total number of units proposed should be affordable housing.*
- o 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 124 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (31) homes of approved affordable tenures.

The applicant has confirmed that 34 residential units will be of an approved affordable housing tenure, which is higher than the minimum 25% requirement (27% affordable).

The affordable housing will consist of a mix of seven 1-bedroom and nineteen 2-bedroom flatted apartments, together with four 3-bedroom terrace houses and two 3-bedroom semi-detached houses. The majority of the private homes are four bedroom however, significant number of larger properties are not viable for RSLs and can cause management issues. The proposed mix of affordable housing types has been improved following discussion between the applicant, the RSL and the Council. A greater number of three bedroom homes are being provided as a result. The applicant has worked with the RSL to address concerns regarding apartment layouts and space standards.

The Council aims to secure 70% of new onsite housing for social rent. We ask that the applicant updates their Affordable Housing Statement to show their intended mix of affordable housing and note that the mix needs to be agreed with the Council.

The affordable homes are required to be 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 the applicant is working with the RSL to achieve this.

The affordable 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 committed to providing over 27% on site affordable and is working with an RSL to deliver this. The mix of the homes has been improved following discussion with the Council and RSL. Although the proposed development is not representative, the number of larger properties has been increased and concerns

raised by the RSL have been addressed by the applicant in their latest revisions. We ask that the applicant updates their affordable Housing Statement to indicate the percentage of social rent which could be delivered on this site, noting that the mix must be agreed by the Council and that the aspiration is that 70% of affordable housing should be social rent.

Affordable Housing updated 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).

o 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.

o 25% of the total number of units proposed should be affordable housing.

o 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 124 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (31) homes of approved affordable tenures.

The applicant has confirmed that 34 residential units will be of an approved affordable housing tenure, which is higher than the minimum 25% requirement (27% affordable).

The affordable housing will consist of a mix of seven 1-bedroom and nineteen 2-bedroom flatted apartments, together with four 3-bedroom terrace houses and two 3-bedroom semi-detached houses. The majority of the private homes are four bedroom however, significant number of larger properties are not viable for RSLs and can cause management issues. The proposed mix of affordable housing types has been improved following discussion between the applicant, the RSL and the Council. A greater number of three bedroom homes are being provided as a result. The applicant has worked with the RSL to address concerns regarding apartment layouts and space standards.

The Council aims to secure 70% of new onsite housing for social rent. We ask that the applicant updates their Affordable Housing Statement to show their intended mix of affordable housing and note that the mix needs to be agreed with the Council.

The affordable homes are required to be 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 the applicant is working with the RSL to achieve this.

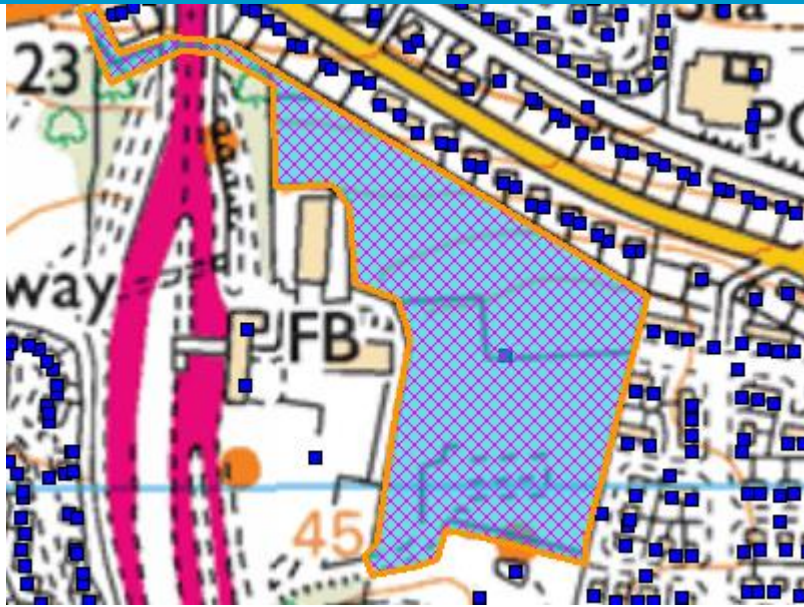
The affordable homes are situated within close proximity of regular public transport links and next to local amenities. An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.

3. Summary

The applicant has committed to providing over 27% on site affordable and is working with an RSL to deliver this. The mix of the homes has been improved following discussion with the Council and RSL. Although the proposed development is not representative, the number of larger properties has been increased and concerns raised by the RSL have been addressed by the applicant in their latest revisions. We ask that the applicant updates their affordable Housing Statement to indicate the percentage of social rent which could be delivered on this site, noting that the mix must be agreed by the Council and that the aspiration is that 70% of affordable housing should be social rent.

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

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 23 September 2020.

**Application for Planning Permission 19/02604/FUL
At Gyle Centre, Gyle Avenue, Edinburgh
Extension to shopping centre to include new retail, class 11
leisure and restaurant/cafe units with associated servicing,
relocated bus/taxi facilities and reconfigured car parking and
landscaping.**

Item number

Report number

Wards

B03 - Drum Brae/Gyle

Summary

The proposed development provides new retail and leisure space at the Gyle Centre with reconfigured food and beverage space. The proposal diversifies facilities at the shopping centre and supports its evolution as a commercial and leisure centre for the growing population in west Edinburgh as envisaged by the Edinburgh Local Development Plan (LDP).

The design of the extension is acceptable and will improve the appearance and visitor experience at the Gyle Centre. A good quality landscape environment, including a 'civic space' and 'pocket parks', is proposed to complement the proposed extension.

Public transport facilities in the form of a new purpose-built bus facility and active travel proposals are acceptable and proportionate to the scale of development that is proposed. The proposal complies with relevant LDP policies for transport and design matters. The Roads Authority objects to the proposed site layout for public transport and active travel reasons. Other matters relating to trees, drainage, protected species and air quality are acceptable.

The application complies with the Edinburgh Local Development Plan and the Edinburgh Design Guidance. The proposal is acceptable subject to conditions and the conclusion of a suitable legal agreement. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL04, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES12, LDES13, LEN09, LEN16, LEN21, LRET01, LRET04, LRET08, LTRA01, LTRA02, LTRA03, LTRA04, LTRA08, NSG, NSGD02,

Application for Planning Permission 19/02604/FUL At Gyle Centre, Gyle Avenue, Edinburgh Extension to shopping centre to include new retail, class 11 leisure and restaurant/cafe units with associated servicing, relocated bus/taxi facilities and reconfigured car parking and landscaping.

Recommendations

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

Background

2.1 Site description

The application site, which measures approximately 20 hectares, is located in the west of Edinburgh and consists of the Gyle Shopping Centre and its surrounding parking and service areas. The site is bounded by a railway line to the north, South Gyle Broadway and the Gyle Roundabout to the south, a landscape buffer behind which lies housing to the east, and Glasgow Road / the Gogar Roundabout to the west. The Edinburgh Tram runs through the south and west parts of the site and a tram stop is located within the site's boundary. Edinburgh Park/South Gyle lies directly to the south of the site.

2.2 Site History

06 June 2012 - Permission was granted for an extension to the Gyle Shopping Centre, incorporating units 33-36 (inclusive) to form a single new retail unit spread over two floors (Reference number: 11/01584/FUL).

20 August 2012 - Permission was varied for alterations to elevations including reconfiguration of roller shutter doors, fire exits and installation of loading bay canopy (Reference number: 11/01584/VARY).

7 April 2017 - A regulation 11 renewal of a previous planning permission (11/01584/FUL, granted 2012) for an extension to Gyle Shopping Centre, incorporating units 33-36 (inclusive) to form new retail unit spread over two floors was granted planning permission (Reference number: 15/01724/FUL).

This planning permission was due to expire on 06 April 2020, however provisions in the Coronavirus (Scotland) Act 2020 afford a 12 month extension for permissions that would otherwise lapse between 06 April 2020 and 06 October 2020. This planning permission therefore remains extant until 6 April 2021.

29 December 2017 - A proposal of application notice was approved for an extension to the shopping centre to include new retail, class 11 leisure and restaurant/cafe units with

associated servicing, relocated bus/taxi facilities and reconfigured car parking and landscaping (Reference number 17/05894/PAN).

A number of other minor applications covering floor space, changes of use and general operations at the shopping centre have been made with regard to the site's existing use.

Historic Planning Records:

January 1992 - Planning consent was granted to develop a district shopping centre and associated parking (planning reference 91/270).

May 1992 - Detailed planning permission was granted to develop a district shopping centre (planning reference 92/94).

Main report

3.1 Description Of The Proposal

The applicant seeks full planning permission for an extension to the Gyle Shopping Centre, including new retail space, leisure facilities, restaurant / café units with associated servicing facilities, relocation of bus and taxi facilities and reconfigured car parking and landscaping at the wider site.

The proposal includes significant amendments to the shopping centre's south elevation by introducing two symmetrical front facing extensions with retail space at the ground floor and leisure facilities at the first floor. A front-facing colonnade is proposed to link both new extensions and create a new and enclosed south-facing 'civic space'. Gaps in the colonnade allow for access to the shopping centre, glazing to retail units, access gates to service yards, vertical planting and advertising and signage. Advertising and signage is not included in the scope of this application. Materials for the two extensions include vertical aluminium panels, insulated mesh panels, stone panels, and grey brick. Other materials utilised in the colonnade and screen fencing includes gold metal mesh in selected spaces, planted screening walls, glazing, stone effect walls and timber benches.

The proposed layout includes new retail space at the ground floor, with a cinema, leisure and re-configured food and beverage space at the first floor. The schedule of floorspace at the ground floor comprises: Unit 1 - 2,184 sqm.; Unit 2 - 2,188 sqm.; Unit 3 - 443 sqm.; and Unit 4 - 411 sqm. The retail space at ground level measures 5,266 sqm. - new Class 1 retail floor space measures 4,663 sqm. with existing vacant units 33-35 and 54-55 making up the difference.

The schedule of floor space dedicated to food and beverage at the first floor comprises: Unit 1 - 129 sqm.; Unit 2 - 295 sqm.; Unit 3 - 238 sqm.; Unit 4 - 85 sqm.; and Unit 5 - 406 sqm. The total food and beverage space at the first floor is 1,153 sqm. and is a reconfiguration of existing space for this use as well as 580 sqm. additional food and beverage floorspace. A 'Changing Spaces' toilet facility is also included in the ground floor plan.

The proposed use Class 11 leisure (cinema) floor area measures 2,470 sqm. in total which includes a foyer area. Other Class 11 leisure floor space measures 1,740 sqm.

Access to service yards at the shopping centre's south elevation is provided via four securely gated access points. Two screen walls are proposed around service yards to the east and west of the extension buildings and will include recessed seating, stone effect walling, and patterned wall presented in a colonnade style. Limited demolition of existing service yard walls and single storey units at the front of the shopping centre beside the existing bus stops is required to facilitate the above extension.

Other amendments to the site include the addition of seating and small areas of ornamental grass at the entrances to Morrisons and Marks & Spencer stores, re-location of existing trolley bays at the Morrisons entrance area, the introduction of screening at a recycling at the west of the site and the re-location of public art features from pedestrian walkways within the site. Widening of paved areas is proposed in key pedestrian access points as well.

A new bus stop facility with capacity for seven buses is proposed near the main vehicular entrance to the site. Bus passengers would arrive at the site approximately 80-100 metres from the new shopping centre entrance.

A taxi collection and drop-off point for up to 17 vehicles is proposed in an allocated space in front of the shopping centre. A small landscaped island is proposed in the centre of the taxi area. The main expansion directly results in a reduction of 334 car parking spaces and other changes to the site's layout results in a further 57 spaces being removed. The proposal results in a reduction of car parking spaces from 2,561 to 2,170 at the shopping centre site.

A new cycle route is proposed to the centre of the site from the site's west boundary where an existing shared path offers a link to the Edinburgh Gateway transport interchange. The cycle route would be delineated on the road surface of the car park and would measure 1.5 metres-wide on each side of the carriageway. Four new cycle parking locations are proposed, comprising 20 spaces each. Forty spaces are located near entrances to the shopping centre, 20 spaces are located beside the bus facility at the south of the site and a further 20 spaces are located to the rear of the shopping centre for staff. Bicycle parking is to be covered. Existing bicycle parking at Morrisons (26 spaces) and Marks & Spencer (32 spaces) will remain in situ.

Landscape plans show that there will be some tree and hedge removal at the site to accommodate the extension and reconfigured layout at the site. The landscape masterplan identifies public spaces and new landscaped areas, with a central outdoor space behind the colonnade at the new front of the centre. A 'pocket' green space is proposed close to the tram stop at the Gyle and a further 'pocket' green space is situated near the bus stop facility and a main pedestrian path.

Scheme 1

The first iteration of the development included a minor variation to the site layout with less capacity for buses at the proposed bus facility. The taxi zone was previously located within the same area as the bus facility and cycle access was provided via an alternative shared path layout. A 'Changing Spaces' toilet facility not confirmed in Scheme 1.

Supporting Statement

The applicant has included several technical documents in support of the application. These are available to view on the Planning & Building Standards Online Services:

- Pre-Application Consultation Report;
- Design & Access Statement;
- Planning Statement and sequential test planning policy note;
- Transport Assessment, swept paths and supplementary supporting information;
- Food risk and drainage information;
- Landscape information;
- Bat activity report;
- Air quality assessment;
- Visualisations.

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 use is acceptable in this location;
- b) the layout and design of the proposal is acceptable;
- c) the proposal is acceptable in terms of transport, traffic or road safety;
- d) the proposal is detrimental to surrounding amenity;
- e) other material matters are satisfactorily addressed;
- f) issues raised in material representations have been addressed;
- g) there are any impacts on equalities or human rights.

a) Principle

The applicant submitted a planning statement and a document setting out the sequential approach to site in support of the application.

The application site is within the Urban Area of the Edinburgh Local Development Plan (LDP) and is allocated as a Commercial Centre. The LDP specifies Development Principles for Edinburgh Park / South Gyle and these apply to the application site; the Gyle Centre is identified for mixed use redevelopment (short/long term). Table 7 of the LDP recognises that there is an extant planning permission for 5,000 sqm retail space for an anchor store at the Gyle Centre and also states that there is an opportunity to enhance the leisure and community role of the centre to support housing growth in West Edinburgh.

Retail principle

LDP Policy Ret 1 (Town Centres First Policy) states that planning permission will be granted for retail and other uses which generate a significant footfall (including commercial leisure use, community and cultural facilities and healthcare facilities) following a town centre first sequential approach in order of locational preference, starting with town centres, to edge of centres, other commercial centres and then out of centre locations. The policy also specifies the circumstances when a retail impact analysis will be required to support retail development. LDP Policies Ret 4 - Ret 11 subsequently set out the terms for development in the sequential locations.

LDP Policy Ret 4 (Commercial Centres) states that proposals for additional retail floorspace in a Commercial Centre will not be supported unless it can be demonstrated that certain criteria are met. These criteria relate to the need to address a quantitative or qualitative deficiency within its catchment, ensure that alternative sites in town and edge of centre locations have been discounted with justification, and that the scale, format and type of development is compatible with the future role of the centre.

In this case, the LDP acknowledges that there is an extant planning permission for a 5,000 sqm. retail development at the Gyle. The LDP also clearly supports retail expansion at the Gyle to serve the growing population of West Edinburgh up to the level of 5,000 sqm. as currently approved. Although the configuration is not the same, and the proposed 4,663 sqm. is less than the 5,000 sqm. identified in the LDP, the principle of additional retail floor space at the Gyle has been comprehensively addressed through previous planning applications 11/01584/FUL and 15/01724/FUL and addressed in the LDP. Implementation of the proposal being considered in this application would mean the extant permission could not be implemented and the applicant could only implement one of schemes. In light of the existing planning permission for retail floorspace at the site and clear support in the development plan for the centre's growth, the principle of the proposed retail floorspace is accepted at this location. The proposal complies with criteria a) - c) of LDP Policy Ret 4.

The scale, format and type of development proposed is compatible with the future role of the centre specified in LDP Table 7 and complies with LDP Policy Ret 4 d). Policy Ret 4 e) seeks improved pedestrian and cycle links in the Edinburgh Park/South Gyle area. The applicant proposes an enhanced cycle route through the site that connects to

the surrounding path network in this location. Transport and accessibility are further addressed in Section 3.3 d) of this report

LDP Policy Del 4 (Edinburgh Park/South Gyle) establishes several policy requirements that relate to the boundary of Edinburgh Park/South Gyle as shown on the LDP Proposals Map. The policy states that planning permission will be granted for development that adds a wider mix of uses to the area. Criterion e) of the policy in principle supports additional leisure and community uses at the Gyle Centre, therefore the principle of development for leisure is supported by the LDP.

Leisure principle

During the assessment stage the applicant submitted a policy assessment of the site for the proposed leisure uses in this application. Under LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations), all potential City Centre or town centre options must be thoroughly assessed and discounted as unsuitable or unavailable. In addition, the development site must be easily accessible by a range of public transport options and not lead to an unacceptable increase in traffic locally; it must integrate satisfactorily into its surroundings with high quality design; and it must be compatible with surrounding uses and not lead to a significant increase in noise or general amenity.

The applicant has considered sites in both the city centre and the nearest town centre of Corstorphine. Developments such as St. James and at New Street in the city either have a cinema included or could not accommodate the proposal and Corstorphine does not have a suitable site available for the proposed development. The applicant also clarified that leisure uses are being proposed in response to the growing residential and working population planned for West Edinburgh. As noted above, Table 7 of the LDP specifically supports expansion at the Gyle Centre for leisure and community uses. LDP Policy Del 4 also specifically supports leisure proposals at the Gyle Centre. As the Gyle Centre is allocated for leisure development in the LDP, the sequential approach to site selection is satisfied. The proposal also complies with the other criteria of LDP Policy Ret 8 (b) - d)) relating to design, amenity and transport; these matters are addressed in further detail in sections 3.3 b), 3.3 c) and 3.3 d) of this report.

The proposal is acceptable in principle and complies with LDP Policies Del 4, Ret 1, Ret 4 and Ret 8.

b) Design and layout

Design

LDP design policies and the LDP Development Principles for Edinburgh Park/South Gyle must be considered for the site's design and layout.

The proposed design includes two new extensions at the south elevation of the existing centre which are two storeys in height and similar in size. A well-articulated frontage is created at this location, with the introduction of the new, two storey buildings and a colonnade that connects them. The proposed landscaped 'civic space' at the main

entrance improves the entrance to the shopping centre by removing traffic that currently exists.

The new frontage would mostly screen the central part of the Gyle Shopping centre building, which is currently defined by a bus turning circle and the building's pitch roof feature. The height of the two new buildings, measuring approximately 17 metres from ground level, would exceed the existing pitch roof height of the Gyle Centre by approximately 1.5 metres. The proposed colonnade feature is 10 metres high from ground level and lower than the two proposed buildings it links; its scale and purpose creates a coherent frontage to the shopping centre. The height of the two extension buildings, scale and proportions and building position is appropriate at this site when considered against the criteria of LDP Policy Des 4. The proposal also complies with LDP Policy Des 12 (Alterations and Extensions) part a) which seeks to ensure extensions are compatible with existing buildings.

In accordance with LDP Policy Des 1 (Design Quality and Context) the creation of a new frontage, combined with an associated landscape space, will create a good sense of place in the context of the site's use.

The proposed materials for the new buildings are appropriate for a development of this nature and contribute to a good quality development at the Gyle. Other aspects of the proposed development, including the colonnade and screening walls for service yards, are well-designed with reference to their materials, detailing and appearance.

Internally, the floor plans integrate well with the existing shopping centre and the new proposed external 'civic space'. Section 26 of the Planning (Scotland) Act 2019 requires developments of this type to include provision of suitable toilet facilities and the applicant has confirmed that an appropriate space is allocated on the ground floor. A condition is recommended to obtain confirmation from the applicant that all the required facilities and equipment specified in Section 26 of the Planning (Scotland) Act 2019 will be delivered.

The design of covered bus shelters, repositioned trolley stores at Morrisons and covered bicycle parking is also appropriate. The applicant provided an indicative design for cycle parking and it is recommended that the details for covered cycle parking should be secured by condition.

Layout of site

The proposed layout will amend many existing features at the Gyle Centre, including the location of bus and taxi facilities, landscaping and pedestrian and active travel access. Other changes include the relocation of existing public art installations and seating, new cycle parking, and the addition of two 'pocket' green spaces.

The LDP Development Principles for Edinburgh Park / South Gyle require a new green space within the Gyle Centre; the applicant proposes a small green space in the location indicated in the LDP. The new 'pocket' green space delivers an improved public realm near the existing tram stop for visitors to the site to enjoy. A further new 'pocket' green space is located along a second pedestrian route from the tram stop, and provides another attractive landscape setting for visitors arriving and exiting the site. A good landscape environment is proposed when these 'pocket' spaces are

considered in combination with the proposed 'civic space' at the main entrance and re-landscaped secondary entrances at the Morrisons and Marks & Spencer entrances.

A landscape masterplan, landscape strategy plan and detailed landscape drawings for the three main entrances to the shopping centre have been submitted by the applicant. The proposed landscape details, including the hard and soft landscaping details of the new 'civic space', are acceptable. In order to ensure full compliance with LDP Policy Des 8 (Public Realm and Landscape Design) it is recommended that a condition requiring a materials schedule for all hard surfaces and structures, as well as a planting plan and maintenance schedule, is attached to any planning permission.

The applicant proposes to retain public bus facilities, taxi collection and drop-off zones and pedestrian and active travel facilities. These enhanced site characteristics are appropriately designed with reference to the overall site layout. Improvements to the site's existing landscape and transport infrastructure complies with LDP Policy Des 3 (Incorporating and Enhancing Existing and Potential Features).

A good level of access is proposed for visitors to the Gyle Centre, with a dedicated bus facility at this private site. Pedestrians will be able to move between the main entrances at the application site via the new east-west path at the front of the site and the new frontage provides an improved environment in comparison to the existing arrangements. Four gated access points for service vehicles to four yards at the south side of the building are included. The Transport Assessment confirms that pedestrian priority is proposed at these locations and this is an acceptable method of managing any conflict at times when the secondary yards will need to be accessed.

LDP Policy Des 7 (Layout Design) requires new development to be well-designed for safe pedestrian access and well-connected for public transport within application sites and the surrounding area. In response to this policy, the applicant proposes a purpose-built, public bus facility at the site. Pedestrian and active travel paths within the site offers additional connections to the wider area.

The LDP Development Principles for Edinburgh Park/South Gyle show a 'primary pedestrian/cycle route' through the Gyle Centre. The applicant has included a new cycle path in a similar location to the alignment shown in the LDP and complies with this requirement. Detailed transport matters are considered further in Section 3.3 d) in this report.

With reference to LDP Policy Des 2 (Co-ordinated Development) the proposal allows for the delivery of the Development Principles for Edinburgh Park/South Gyle should future development be proposed at the Gyle Centre.

Design & Layout Conclusion

The application demonstrates compliance with the LDP vision for Edinburgh Park/South Gyle by including good public transport, pedestrian and cycle connections at the Gyle Centre.

The proposed design and layout of the development is appropriate in the context of the site and enhances the Gyle Centre with a modern appearance, whilst bringing improvements to the site's landscape, public transport, and pedestrian and active travel

infrastructure. The proposed development complies with LDP Policies Des 1, Des 2, Des 3, Des 4, Des 7, Des 12 and Des 13.

c) Amenity

Potential impacts on amenity must be considered in the context of LDP plan Policies Ret 8 (Entertainment and Leisure Developments - Other Locations), Des 5 (Amenity) and Des 12 (Alterations and Extensions). LDP Policy Ret 8 criterion d) requires development proposals to be compatible with surrounding uses with regard to noise, disturbance and on-street activity at unsocial hours. LDP Policy Des 5 establishes criteria that new development must meet to ensure the amenity of neighbouring developments is protected.

The proposed extension and associated works are located within a self-contained site and away from well-screened neighbouring residential properties to the east. The proposed extensions for floor space and the introduction of new leisure facilities at the Gyle Centre will not lead to any noise or other amenity issues in the surrounding area. The Council's Environmental Protection service has no objection to the proposed development in relation to amenity matters.

The proposal complies with LDP Policies Ret 8 and Des 5 in respect of amenity.

d) Transport

Proposed transport arrangements at the site must be considered in the context of the LDP Development Principles for Edinburgh Park/South Gyle and a number of LDP policies including: Tra 1 (Location of Major Travel Generating Development), Tra 2 (Private Car Parking), Tra 3 (Private Cycle Parking), Tra 4 (Design of Off-Street Car and Cycle Parking), Tra 8 (Provision of Transport Infrastructure), Des 7 (Layout Design) criterion c), and Del 4 (Edinburgh Park/South Gyle) criterion g). Policy Del 1 (Developer Contributions and Infrastructure Delivery) part 2 also refers to transport requirements for new development with a view to ensuring appropriate and usable infrastructure is available for different modes of transport.

The applicant amended the proposal during the assessment with a view to addressing comments from the Roads Authority matters raised in representations. Scheme 2 includes a bus facility for seven buses, a separate taxi collection/drop-off zone and a new cycle path connection along with associated cycle parking.

Despite these amendments, the Roads Authority maintains its objection to the proposed development. In summary, the points of objection are: insufficient bus capacity for the existing and future levels of service to the site; the geometric design of the public transport facility is not fit for use; egress arrangements for buses give priority to other vehicles; poor integration of public transport at the site which results in a facility less attractive for public transport users. Further points of objection relate to the lack of an east-west cycle route through the car park area directly to the main entrance, lack of integration with the proposed West Edinburgh Link and routes to West Craigs Maybury area, and the location of cycle parking at the site. A full copy of Roads Authority comments are included in Appendix 1 of this report.

Public transport

The applicant asserts that the existing bus facility is inadequate as its circular design prohibits disabled users from using buses, it has limited capacity, some stops are uncovered, the arrival space is dominated by buses and the space is shared with service vehicles and taxis. Supporting information states that the new bus facility addresses these limitations by including provision for disabled access kerbing, purpose built covered bus shelters, and segregation from taxis and service vehicles. The applicant further states that the re-located facility means buses encounter less traffic from cars and facilitates the redevelopment of the Centre frontage to be more pedestrian friendly.

In response to comments from the Roads Authority the applicant has submitted correspondence from Lothian Buses, one of the main bus operators visiting the site, which endorses the design principles of the bus stops subject to further construction design details relating to sight lines. Should the committee grant planning permission it is recommended a condition is attached to secure a detailed design and visibility splays for the bus facility. Swept path analysis also shows that 12 metre buses can access the site.

The Gyle Centre is a destination and some bus services terminate at the site. In the context of growth in the west of Edinburgh, the applicant is of the view that the nature of buses visiting the application site will change with the Gyle Centre being a stop along bus routes rather than a location where, at the present time, some buses terminate. Despite this view, the provision of seven bus stops retains a level of lay-by capacity at the site where buses can terminate. The correspondence from Lothian Buses further states that the provision of seven purpose-built bus stops is an improvement on the existing arrangement and would not cause any issues with network capacity.

Bus stops at the application site will move further away from the main centre entrance in comparison to the existing arrangements. The proposed site layout would see the bus stances moved approximately 80-100 metres away from the shopping facility's new main entrance space. This is a closer distance than the Edinburgh Tram stop at the site which lies in excess of 150 metres away from the nearest entrance at Morrisons. The increased distance of new bus stops from the centre entrance is acceptable and is comparable to other shopping centre sites in Edinburgh. Bus stop structures are covered and offer appropriate shelter for travellers and there is no requirement for the pedestrian route to the main centre entrance from the bus facility to be covered.

The Roads Authority objects to the proposed site layout which results in the necessity for bus passengers to negotiate between two to four pedestrian crossings to reach the shopping centre from public transport, leading to a less attractive public transport service. These crossings will be designed with dropped kerbs with pedestrian priority to provide a safe and acceptable means of access to the shopping centre as required by LDP policy Des 7 e).

The new location of the bus facility within Gyle Centre's site is acceptable and an alternative to car travel is provided in line with policy requirements. The provision of a purpose-built bus facility in the development is acceptable and complies with LDP Policies Del 1 part 2 and Tra 1.

The location of the new taxi collection and drop-off zone is proposed at the front of the extension building to the east. This location and design were proposed in response to comments and representations during the application stage. This taxi facility is in an appropriate location in relation to the extension and the wider site, contributing to the mix of transport modes at the Gyle Centre.

Active travel

The applicant completed and submitted an options assessment to establish appropriate access for active travel at the Gyle. The proposed new route provides a link from Edinburgh Gateway station at the west of the site which will link with an existing shared pedestrian and cycle path at the Gyle Centre's southern boundary. The route includes new 1.5 metre-wide-paths on either side of the car park carriageway. Whilst there will be a degree of interface between cyclists and vehicles along this part of the route, the car park is privately managed and low speeds ensure a safe environment for cyclists using this route either arriving at the centre or passing through. Cyclists arriving at the site via other external paths will retain the ability to enter the site at existing entrances from the path network surrounding the application site. The proposed cycle route layout delivers an improvement to the site by providing a connection to existing paths in the site and to the surrounding area.

The improvements are acceptable in the context of LDP Policies Tra 1, Tra 2 and Tra 3 which support development that delivers appropriate public transport and active travel facilities.

Some representations request a segregated east-west cycle path or shared route through the site; this is not required when the scale of the extension to the shopping centre is considered. The Council's proposed West-Edinburgh Link (WEL) active travel project is proposed to pass through the Gogarloch residential area to the east of the application site. The WEL proposal includes a shared pedestrian/cycle path that terminates at the service road at the Gyle Centre's north eastern corner, providing direct access to the Gyle Centre site. The WEL does not include any proposals within the application site and only proposes a link to the Gyle Centre as a destination. Cyclists arriving at the site can proceed within the site at this location to the nearest proposed bicycle parking beside the Marks & Spencer access as per the current arrangement. The applicant proposes to widen the pavement at this location to improve pedestrian access from the residential area to the east of the site however dedicated cycling access at this part of the site is not a planning requirement for the proposed extension proposals.

Parking standards

With reference to the Council's 2017 parking standards, which were applicable at the time the application was submitted, the proposed reduction in car parking spaces is supported. The Roads Authority is satisfied that the level of residual parking at the site can cater for peak demand and there is no requirement for electric vehicle spaces.

Parking Standards require 79 new bicycle parking spaces and 80 are proposed. Motorcycle parking is accommodated in the main car park and this approach is also acceptable to the Roads Authority.

Transport conclusion

The proposed transport infrastructure at the site is proportionate to the scale of the proposed extension at the site and improves upon existing public transport and active travel facilities at the Gyle Centre. Whilst noting the objection from the Roads Authority, the proposals provide an enhanced bus facility to support the role of the Gyle Centre within the West of the City. On balance, it is considered that the proposal accords with the aims of the LDP to ensure development proposals facilitate and encourage sustainable travel.

e) Other matters

Flood risk and drainage

The applicant submitted a Flood Risk Assessment and accompanying Drainage Strategy in support the application which concludes that there is negligible risk of flooding for the proposed extension over and above existing flood risk levels at the site. The applicant proposes the use of water-resilient materials and methods of civil/structural construction, and mechanical and electrical installation to ensure that the proposal is designed to be flood-resilient. This approach is acceptable for an extension to the existing shopping centre.

Neither SEPA nor Scottish Water object to the application. The Council's Flood Prevention service confirms that the finished floor levels for the extension are acceptable. The proposal accords with the requirements of LDP Policy Env 21 (Flood Protection).

Ecology and nature conservation

A bat activity report submitted by the applicant confirms that there is no evidence of bat presence at the site. The survey further establishes that existing buildings offer few features that would support roosting bats and the surrounding habitat is poor for foraging bats. Any clearance works, works to trees or demolition will be required to comply with relevant wildlife legislation and regulations and outwith the breeding bird season.

The proposal complies with the requirements of LDP Policy Env 16 Species Protection.

Trees and vegetation

The applicant submitted a plan showing the required removals of trees, hedges and shrubs at the site. Removal of some existing trees and hedges is required to facilitate the extensions to the shopping centre, the public transport facility, new landscaped pocket parks, pavement re-alignment of pavements in selected areas. Most of the trees are retained along key footways and within the car park, whilst existing peripheral boundary woodland at the southeast, west and northwest boundaries is all retained.

The Development Principles for the Edinburgh Park/South Gyle in the LDP support redevelopment at the Gyle and a degree of tree loss is required to facilitate new development within the site. The applicant has demonstrated that trees and hedges will

be removed only in selected areas of development and the site's remaining managed soft landscape features will be retained.

Due to the extent of the proposed extension there is limited opportunity to introduce replacement trees, however improvements to the site's landscape with 'pocket' green spaces and the new landscape 'civic space' ensure an appropriate level of amenity is retained. It is recommended that a planting schedule and maintenance plan for all new soft landscape features at the site including trees be secured by condition.

The LDP supports extensive redevelopment at the Gyle Centre and non-compliance with LDP Policy Env 12 (Trees) is acceptable in this context.

Air quality

The applicant submitted an Air Quality Impact Assessment (AQIA) in support of the application due to the site's proximity to two nearby Air Quality Management Areas (AQMAs). The St. John's Road AQMA lies 1.4 kilometres to the east of the site and the Glasgow Road AQMA lies 4.3 kilometres to the west. The assessment concludes that the proposed development will have a negligible impact(s) on local air quality. The application site is well-served by public transport and whilst the car park can cater for a large number of vehicles there will be a reduction of car parking spaces at the site thereby reducing capacity for travel to the site by car. The AQIA also notes that during the construction phase best practice procedures and a Construction Environmental Management Plan can mitigate any local issues such as dust from construction activities.

Neither SEPA nor the Council's Environmental Protection service object to the proposal and the objectives of LDP Policy Env 22 Pollution and Air, Water and Soil Quality are satisfied.

Edinburgh Airport

The application site is located near Edinburgh Airport. Subject to conditions the airport does not object to the proposal. Should committee be minded to grant planning permission, conditions relating to the management of birds, SUDS details and restricting the building at the site to 25 metres above ground level are recommended. An informative is also recommended regarding crane usage at the site.

Archaeology

The City Archaeologist does not object to the proposal and has noted that the application site has been significantly affected by the construction of the current shopping centre. Comments from the City Archaeologist further note that there may be archaeological potential related to the prehistoric Gogar Loch at this site. Consequently, should the committee approve this application it is recommended that a pre-commencement condition requiring a programme of archaeological works is attached to any planning permission to ensure the proposal would comply with LDP Policy Env 9 (Development of Sites of Archaeological Significance).

Developer contributions

Should committee grant planning permission it is recommended that a transport contribution of £682,902 towards the Edinburgh Tram is required and should be secured through a legal agreement.

f) Issues raised in material representations

Material Representations - Objection:

- Proposal is contrary to development plan policy - addressed in Section 3.3 a);
- Up to date sequential assessment for leisure and retail not provided and application therefore not compliant with LDP policy - addressed in Section 3.3 a);
- Traffic impact must be considered, and mitigation is required for any increased traffic - addressed in Section 3.3 d);
- Parking at the site should be further reduced - addressed in Section 3.3 d);
- Cycle routes within the site and connections to surrounding area are inadequate - addressed in Section 3.3 d); and
- No electric vehicle charging points provided despite increase in use of electric vehicles - addressed in Section 3.3 d).

Material Representations - Support

- Support for cinema and gym at the site with associated increase of food court use - addressed in Section 3.3 a); and
- Support for new facilities but request reduced car parking at the site improved pedestrian and cycle access to the centre outside the site boundary - addressed in Sections 3.3 a), b) and d).

Material Representations - Comments:

- Remove car parking spaces, increase size of bus transport hub and provide cycle lanes around the centre - addressed in Sections 3.3 c and 3.3 d);
- Request more outdoor green areas with seating - addressed in Section 3.3 b);
- Lack of sheltered pedestrian walkway from bus to shopping centre - addressed in Section 3.3 d);
- Design not in-keeping with existing centre - addressed in Section 3.3 b);
- Concern regarding building adaptability in the event of a cinema becoming unoccupied/unviable - the Town and Country Planning (Use Classes) (Scotland) Order 1997 provides use flexibility for leisure spaces and the proposed leisure floor space does not preclude the possibility of alternative uses;
- Agreement to upgrading of the Gyle in response to growth of wider area - addressed in Section 3.3 a);
- Potential for conflict with the West Edinburgh Link project must be avoided - addressed in Section 3.3 d);
- Improved design of cycle paths and provision for east-west movements through the site should be required to avoid conflict with pedestrians - addressed in Section 3.3 d);

- Improved design of bus and taxi zone required - applicant re-located taxi zone closer to the centre and addressed in Section 3.3 d); and
- All crossings for pedestrians and for those on bike should include a raised table - addressed in Section 3.3 d).

Non-material representations:

- Request management of car parking at the site and use by nearby office workers at southeast area of existing parking area use of which should be limited to three hours - management of parking duration at the site is a matter for the applicant;
- Request information on plans to occupy vacant units at the centre - this a management matter for the applicant;
- Request tree management at the site's west boundary due to trees blocking sunlight - management of trees at this location are outwith the scope of this application; and
- Risk and associated concern about number of pedestrian crossings and wheelchair access in the wider area - these features are outwith the application site boundary.

g) Equalities

The proposal is designed for a range of abilities and visitors to the site. Disabled parking spaces are situated close to the main shopping centre entrances and paths. The public transport facility and pavements are appropriate for pedestrians of various abilities as well.

During the period of assessment, a change in planning legislation introduced a statutory requirement for certain types of development to include accessible toilet facilities which meet specific technical standards. The applicant amended the floor plan accordingly and complies with this requirement. A condition to secure details of all internal technical design standards is recommended.

The applicant will be required to comply with the provisions of the Equality Act 2010 and building regulation standards.

Conclusion

The proposed development provides new retail and leisure space at the Gyle Centre, with reconfigured food and beverage space. The proposal diversifies facilities at the shopping centre and supports its evolution as a commercial and leisure centre for the growing population in west Edinburgh, as envisaged by the Edinburgh Local Development Plan.

The design of the extension is acceptable and will improve the appearance and visitor experience at the Gyle Centre. A good quality landscape environment, including a 'civic space' and 'pocket parks', is proposed to complement the proposed extension.

Public transport facilities, in the form of a new purpose-built bus facility and active travel proposals, are acceptable and proportionate to the scale of development that is proposed. The proposal complies with relevant LDP policies for transport and design

matters. However, the Roads Authority objects to the proposed site layout for public transport and active travel reasons. Other matters relating to trees, drainage, protected species and air quality are acceptable.

The application complies with the LDP and supplementary guidance.

The proposal is acceptable subject to a number of conditions and the conclusion of a suitable legal agreement. 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. A detailed design for the bus facility and accompanying visibility splays shall be submitted to the Planning Authority for approval prior to any demolition or construction works beginning on the approved development. The resultant approved bus facility shall be operational prior to the occupation of the new retail and leisure development.
2. Detailed plans, including a schedule of materials and planting species, for all hard and soft landscape features proposed at the development site shall be provided to the planning authority and agreed in writing with the planning authority prior to the commencement of works on the approved development. The approved hard and soft landscaping shall be completed within six months of the extension to the shopping centre opening to customers.
3. Proposed cycle routes and covered bicycle parking stands, the detailed design of which is to be submitted to the planning authority for approval, shown on planning drawing numbers 43 and 44 shall be completed and ready for use by visitors to the development prior to any of the new extensions being occupied and open to customers
4. The applicant shall submit details of toilet facilities demonstrating compliance with Section 26 of the Planning (Scotland) Act 2019 prior to completion of the approved development.
5. No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
6. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
 - monitoring of any standing water within the site temporary or permanent;

- sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>);
- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards';
- reinstatement of grass areas;
- maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow;
- which waste materials can be brought on to the site/what if any exceptions e.g. green waste;
- monitoring of waste imports (although this may be covered by the site licence);
- physical arrangements for the collection (including litter bins) and storage of putrescible waste arrangements for and frequency of the removal of putrescible waste;
- signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

7. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:

- Attenuation times;
- Profiles & dimensions of water bodies;
- Details of marginal planting.

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reasons:-

1. To ensure public transport facilities at the application site are fit for use.
2. To ensure an appropriate landscape environment is secured at the application site.
3. In order to ensure the development provides appropriate active travel facilities for modes of travel other than the private car.
4. To ensure the development complies with Section 26 of the Planning (Scotland) Act 2019.
5. In order to safeguard the interests of archaeological heritage.

6. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
7. To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policycampaigns/operations-safety/>).

Informatives

It should be noted that:

1. Planning permission should not be issued until the applicant has entered into a suitable legal agreement for the following:
 - a. A contribution toward the Edinburgh Tram for the sum of £ £682,902.
2. The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.
3. For the avoidance of doubt, totem signage, associated lighting and other advertising spaces shown on approved plans are not approved as part of this planning application and are subject to further application(s).
4. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
5. 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.
6. 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.
7. Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant should note the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 14 June 2019 and neighbours were notified on 12 June 2019. Following amendments to the proposed site layout the application was re-advertised on 06 March 2020 and neighbours were re-notified on 02 March 2020.

Eleven letters of representation were received comprising six comments objecting to the proposal, two comments in support and three neutral comments. The Community Council did not comment on the application.

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

Background reading / external references

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

Statutory Development

Plan Provision

The application site is located within the urban area and is designated as a Commercial Centre in the adopted Local Development Plan (LDP).

Date registered

10 June 2019

Drawing numbers/Scheme

01,02A,03,04A,05-11,12A,13,14,15A-17A,18,21A,23,,
24-27,28A-32A,34,35,36,39,40A,41-46,48.,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Sean Fallon, Planning Officer

E-mail: sean.fallon@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Del 4 (Edinburgh Park/South Gyle) sets criteria for assessing developments within the boundary of Edinburgh Park/South Gyle.

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

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

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

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

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

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

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

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

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

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

LDP Policy 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 Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 4 (Commercial Centres) sets criteria for assessing proposals for additional retail floorspace in a commercial centre.

LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 19/02604/FUL At Gyle Centre, Gyle Avenue, Edinburgh Extension to shopping centre to include new retail, class 11 leisure and restaurant/cafe units with associated servicing, relocated bus/taxi facilities and reconfigured car parking and landscaping.

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

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

Foul

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

Further network assessment may be required, early engagement with Scottish Water through the Pre-Development Enquiry process is strongly recommended.

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

Infrastructure within boundary

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

Early engagement is required to ensure that the infrastructure is appropriately protected both during and after construction. Stand-off distances will apply, which may impact on proposed development layouts

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused. In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps

Non Domestic/Commercial Property

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

Trade Effluent Discharge from Non Dom Property

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

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

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

Archaeology comment

The overlies the site of the prehistoric Gogar Loch. Excavations around which have shown it to be not only a focus for prehistoric and early medieval settlement and farming but the loch deposits themselves are also regarded as an important source of historic environmental information dating back to the last Ice-Age.

Accordingly, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Although the area has been significantly affected by the construction of the current shopping centre it is however considered likely that significant prehistoric loch deposits will have survived. Such deposits are archaeologically important, as they can provide significant information regarding both historic environment and land-use changes in this local going back to the Neolithic and perhaps as far back as the last Ice-Age c.12,000BC. The excavation of new foundations, especially new piled foundations, may disturb these historic loch deposits and also provide important evidence of the size of this loch

It is recommended that prior to development that a programme of archaeological works is undertaken to excavate, record and analyse these Palaeo-loch deposits and any associated deposits. Further, it is recommended that this programme of archaeological works is secured by the following CEC condition;

'No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Police Scotland comment

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

Edinburgh Airport comment

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- o monitoring of any standing water within the site temporary or permanent*
- o sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).*
- o management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards.'*
- o reinstatement of grass areas*
- o maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow*
- o which waste materials can be brought on to the site/what if any exceptions e.g. green waste*
- o monitoring of waste imports (although this may be covered by the site licence)*
- o physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste*
- o signs deterring people from feeding the birds.*

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or

when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

Submission of SUDS Details

Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 3 'Wildlife Hazards'. The submitted Plan shall include details of:

- o Attenuation times*
- o Profiles & dimensions of water bodies*
- o Details of marginal planting*

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 3 'Wildlife Hazards' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

We would also make the following observations:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome.

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Edinburgh Airport updated comment

As a result of our crisis response status, Edinburgh Airport's Safeguarding Team is unable to fully assess this application at this time and therefore must officially lodge an

OBJECTION to this application until such times as we are able to resume normal service.

Like many businesses we are no longer operating under business as usual and we have had to make changes to our staffing to ensure our focus and resource are where they need to be to maintain a minimal aerodrome operation and materially cut our costs whilst we have zero or close to zero passengers.

It is of the utmost importance we are still given the opportunity to fully assess this application against our Aerodrome Safeguarding Criteria and to comment accordingly in our capacity as a Statutory Consultee.

Your patience and understanding is greatly appreciated during this challenging time, and please be assured we are striving to operate a normal service as soon as possible.

In the meantime, please respond to safeguarding@edinburghairport.com if you believe a full response from Edinburgh Airport is essential at this time, or if it subsequently becomes essential before we have followed-up this response.

Edinburgh Airport updated comment

In respect of the above, we would still require a BHMP to be submitted. For avoidance of doubt on any further amendments to design, we would also like the following condition added:

Height Limitation on Buildings and Structures

No building or structure of the development hereby permitted shall exceed 25 m AGL.

Reason: Development exceeding this height would penetrate the Obstacle Limitation Surface (OLS) surrounding Edinburgh Airport and endanger aircraft movements and the safe operation of the aerodrome.

East Lothian Council comment

East Lothian Council have considered the above application and accept that this, for the most part, is a replacement, reconfigured, of the extant planning permission 15/01724/FUL and as recognised in Table 7 of the Edinburgh Local Development Plan. There are additional cinema and gym proposals.

East Lothian Council would like to draw your attention to the continued absorption of outflow retail comparison expenditure from East Lothian into the Edinburgh area. Our 2015 Retail Capacity Study identifies outflows to be as high as 70% of our comparison expenditure. Indeed your own very recent Retail Capacity Study (2019) states that:

'the study draws upon comparable retail surveys previously undertaken in neighbouring local authority areas. Furthermore, comparison expenditure inflows from visitors to Edinburgh - beyond the neighbouring local authority areas - is also very substantial.

Together these estimated inflows add nearly two-thirds over-and-above Edinburgh residents' expenditure potential'.

This clearly demonstrates that the expenditure capacity assessments in the Edinburgh Retail Capacity Study (2019) includes neighbouring district out-flows. Continuing such an approach is likely to hamper the regional aims of addressing climate change challenges through more sustainable travel patterns and the long term efforts to retain more expenditure within East, Mid and West Lothian. Therefore East Lothian Council would hope that such developments which perpetuate unsustainable travel patterns would not be supported.

SEPA comment

Advice for the planning authority

We have no objection to this planning application. Please note the advice provided below.

1. Flood risk

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

Technical Report

1.1 We provided pre-application comments on the 12th of February 2018. We advised that surface water flood risk should be assessed, however as the proposal was for a small scale extension and therefore we would not object to the proposal during the planning stage.

1.2 Since our pre-application advice a Flood Risk Assessment (FRA) has been submitted in support of the application. Hydrological analysis and a 1D HEC-RAS and 2D hydraulic model, Flood modeller, has been undertaken for the Gogar Burn and development site.

1.3 Section 2.5 details the flooding history at the shopping centre. Recent surface water flooding in the Edinburgh area occurred on the 24th of June 2019. Any details of flooding to the proposed development should be included within this section.

1.4 Hydrological analysis has been undertaken for the Gogar Burn using FEH Statistical and ReFH2. The design flows used within the analysis are comparable to in-house analysis. However, we would have expected that FEH Rainfall-Runoff was also included within the comparison.

1.5 A 1D HEC-RAS hydraulic model was undertaken to determine the capacity of the Gogar Burn Culvert through Edinburgh Park and the potential overland flows from any surcharging. It has been demonstrated that overland flows from the culvert inlet and the "slots", next to the lochans in Edinburgh Park, contribute to flood risk to the proposed development. This information was then inputted into a 2D only model to

determine flood extents at the proposed site. It was concluded that the proposed site is at risk from the 1 in 200 year flood event from the Gogar Burn. However, it has been demonstrated that the proposed extension will not increase flood risk elsewhere. Therefore, as the proposal is for a small scale extension to an existing development, and generally outwith Scottish Planning Policy (SPP), we have no objection to the proposed development on flood risk grounds.

2. Water environment

2.1 Planning authorities have been designated responsible authorities under the Water Environment and Water Services (Designation of Responsible Authorities and Functions) Order 2006. As such authorities are required to carry out their statutory functions in a manner that secures compliance with the objectives of the Water Framework Directive (i) preventing deterioration and (ii) promoting improvements in the water environment in order that all water bodies achieve "good" ecological status by 2015 and there is no further deterioration in status. This will require water quality, quantity and morphology (physical form) to be considered.

Surface water

2.1 We expect surface water from all developments to be treated by SUDS in line with Scottish Planning Policy (Paragraph 268) and, in developments of this scale, the requirements of the Water Environment Controlled Activities Regulations (CAR). SUDS help to protect water quality and reduce potential for flood risk. Guidance on the design and procedures for an effective drainage system can be found in Scotland's Water Assessment and Drainage Assessment Guide.

2.2 The proposed SUDS should accord with the SUDS Manual (C753) and the importance of preventing runoff from the site for the majority of small rainfall events (interception) is promoted. The applicant should use the Simple Index Approach (SIA) Tool to ensure the types of SUDS proposed are adequate.

2.3 Construction phase SUDS should be used on site to help minimise the risk of pollution to the water environment. Further detail with regards construction phase SUDS is contained in Chapter 31 of SUDS Manual (C753). By the time of construction the applicant would also need to apply for a construction site licence under CAR for water management across the whole construction site.

2.4 Comments should be requested from Scottish Water where the SUDS proposals would be adopted by them and, where appropriate, 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.

Waste water

2.5 The waste water to be connected to public sewer is acceptable. The applicant should consult with Scottish Water (SW) to ensure a connection to the public sewer is available and whether restrictions at the local sewage treatment works will constrain the development.

2.6 We recommend that the applicant keeps in regular contact with SW to ensure such a connection is available at the time of development of the site, as SW facilities

may have accepted discharge from other developments before construction commences at this site.

2.7 It should be noted that should a connection to the public sewer not be achievable then we would be required to be re-consulted as any private waste water discharge would require authorisation under Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). Given the size of the development SEPA would have concerns over such an authorisation, which could in turn potentially constrain development at the site.

3. Construction site licence

3.1 The development requires a Construction Site Licence as the site is >4ha. See further details in the regulatory requirements section below.

4. Sustainable waste management

4.1 Scottish Planning Policy Paragraph 190 states that "All new development including residential, commercial and industrial properties should include provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations." In accordance with this policy, the relevant Local Development Plan and the Scottish Government Planning and Waste Management Advice, space should be designated within the planning application site layout to allow for the separation and collection of waste, consistent with the type of development proposed. This includes provision to separate and store different types of waste, kerbside collection and centralised facilities for the public to deposit waste for recycling or recovery ("bring systems"). Please consult the council's waste management team to determine what space requirements are required within the application site layout.

4.2 Scottish Planning Policy (Paragraph 192) states that planning authorities should consider requiring the preparation of sites management plans for construction sites. In the interests of seeking best practice and meeting the requirements of Scottish Planning Policy, we recommend that a site waste management plan (SWMP) is submitted, showing which waste materials are going to be generated and how they are going to be treated and disposed.

4.3 All wastes should be handled in accordance with the "waste management duty of care" - residual contamination should be dealt with through the local authority planning and contaminated land departments.

5. Contaminated land

5.1 Advice on land contamination issues should be sought from the local authority contaminated land specialists because the local authority is the lead authority on these matters under Part IIA of the Environmental Protection Act 1990 except for matters relating to radioactively contaminated land or special sites.

6. Air quality

6.1 We reviewed the Air Quality Report. The DMRB screening tool has been used to determine that there will be a negligible impact on local air quality at the closest

receptor. The screening assessment has been used instead of detailed air quality modelling as the plans are predicted to have a limited impact on vehicle movements. In this case the use of DMRB screening is acceptable.

Caveats and detailed advice for the applicant

7. Flood risk

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

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

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

8. Other

8.1 We recommend that the applicant considers the advice provided in the previous sections and takes action as appropriate. In particular the applicant should contact the SEPA Local Regulatory Team to discuss the Construction Site Licence requirements. Further details in the regulatory requirements below.

Regulatory advice for the applicant

9. Regulatory requirements

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

9.1 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.

9.2 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.

9.3 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office.

Fife Council comment

After reviewing the proposal with regard to potential impacts on retailing in Fife, I can confirm that Fife Council has no comment to make on this application.

Flood Prevention comment

We have reviewed the Flood Risk Assessment and have the following comments.

1. *The development is proposed to be located within an area of medium to high flood risk. The applicant has emphasised that this is an extension to an existing development, increasing flood area by approximately 13%. In SEPA's consultation response they advise that "as the proposal is for a small scale extension to an existing development, and generally outwith Scottish Planning Policy (SPP), we have no objection to the proposed development on flood risk grounds."*

2. *CEC Flood Prevention aim to reduce overall flood risk and that new developments should not be at flood risk or place existing properties at increased flood risk. Due to the location of this site as an extension to the existing centre it is difficult to balance operational functionality, level access and desired design outcomes against flood risk. As a result CEC Flood Prevention object to this application and will not remove the objection unless the flood risk is mitigated through raising of flood levels. Our department realise that this is likely to be an untenable position balancing other factors to be considered by Planning and as such we have noted a list of actions to be addressed by the applicant prior to determination.*

3. The FRA notes that the Shopping Centre would be flooded with ponded water to a maximum depth of some 600mm (Section 9.3.1). CEC request that 600mm freeboard is applied on top of maximum flood levels. As a result Flood Prevention request that resilience measures shall be implemented to an elevation of not less than 600mm above the flood level (1.2m above ground level). The report notes that resilience measures shall be implemented to 900mm (Option 1), however no exercise has been undertaken by the applicant to demonstrated that a freeboard of less than 600mm can be applied to any recommendations. The same 1.2m resilience levels shall be applied to siting sensitive equipment or controls, and the use of resilience materials.

4. Please can you confirm if this application is deemed a Major development under planning designation or whether this is a local development.

5. The applicant has not completed a declaration for this application covering the flood risk assessment. If this development is classed as a major development under Planning definition then an independent consultant is required to check the design and submission. They must then sign the required declaration for inclusion with the application prior to issue to CEC Flood Prevention.

6. No supporting drainage design information has been submitted for consideration. This information is required as part of the surface water management information described in the self-certification process available on the CEC website http://www.edinburgh.gov.uk/info/20045/flooding/1584/flood_planning_application Typically this would include checklist, self-certification declaration, overland flow paths and details of what drainage is proposed on site.

A condition shall be applied on to any permission that the Planning Authority is minded to grant to ensure that the implementation of flood resilience materials and siting of sensitive equipment and controls is implemented in design to the satisfaction of the Building Control Officer given the residual risk of flooding.

Flood Prevention interim comment

Thank you for sending on the additional documents.

I have reviewed them and have the following remaining comments to be addressed by the applicant:

1. The applicant has not completed a self-certification checklist for this application covering the design of the surface water network. The checklist should be completed to provide a summary of the information submitted in support of the application. I have attached a copy of the checklist, to be completed by the applicant.

2. As this is a major development, an independent consultant is required to check the design and submission of the surface water management plan. They must then sign the required declaration (Certificate B1) for inclusion. An independent check has been conducted on the Flood Risk Assessment, but this does not cover the submitted Surface Water Management Plan.

3. *Could you confirm that Scottish Water agree with your proposed surface water discharge to the surface water sewer system.*
4. *Could you confirm the finished floor level of the proposed development and identify any changes to the surrounding ground level.*
5. *Please identify existing and proposed ground level surface water flow paths on drawings. This can be achieved by taking the existing site survey and over-marking arrows to denote falls and then completing the same with the post-development arrangement. This should include runoff from outside of the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system. The purpose of these drawings is twofold. First, to understand if there is any significant re-direction of surface flows to surrounding land. Second, to identify if surface water will flow towards property entrances.*

Flood Prevention updated interim comment

Could the applicant please provide clarification on the following points:

1. *Have Scottish Water provided any further update on your proposed surface water discharge to the surface water sewer? I'm unsure whether Scottish Water have any concerns or have formally accepted your proposed discharge rate.*
2. *Could you please confirm the details of the flood resilient measures adopted into the design? The FRA notes a flood level of 44.8mAOD. CEC would request that flood resilience measures are implemented to a level of 45.4mAOD (including a 600mm freeboard above the flood level).*

Flood Prevention final comment

The applicant has confirmed that the FFL will match the existing floor levels and that the proposed extension will be designed to incorporate flood resilient measures. This approach is considered appropriate by the Flood Prevention Team given that it is an extension to the existing shopping centre and a lower vulnerability than residential.

Roads Authority Issues

The application should be refused.

Reasons:

1. *The proposal for the replacement public transport facility is not acceptable and contrary to Council Local Transport (LTS) policy for the following reasons (see notes below);*
 - a. *The capacity of seven spaces is not sufficient for the current level of service and does not allow for future growth in public transport services in the west Edinburgh area.*
 - b. *The layout and geometric design has insufficient space for bus turning movements. Whilst indicating seven stances, the swept path drawing uses a 9.795m*

long vehicle which is not reflective of the current vehicle fleet of the major bus operators. It is therefore likely that the proposed facility will not be suitable for use.

c. The egress arrangements for buses gives priority to other vehicles. Queueing traffic at the internal roundabout junction will likely result in delays to buses turning right out of the facility, to the detriment of public transport operators and users.

d. The facility is not well integrated with the development. It is located further from the main entrance of the centre than the existing bus stops. Whilst this is still within the recommended walking distance for public transport, the additional crossings required and the exposed walkway results in a facility less attractive for public transport users.

2. The proposal for cycle access and cycle parking arrangements are not acceptable and contrary to Council LTS policy for the following reasons (see notes below);

a. The proposed east-west route does not provide safe and convenient access through the car park area to the main entrance of the new development.

b. The route does not integrate well with the West Edinburgh Link and the cycle routes to the West Craigs/Maybury area.

c. The cycle parking is not conveniently located for centre users, being remote from the main entrances.

If minded to grant, the following should be included as conditions or informatives as appropriate;

1. The Developer is to contribute the sum of £682,902 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment as follows;

For Zone 1 (up to 250m);

New retail (4,663 sq.) £430,026

Class 11 Leisure (1,740 sq.) £53,205

Multiplex (2170 sq.) £ 199,671

Total Amount - £682,902

Note -the reconfigured food court area (580 sq.) is considered ancillary to the main use and not subject to a tram contribution.

2 A total of 60 cycles spaces to be provided, close to the front entrance, for the use of customers.

Notes;

1. In line with LTS policy PubTrans1, public transport should be given priority over other motorised traffic.

2. In line with LTS policy PubTrans2, public transport facilities should be high quality and feature weather protection.

3. In line with LTS policy Thrive1, land use should integrate with planning and transport policies.

4. In line with LTS policy Walk6, sites should be permeable for pedestrians and cyclists.

5. The number of bus passengers (customers) using the existing facility is estimated at 1.8m per annum.

6. The number of buses serving the Gyle Centre is approximately 30 vehicles per hour. To facilitate existing and future growth a minimum of 10 stances would be required, of a layout suitable for current vehicle types.

Parking Standards;

The application has been assessed under the 2017 parking standards.

These permit; for Zone 2;

Car Parking;

4663 sq. retail 1 space per 35 sq. equates to 133 spaces

1740 sq. class 1 Leisure assume 1 space per 50 sq.; 35 spaces*

800 seat cinema assume 1 space per 10 seats; 80 spaces

Total spaces; 248

Note -It is understood that the total number of existing car parking spaces is 2,561. This will be reduced by 391 to give a total of 2,170 spaces.

The applicant has confirmed through surveys that these spaces are sufficient to deal with peak demand. It is expected that the leisure use will have demand for parking mainly in the evenings.

It is acknowledged by the applicant that there is an element of abuse of the spaces by the adjacent offices and tram users which is not currently enforced by the centre.

As the overall number of parking spaces is being reduced, there is no requirement for new EV spaces.

Cycle Parking;

4663 sq. retail 1 space per 250 sq. equates to 19 spaces (employees)

1 space per 500 sq.; 9 spaces (customers)

1740 sq. class 1 Leisure assume 1 space per 50 sq.; 35 spaces*

800 seat cinema assume 1 space per 50 seats; 16 spaces

Total spaces; 79 (60 for customers and 19 for employees)

The additional number of cycle spaces proposed is 80, giving an overall total of 138 spaces for the centre.

Motorcycle parking;

4663 sq. retail employees - 3 spaces, customers 5 spaces

1740 sq. class 1 Leisure; 15 spaces*

800 seat cinema; 15 spaces

Total spaces; 38

It is considered that motorcycle parking can be accommodated within the main car park

**parking figures for leisure based on swimming pools and estimated as GFA*

Roads Authority Issues updated

The previous Roads Authority Response (dated 05 June 2020) has been updated after considering the additional supporting documents submitted on transport matters, as follows;

The application should be refused.

Reasons:

1. The proposed design and capacity of the replacement public transport facility is not acceptable and contrary to Council Local Transport (LTS) policy as follows (refer to notes below);

a. The capacity of seven spaces is not sufficient for the current level of service and does not allow for future growth in public transport services in the west Edinburgh area.

b. The layout and geometric design has insufficient space for bus turning movements. Whilst indicating seven stances, the swept path drawing is not reflective of the current vehicle fleet of the main bus operators. The indicative swept paths do not align correctly with the boarding areas and show difficult and awkward manoeuvres for large vehicles. It is considered that the proposed facility will not be suitable for use.

c. The egress arrangements for buses gives priority to other vehicles. Queueing traffic at the internal roundabout junction will likely result in delays to buses turning right out of the facility, to the detriment of public transport operators and users. There is the potential that these delays could impact the main road junction traffic movements.

d. The facility is not well integrated with the development. The additional pedestrian crossings required and the exposed route results in a facility less attractive for public transport users.

2. The proposed cycle access and cycle parking arrangements are not acceptable and contrary to Council LTS policy as follows (refer to notes below);

a. The proposed east-west route does not provide safe and convenient access through the car park area to the main entrance of the new development.

b. The route does not integrate well with the West Edinburgh Link and the cycle routes to the West Craigs/Maybury area.

c. The cycle parking is not conveniently located for centre users, being remote from the main entrances.

If minded to grant, the following should be included as conditions or informatives as appropriate;

1. The Developer is to contribute the sum of £682,902 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment as follows;

For Zone 1 (up to 250m);

<i>New retail (4,663 sq.m)</i>	<i>£430,026</i>
<i>Class 11 Leisure (1,740 sq.m)</i>	<i>£53,205</i>
<i>Multiplex (2170 sq.m)</i>	<i>£ 199,671</i>
<i>Total Amount -</i>	<i>£682,902</i>

Note -the reconfigured food court area (580 sq.) is considered ancillary to the main use and not subject to a tram contribution.

2. A total of 60 cycle parking spaces to be provided, close to the front entrance, for the use of customers.
3. A segregated primary pedestrian/cycle route to be provided, in accordance with the development principles in the Local Development Plan. This should include appropriate direction signage and priority crossings. The location, layout and design to be agreed with Head of Planning.

Notes;

1. In line with LTS policy PubTrans1, public transport should be given priority over other motorised traffic.
2. In line with LTS policy PubTrans2, public transport facilities should be high quality and feature weather protection.
3. In line with LTS policy Thrive1, land use should integrate with planning and transport policies.
4. In line with LTS policy Walk6, sites should be permeable for pedestrians and cyclists.
5. The number of bus passengers (customers) using the existing facility is estimated at 1.8m per annum.
6. The number of buses serving the Gyle Centre is approximately 30 vehicles per hour. To facilitate existing and future growth a minimum of 10 stances would be required, of a layout suitable for current vehicle types.
7. Shopping centre car parks have a high number of reversing and associated vehicle movements which results in increased conflict with pedestrians and cyclists.
8. The Local Development Plan has identified a primary pedestrian/cycle route linking Edinburgh Park northwards towards Edinburgh Gateway Station and the West Craigs development area, through the Gyle Centre.

Parking Standards;

*The application has been assessed under the 2017 parking standards.
These permit; for Zone 2;*

Car Parking; (Maximum)

*4663 sq. retail 1 space per 35 sq. equates to 133 spaces
1740 sq. class 1 Leisure assume 1 space per 50 sq.*; 35 spaces
800 seat cinema assume 1 space per 10 seats; 80 spaces
Total spaces; 248*

Note -It is understood that the total number of existing car parking spaces is 2,561. This will be reduced by 391 to give a total of 2,170 spaces.

The applicant has confirmed through surveys that these spaces are sufficient to deal with peak demand. It is expected that the leisure use will have demand for parking mainly in the evenings, being out with the peak parking demand period.

It is acknowledged by the applicant that there is an element of abuse of the spaces by the adjacent offices and tram users which is not currently enforced by the centre.

As the overall number of parking spaces is being reduced, there is no requirement for new EV spaces.

Cycle Parking; (Minimum)

*4663 sq. retail 1 space per 250 sq. equates to 19 spaces (employees)
1 space per 500 sq.; 9 spaces (customers)
1740 sq. class 1 Leisure assume 1 space per 50 sq.*; 35 spaces*

800 seat cinema assume 1 space per 50 seats; 16 spaces
Total spaces; 79 (60 for customers and 19 for employees)

The additional number of cycle spaces proposed is 80, giving an overall total of 138 spaces for the centre.

Motorcycle parking;
4663 sq. retail employees - 3 spaces, customers 5 spaces
1740 sq. class 1 Leisure*; 15 spaces
800 seat cinema; 15 spaces
Total spaces; 38

It is considered that motorcycle parking can be accommodated within the main car park

*parking figures for leisure based on swimming pools and estimated as GFA.

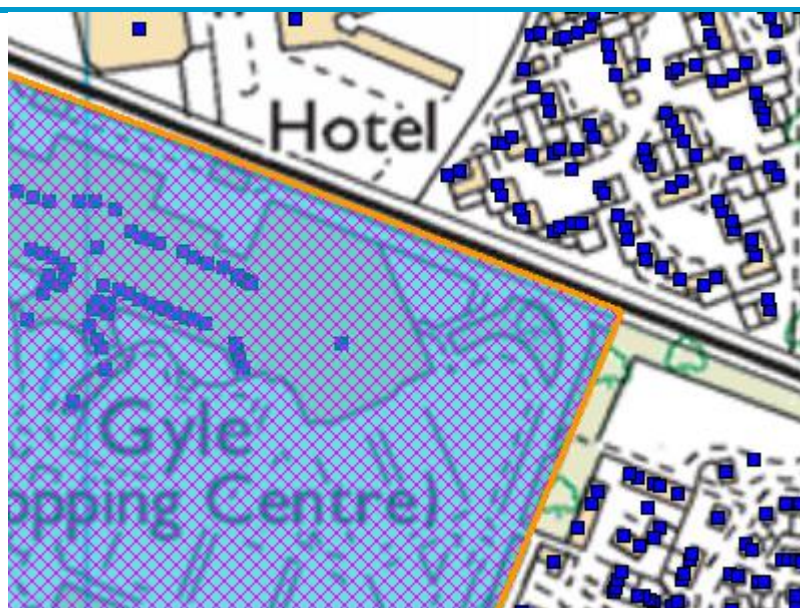
Environmental Protection comment

I have had a look through all the drawings and supporting documents and cannot find any details on the provisions of Electric Vehicle Charging points. It is appreciated that the overall parking numbers will be reduced. The introduction of increased leisure space will attract increased customers traveling via public transport.

As this is an important transport hub it should be fit for purpose and include rapid electric vehicle charging points especially for taxis. It should be noted that there is significant growth in electric taxis in Edinburgh and as this is a transport hub it must support this mode of sustainable transport.

Can the applicant please ensure rapid chargers are integrated into the development and update the drawings accordingly?

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

END

Development Management Sub Committee

Wednesday 23 September 2020

**Application for Planning Permission 19/05923/FUL
at 42 Peffermill Road, Edinburgh, EH16 5LL.**

The development of a Sports village for the University of Edinburgh at Peffermill playing fields to accommodate redeveloped playing surfaces and the erection of a new Sports Centre and student residence incorporating ancillary facilities.

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The proposal is acceptable in principle and the sports village has been designed to a high standard and considers the nature of the site and the end users.

Although the student accommodation does not comply fully with the terms of policy Env 10, the proposal supports certain overarching aims for the green belt set out in Part 1 of the LDP and does not conflict with the other applicable aims. In addition, the proposal does not undermine other applicable green belt aims relating to preserving access to open space and complies with policies Env 18 and Env 19. Therefore, a departure from the policy can be justified in this instance.

On balance, the proposal also complies with the requirements of policy Hou 8 and the associated non-statutory guidance. The design concept for the site ensures that the development can sit comfortably within the landscape and local environment.

The site lies behind a Flood Protection System and just outwith an area of importance for flood management. As a result, it is proposed to raise the finished floor levels to 47.7m AOD which will provide at least 600mm freeboard above the 200 year level with a 40% allowance for climate change. These measures are sufficient for the development to conform to LDP policy Env 21, SPP and CEC guidance in terms of flood risk.

Impacts in terms of transport, ecology and archaeology are all acceptable.

Overall, the proposal complies with the overarching aims of the development plan and there are no material considerations which indicate otherwise.

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

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LDES11, LEN03, LEN08, LEN09, LEN10, LEN11, LEN12, LEN15, LEN16, LEN18, LEN19, LEN20, LEN21, LEN22, LHOU07, LHOU08, LTRA02, LTRA03, LTRA04, NSG, NSGD02, NSGCGB,

Report

Application for Planning Permission 19/05923/FUL at 42 Peffermill Road, Edinburgh, EH16 5LL.

The development of a Sports village for the University of Edinburgh at Peffermill playing fields to accommodate redeveloped playing surfaces and the erection of a new Sports Centre and student residence incorporating ancillary facilities.

Recommendations

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

Background

2.1 Site description

The site is the University of Edinburgh's playing fields and is currently laid out as a number of sports pitches with ancillary spectator and changing facilities. The site measures approximately 20 hectares and is divided into three sections by the South Suburban Rail Line and the Braid Burn.

The main access is from Peffermill Road between some residential properties and a motorcycle garage on the north-west side of the site. Further west along Peffermill Road and within the site is the category C listed Cameron Bank (LB reference: 28163, listed on: 29 March 1996).

A number of residential and commercial properties fronting onto Peffermill Road are located along the north and west sides of the site, with the westernmost corner enclosed by a tree belt. Beyond Peffermill Road is primarily residential with the exception of Prestonfield Primary School to the west and a golf course and industrial area to the north. To the east is Craigmillar Castle Park, which is designated as green belt in the Edinburgh Local Development Plan (LDP). To the south are allotments, residential properties and some commercial units. Beyond this to the south west is Cameron Toll Shopping Centre.

2.2 Site History

21 September 2017 - Planning permission granted for the replacement of existing natural grass pitch with 1 no. new synthetic football pitch and 5 no. 5-a-side synthetic pitches including installation of floodlighting, drainage, fencing, access steps and path and associated hardstanding (reference number: 17/02653/FUL).

26 April 2017 - Planning permission granted for the installation of new floodlights to 2 no. football/rugby pitches (reference number: 17/01320/FUL).

28 March 2015 - Planning permission granted for the installation of floodlighting to 2 no. existing sports pitches (Training Pitch & Rugby Pitch) including associated works at Peffermill Playing Fields (reference number: 15/00693/FUL).

15 August 2006 - Planning permission was deemed to be granted for the construction of floodwall, flood embankment, culvert headwall and scour protection to create flood storage area (reference number: 06/01978/CEC).

15 August 2006 - Planning permission was deemed to be granted for the creation of flood storage area from flood walls, flood embankments and access ramps, utilising the existing playing fields but not changing their use, modification of doorway to existing building (reference number: 06/01922/CEC).

6 May 2004 - Planning permission was deemed to be granted for flood defence walls and embankment, new bridges, flood storage reservoirs (reference number: 03/03979/CEC).

Main report

3.1 Description of the Proposal

The application is for creation of a sports village comprising a sports centre, student residences, improvements and upgrades to existing outdoor facilities and playing surfaces and ancillary facilities.

Sports Centre

The sports centre is intended to be the hub of the complex and will be located centrally within the masterplan area.

The sports centre will have a capacity of 8,700sqm and will contain:

- **A 12-court multi-purpose games hall;**
- **A four-court indoor tennis centre;**
- **A fitness gym;**
- **An elite athletes' performance gym;**
- **Sports treatment and physiotherapy space;**
- **Cafe/bar/social space;**
- **Conference suite;**
- **Staff offices and meeting spaces;**
- **Outdoor seating for 337 spectators and**
- **Changing facilities for both indoor and outdoor activities.**

The sports centre will have a tapered structure, with a maximum height on its north elevation of 21.5m. It will be primarily clad in Western Red Cedar, with a concrete base course. It will have glazed curtain walling and profiled vertical fins on the north façade. The roofing material will be an aluminium trapezoidal sheet in a natural finish that will weather in a similar way to timber cladding. Its west elevation will provide outdoor spectator seating for the hockey pitches.

Student Residences

The student residences will be located in the western corner of the site. The accommodation will be provided in three Y-shaped blocks, containing a total of 573 bed spaces. The height of the residences will vary from six to 10 storeys, with a maximum height of approximately 30m. All of the bedrooms are within cluster flats of eight to 10 bedrooms with ensuite or shared bathrooms and a shared living room with kitchen and dining areas. The residences will be connected at ground floor level with communal areas and colonnades and will provide access to the communal gardens.

Brick will be the primary building material. Light buff, biscuit and soft red are the proposed brick colours, with each block having its own colour. Sandstone coloured pre-cast concrete will be used for the columns and colonnades at ground floor level to articulate the shared communal areas. Metalwork to windows, curtain-walling, downpipes, flashings and screens will be pearl beige and will be consistent across the three blocks.

The residences will also comprise lobbies, study areas, communal and lounge areas, a cinema room, private dining space, leisure areas, plant rooms, a laundry and secure cycle and bin stores. All of the communal facilities will be provided at ground floor level.

The upper levels will contain three cluster flats per floor. The flats will be accessed from a central main stair and lift with a flat in each point of the Y-form. The cluster flats will range from eight to 10 bedrooms and include a shared living space with kitchen and dining area.

Sports Pitches and Facilities

The external sports pitches and facilities will include:

- Two new water-based hockey pitches with event and training areas;
- New 3G pitches for mini-hockey, hockey and football;
- A new archery enclosure and pavilion;
- A new site-wide community access 2.5km trim trail;
- Resurfacing of an existing 3G football pitch;
- Three new beach volleyball courts;
- Two new MUGA pitches;
- 'Walk of Champions' link pathway and
- Retention of various existing pitches.

The existing vehicular access for the site from Peffermill Road will be retained and upgraded.

A new vehicular access will be formed onto Peffermill Road for the student residences. It is envisaged that vehicles utilising this access will be primarily for drop-offs, servicing vehicles or using the parking bays for disabled drivers.

A new pedestrian and cycle access will also be provided on the western corner of the site adjacent to the junction of Peffermill Road and the Cameron Toll Roundabout.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- (a) the principle of the development is acceptable;
- (b) the proposed scale, form, design and landscape impacts are acceptable;
- (c) the proposal will have any flood prevention impacts;
- (d) the proposal will have a detrimental impact upon the setting of a listed building;
- (e) the proposal will provide adequate amenity for residents and will not be detrimental to the amenity of neighbours;
- (f) the proposals will have any transport or road safety impacts;
- (g) the proposal will have any biodiversity impacts;
- (h) the proposals will have any archaeological impacts and,
- (i) material representations or community council comments raise issues to be addressed.

a) Principle

Green Belt

The application site is within the green belt. LDP Policy Env 10 (Development in the Green Belt and Countryside) permits development in the green belt if it meets with one of the criteria (a-d) set out in the policy and would not detract from the landscape quality and/or rural character of the area. Criteria a), b) and d) are not applicable in this instance.

Criterion c) states that the principle of development may be permitted if it is: *For development relating to an existing use or building(s) such as an extension to a site or building, ancillary development or intensification of the use, provided the proposal is appropriate in type in terms of the existing use, of an appropriate scale, of high-quality design and acceptable in terms of traffic impact.*

The Council's non-statutory guideline *Development in the Green Belt, February 2019* expands upon policy Env 10 and provides more detail on the issue of intensification and ancillary development. The guidance explains that, for a proposal to be considered ancillary development, it must be linked to the existing use and be of secondary importance to that principal use. Although many students would use both the accommodation and sports facilities, the erection of blocks of student accommodation is not ancillary to the leisure use of the site, given they represent a different use in planning terms. This reflects the fact that, in practical terms, they serve different purposes and have a differing nature of impact - in terms of amenity as well as in other respects. The accommodation is not subservient or secondary in scale to the leisure use.

Consequently, in terms of intensification, this only applies to the sports aspect of the proposal, given the accommodation comprises a different planning use. The guidance advises that intensification is only acceptable where it would not lead to an increase in activity that would detract from the green belt in terms of amenity or transport impact - either individually or cumulatively. Given the site's location in a relatively urban context, the sports centre and redevelopment of some of the pitches is an acceptable form of intensification subject to its impact in terms of amenity and transport being acceptable. These matters are considered in more detail in the relevant sections of the assessment.

Notwithstanding the other aspects of the development, the inclusion of student accommodation as part of the proposal is not supported by policy Env 10 and associated guidance on development in the green belt. However, it is acknowledged that this site does have practical benefits as a location for student accommodation. In particular, its location is close to several existing and proposed parts of the University campus. The site is also immediately adjacent to the urban edge where it is surrounded on most sides by the urban environment. Therefore, as it is one specific aspect of the proposal (the student accommodation) that conflicts with one particular aspect of the LDP policy and guidance (relating to the green belt), it is necessary to consider the acceptability of the principle of the proposal more holistically.

The spatial strategy of the LDP maps the green belt in a 'high level' strategic form to illustrate the role it serves around and within the city of Edinburgh. This shows the relevant part of the green belt largely relating to the east side of the site, which would contain the sports development, and is more appropriate in the green belt (and with a lesser visual impact). Although this is a consequence of the high level 'smoothing' in the map, this smoothing actually reflects the key strategic aims of the green belt in this location which is to provide the green corridor from the Craigmillar Castle SLA through to the Holyrood, Prestonfield and Duddingston SLA. That the student accommodation lies in the urban area in the context of this spatial strategy map reflects that, in practical terms, the western part of this application site is a spur leading off the main corridor rather than being central to the north-to-south green corridor itself.

In addition, in terms of the 'Aims and Strategy' section of the LDP, the proposal has a degree of compliance with LDP policy and associated guidance. Paragraph 34 of Section 2, Part 1 of the LDP provide further detail on the aims and strategy of the green belt. It states that the purpose of the green belt is to:

- direct planned growth to the most appropriate locations and support regeneration;
- protect and enhance the quality, character, landscape setting and identity of the city and neighbouring towns;
- protect and give access to open space within and around the city and neighbouring towns;
- it can also be used to prevent the coalescence of settlements.

These aims do not arbitrarily preclude certain forms of development from being located in the green belt. Green belt policy and associated guidance generally oppose certain types of development in the green belt based on the above aims because there are often more appropriate sites within settlements to direct these types of development to. This also serves the above aim of preserving the green belt's landscape and recreational amenity value.

In this respect, the proposal supports the above aims in broad terms. In particular, its location is sustainable due to its position close to other aspects of the university campus and sustainable travel links. It also encourages regeneration by improving existing pitches and the small area of brownfield land on which the sports centre is partly proposed.

While the proposal is not supported by policy Env 10, the proposal accords with the LDP green belt aim to protect the quality, character, landscape setting and identity of the city. Therefore, subject to detailed assessment of the visual impact, a departure from the policy is justifiable in this instance.

Protection of Open Space and Outdoor Sports Provision

In relation to the aim for the green belt to protect and give access to open space, the site is designated as Open Space in the LDP as well as being a sports field. Therefore, LDP policies Env 18 (Open Space Protection) and Env 19 (Protection of Outdoors Sports facilities) are relevant. Assessment of these policies also allows consideration of how the proposal shall impact on the aim for the green belt to protect and give access to open space.

Policy Env 18 sets out the criteria that must be demonstrated for proposals involving the loss of open space. The criteria are:

- a) there will be no significant impact on the quality or character of the local environment; and*
- b) the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area; and*
- c) the loss would not be detrimental to the wider network including its continuity or biodiversity value; and either*
- d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space; or*
- e) the development is for a community purpose and the benefits to the local community outweigh the loss.*

In terms of criterion a), the impacts of the proposal on the local environment is considered in detail in the relevant section of the assessment.

In terms of criterion b), the area of the site where the student accommodation itself is proposed is of limited amenity or leisure value, with no specific spatial designation beyond its green belt status according CEC's Open Space 2021. The limited open space value of the site at present combined with the provision of local and large standard open spaces in the wider area means the proposal complies with this criterion.

The majority of the site will be retained as sports pitches and the development proposed will not be detrimental to its role as part of the wide green network. In terms of the site's biodiversity value, an Ecological Appraisal has been submitted in support of the application. This makes a number of recommendations to protect the biodiversity value of the site which are considered in further detail in the relevant section of the report. However, overall the proposal will meet the requirements of criterion c).

Finally, the proposal should comply with either criterion d) or e). The site's value as recreational open space is limited in that it is used solely for playing sport. On this basis, criterion d) is considered to be met given there would be local benefit in terms of the alternative equivalent provision being provided (in this case enhanced provision on the same site).

In addition to the requirements of Policy Env 18, Env 19 (Protection of Outdoors Sports facilities) sets out where the loss of some or all of a playing field or sports pitch will be permitted only where one of four specified circumstances apply.

Criterion b) provides that *'the proposed development involves a minor part of outdoor sports facilities and would not adversely affect the use or potential of the remainder for sport and training'*.

The Peffermill site covers an area of approximately 20 hectares. Following the development, the total built footprint on the site will be 8,862 sqm, which is 4.5% of the total Peffermill site area. Although further land will be allocated for landscaping and other non-sporting uses, a considerable volume of the site will be retained and upgraded for sporting purposes.

The site for the proposed accommodation partly comprises a grassed field used as a pitch, but this field is of a lesser value compared to the other existing purpose-built pitches, which shall be further upgraded. Consequently, the student accommodation is acceptable under justification (b).

Criterion c) states that *'an alternative outdoor sports facility is to be provided of at least equivalent sporting value in a no less convenient location, or existing provision is to be significantly improved to compensate for the loss'*.

The proposal to upgrade the existing outdoor facilities and the provision of a new sports centre will result in a significant increase in the 'hours of play per week' that the site is capable of supporting. At present, the outdoor facilities provide for 1,102 hours of play per week.

The proposal will increase this figure to 1,294. In addition, currently the indoor and outdoor facilities combined can accommodate 1,202 hours of play per week. The proposal will increase this figure to 2,392. The upgrades to existing and provision of new indoor and outdoor facilities will allow the site to be used in a more intensive way, thereby increasing the opportunities for people to participate in sport and leisure activities. Therefore, the proposal complies with criterion c).

Sport Scotland has been consulted and has no objection to the proposals subject to a condition requiring details to be submitted of the phased delivery of the future pitches and sports facilities.

In summary, the proposal - including the student accommodation - is acceptable in principle in relation to LDP policies Env 18 (Open Space Protection) and Env 19 (Protection of Outdoors Sports facilities). As a result, the proposal is considered to accord with the remaining applicable LDP aim for the green belt to protect access to open space.

Student Accommodation

Outwith the urban area, policy Hou 8 (Student Accommodation) does not provide support for the principle of student housing. However, the part of the site where the student accommodation is proposed is located immediately adjacent to, and is partially enclosed by, the urban area. In this context, it is necessary to consider Hou 8 when assessing the acceptability of the proposal.

Hou 8 sets out the following criteria where permission will be granted for purpose-built student accommodation.

- a) *The location is appropriate in terms of access to public transport and university and college facilities and*
- b) *the proposal will not result in an excessive concentration of student accommodation in any one locality.*

Hou 8 a)

In terms of criterion a), the site is served by good access to public transport and thereby to university and college facilities. The site is located approximately 20mins walk/7 mins cycle from Kings Buildings campus, as well as 35 mins walk/12 mins cycle from the Central Area and BioQuarter campus areas. The site is accepted as being well located in a central position between each of these campus areas.

In addition, although not a university campus presently, the sports facilities at Peffermill which are to be significantly expanded and improved shall be immediately adjacent to the student accommodation. The application is considered to comply with this criterion.

The Council's Non-Statutory Student Housing Guidance (SHG) expands upon the requirements of policy Hou 8 and sets out sequential criteria for assessing student accommodation. Criterion a) requires that *'in locations within or sharing a boundary with (or separated only by a road) a main university or college campus, as identified in Map 1, student housing will generally be acceptable'*.

Historic maps identify the site as university playing fields since at least 1932. Despite this, the site is not identified as a campus nor as sharing a boundary with a main university or college campus as indicated on Map 1 of the SHG. However, the accommodation forms part of a proposal involving a significant redevelopment of the sports pitches and erection of a large sports centre. This would mean the accommodation shall be located immediately adjacent to a destination that would be frequently used by many students living there. In fact, the scale and capacity of the proposed sports centre and pitches would have a significantly greater range in its sports offering compared to the existing Pleasance Sports Complex and Gym which is classed as part of the University of Edinburgh in Map 1.

The intended aim of criterion a) is to encourage accommodation to be located near to places frequented by students. Consequently, the proposal complies with the principle of this criterion.

The SHG's criteria for assessing student accommodation is sequential. Therefore, if criterion (a) is complied with, then the development is considered to comply with guidance in principle with no reference needed to criteria (b) and (c).

Hou 8 b)

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

Based on 2011 census data, approximately 14% of the residents in the immediate data zones were full time students aged above 16. When this figure is adjusted to include consented developments in the area up to 2018, the figure remains at 14%. When the current proposal is included the student population figure would rise to 20%.

This quantity of accommodation proposed would not lead to an over-concentrated student population in the area and meets criterion b) of policy Hou 8 and the SHG.

The student accommodation, on balance, complies with policy Hou 8 and the associated non-statutory guidance.

The accommodation forms part of a proposal which supports certain overarching aims for the green belt set out in Part 1 of the LDP and does not conflict with the other applicable aims. In particular the proposal would contribute to the aim of regeneration, with the student accommodation also according with the aim to ensure development is appropriately located given its position immediately adjacent to the urban area and a university sports complex to be upgraded as part of this application. It is also noted the proposal would not undermine other applicable green belt aims relating to preserving access to open space, as evidenced by the proposal's compliance with LDP policies Env 18 (Open Space Protection) and Env 19 (Protection of Outdoors Sports facilities). Therefore, although the student accommodation does not comply with the terms of policy Env 10, a departure from the policy can be justified in this instance.

The application is supported in principle, subject to the consideration of relevant detailed matters.

b) Scale, Form, Design and Landscape

LDP policies Des 1 to Des 8 set out the policy framework for the design of developments. These policies outline a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of its surroundings, with the need for high quality design which is appropriate in terms of height, scale and form, layout and materials.

The sports centre, accommodation and sports pitch upgrades form part of the overall vision for a sports village through the creation of an integrated sports and residential campus. The site's seclusion with mature woodland, burn and landscape bears similarities to a campus setting rather than an urban location and it is this context that inspired the design concept. The design concept takes a landscape first approach and seeks to connect the development to its immediate landscape setting as well as Arthur's Seat, which forms the backdrop to the site.

The sports centre is intended to be the hub of the complex. It will be located centrally within the masterplan area and will be visible across the site. The layout of the building has been designed to accommodate internal facilities to meet the range of end users and will also provide support and changing facilities for the outdoor playing fields.

The form and massing of the sports centre is determined by the various sports and ancillary uses that it will accommodate, as well as a design response to its natural backdrop of Arthur's Seat.

The multi-purpose games hall will cater to a range of sporting uses including: badminton, basketball, futsal, handball, hockey, korfball, netball and volleyball. Design guidance for indoor sports recommends that a minimum height of 9m should be maintained. This creates a 9m 'pivot point' around which the pitch is generated.

Similarly, the adjacent indoor tennis hall has an activity envelope with a 9m requirement at the net, reducing to 4m at the edge of the run-off area.

The performance gym requires a minimum clear ceiling height of 4m for the dynamic exercises performed in the space. This requirement has been used to establish a base datum at first floor level.

The high-level plantroom is subsumed within the overall volume to avoid disrupting or complicating the roof profile and allows the creation of a simple and elegant external form.

While the building has been laid out internally to accommodate the volume of space required for the various sports, its overall design is not solely functional. The sport centre's relationship with its natural backdrop is reflected in the design, with the building profile 'lifting its head' towards the views of Arthur's Seat. The angled roof will reflect the sloping profile of Arthur's Seat in some views looking north.

The building will sit prominently in the site and its central location is justifiable by its function as a centre for sporting excellence within the city, replacing the existing Laurie Liddell and McArthur Pavilion with an iconic structure. From Peffermill Road, the building's setback will help to create a welcoming entrance to the site.

In terms of materials, the building will be primarily clad in Western Red Cedar with a concrete base course and glazed curtain walling. Glazing on the north elevation will provide a visual connection with the external environment. Deep profiled vertical timber fins will be located on the north façade of the sports hall to prevent sunlight entering the space in the evening. The roofing material will be an aluminium trapezoidal sheet in a natural finish that will weather in a similar way to timber cladding.

The western corner of the site is currently underused and has been identified as the most suitable location for residential accommodation. The residences are to provide accommodation for under-graduate students, post-graduate students and as an athletes' village and conference accommodation during the summer months.

This part of the site is closest to existing urban areas and the destinations and services that students are most likely to frequent. Cameron Toll and the King's Buildings Campus are within easy walking distance, with the University's Central Campus and the BioQuarter also within reasonable proximity. Bus services to destinations across the city and beyond are provided within close walking distance.

The western corner of the site is bound by stone boundary walls, fencing, mature perimeter trees and the railway embankment. These features mean there is no opportunity to form a definite urban edge to this part of the site, and instead have the effect of isolating it from public view which creates a perception of privacy and detachment from the surrounding public realm.

The design concept is based on a landscape first approach which views the quality of the landscape as being as important as the internal spaces. The arrangement of the Y-form buildings has been developed to connect the interior spaces visually with the landscape around the site. Additional landscaping and external garden spaces have been designed to work with the building layout to enhance the residents' experience.

The three blocks will share the same architectural language. The component parts of the buildings are expressed externally in the façade design. The bedrooms will have repeated windows aligning vertically. The living rooms at the end of each wing are more expressive, with varying window sizes and proportions. The three blocks will be connected at ground floor level with communal areas and colonnades and will provide access to the communal gardens.

It is also proposed to create a pedestrian and cycle access on the corner at Peffermill Road and Old Dalkeith Road to make the site more permeable. This will provide a natural desire line in and out of the site for residents but will also support the stated intention of encouraging local residents to utilise the Peffermill Campus.

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the proposal and considers in detail the landscape and visual effects of the development.

The LVIA assessed a number of viewpoints that may be impacted by the development, including key views of Arthur's Seat and Salisbury Crags from Blackford Hill, Braid Hills Drive, Liberton Cemetery, the A7 and Craigmillar Castle. Although visible in some key views, the magnitude of change for each of these views was assessed as being slight or negligible. Therefore, none of the key views assessed would be impacted significantly by the development.

A number of other viewpoints were also assessed as part of the LVIA, this included prominent views over the site, such as the view to the south of the city from Queen's Drive on Arthur's Seat, as well as a number of more localised views.

The relationship of the buildings to the surrounding landscape and Arthur's Seat has been a key driver in the design of the sports centre and residences. The building profile of the sports centre slopes upward towards the views of Arthur's Seat and despite its height and mass, which rises to approximately 21.5m and 8,700sqm, the orientation and tapering form of the facility allows it to sit comfortably within the local landscape.

The design of the student accommodation intentionally responds to view from Arthur's Seat, looking south. The tallest wing of each residence block has been positioned to align their narrowest elevation in this direction. The storey heights of each wing of the three residences have been varied and gaps created between the upper floors. This breaks down the building mass and ensures the buildings do not present a singular horizontal roof line.

The upper storeys of the residences will be in the western extent of the view from Queen's Drive and the northern timbered elevation of the sports centre will be visible in the centre of the site. However, the character of the view will be substantially maintained, with the proposed built form introducing a moderate level of development into the view. The location of the sports centre and residences to the west of the Craigmillar Castle SLA boundary avoids direct landscape severance between it and the Holyrood, Prestonfield and Duddingston SLA. The visual expanse of largely open countryside when viewed from Arthur's Seat will be retained and similarly when viewed in the other direction from Craigmillar Castle. The overall magnitude of the change will be slight and will not be significantly affected by the development.

Five of the viewpoints assessed will be significantly affected by the development. Three of the affected viewpoints are from within Peffermill Playing Fields. The other significantly affected views are from Old Dalkeith Road to the south of the site looking north and from the entrance to Cameron Toll Shopping Centre looking across the roundabout. All of these views are significant due to the proximity of the view point to the proposal.

Considering the scale of the proposal, it is accepted that it will be highly visible within certain views in the immediate area. However, given the existing boundary condition of mature trees, the additional mitigation planting proposed and the setback from the boundaries, the site is capable of accommodating a development of this scale.

Overall, the sports centre and residences demonstrate a clear design concept that seeks to connect the development to its immediate landscape setting as well as Arthur's Seat, which forms the backdrop to the site.

The architecture includes contemporary elements that are appropriate in the context of a new state of the art sport and residential campus. While the residences in particular will be prominent in some local views, the setback of the buildings and the mature trees that enclose the western corner of the site will soften the visual impact. No key views or important views across the site will be significantly impacted. Therefore, development is acceptable in terms of its scale, form, design and landscape and visual impacts.

c) Flood Risk and Drainage

The eastern and southern parts of the site lie within an area of importance for flood management and form part of the functional flood plain. The western section of the site, where the residences and sports centre are proposed, lies behind the Braid Burn Flood Protection System (FPS). LDP policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase a flood risk or be at risk from flooding itself. The supporting text accompanying this policy states that proposals will only be favourably considered if accompanied by a flood risk assessment, demonstrating how compensatory measures are to be carried out, and that any loss of flood storage capacity is mitigated.

Also relevant is Scottish Planning Policy (SPP), particularly paragraphs 254 to 268, which relates to managing flood risk and drainage.

SEPA has stated that it has no concerns with the upgrading of the sports pitches. Although located within the functional flood plain of the Braid Burn, this element of the proposal is a water compatible use and is therefore acceptable.

The sports centre and water-based pitches will be located outwith the functional floodplain but are behind the Braid Burn FPS. As this is a least vulnerable use, the FPS has at least a 1 in 200 year standard of protection (SOP) and a downstream overflow level, SEPA has no objection to the proposed location of the sports centre and water-based pitches.

The student residences are also located outwith the functional floodplain and behind the FPS. SEPA considers that, if developing a use which is highly vulnerable to the effects of flooding (such as student residences) behind an FPS, then this must be protected to a 200 year plus climate change standard of protection. SEPA's climate change allowances for FRA guidance generally expects a 20% allowance for climate change. The Braid Burn FPS was designed for a 1 in 200 year flood event with an allowance of 12% for climate change, as that was the understanding of climate change impacts at that time. Therefore, SEPA has objected to this element of the proposal.

The Flood Risk Assessment (FRA) submitted in support of the application indicates that the majority of the land proposed for the student accommodation development is not predicted to flood within the 200 year plus climate change event, but an area at the eastern end of the site is impacted under such conditions. This area of the site will be laid out as landscaping and will not affect the accommodation building itself. As a result, it is proposed to raise the finished floor levels to 47.7m AOD which will provide at least 600mm freeboard above the 200 year level with a 40% allowance for climate change. Topography within the landscaping along and behind the Pow Burn is such that in the event of overtopping, flood waters will flow along low-lying land between the accommodation and the Pow Burn.

However, SEPA considers that land raising behind the FPS does not accord with the principle of avoidance set out in SPP. SPP states that *"a precautionary approach to flood risk from all sources, including coastal, water course (fluvial) should be taken. The planning system should promote flood avoidance by safeguarding flood storage and conveying capacity and locating development away from functional flood plains and medium to high risk areas"*. It further states that *land raising should only be considered in exceptional circumstances"*.

The applicant is of the view that SPP is being complied with and highlights a recent similar case where built development is proposed behind the Water of Leith FPS and where SEPA objected on similar grounds. The matter was referred to the Scottish Government, and their response is below.

"The Scottish Government Flood Policy Team (FPT) highlight that the development is not contrary to SPP as it is a behind a flood protection scheme which the Council say provides defence to a 1 in 200 year event with a 12% allowance for climate change. The FPT highlight that the WLFPS does not include a climate change allowance of 20%, which is what SEPA deem to be required to meet the projected increase in flood risk in future years. However, the FPT also highlight that the development does include mitigation measures which the Council's Flooding Team have deemed adequate and that the development is designed for a 1 in 200 year flood event with a 30% allowance for climate change.

As a result, whilst the FPT do note SEPA's concerns about the uncertainties associated with the standard of protection, they are of the view that the Council have appropriately assessed the issue of flooding at the site and that the proposed mitigation measures are satisfactory.

In light of the above information, it is not considered that this proposal raises any issues of national importance to warrant intervention by Scottish Ministers. It is recommended that this application be cleared back to The City of Edinburgh Council."

The applicant states that the stance taken by the Scottish Government is consistent with what is being proposed behind the Braid Burn FPS.

CEC Flood Prevention is satisfied that the applicant has demonstrated that the proposed development complies with CEC guidance in terms of flood risk, and that appropriate drainage measures have been included in the design to address surface water quality and surface water attenuation.

Therefore, it can be concluded that these measures are sufficient in order for the development to conform to LDP policy Env 21, SPP and CEC guidance in terms of flood risk.

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

d) Impact Upon the Setting of a Listed Building

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

Cameron Bank is a Category C listed (LB no: 28163, date listed: 29 March 1996), late 18th century L-plan villa with a single storey extension to the rear. Included in the listing are the outbuildings and the stone boundary walls onto Peffermill Road. The building is located within the north-western area of the playing fields and is currently used as ground-person's accommodation.

The building is located within the Peffermill campus, but is outwith the application site. It is the intention of the university to retain the listed building and it will remain in use as part of the wider site.

The setting of the listed building is largely defined by its associated historic plantings: a pair of giant redwoods, a mature beech tree, three yew trees and two hollies. These trees are within or close to the building's curtilage and are fully mature, in satisfactory health and condition and are to be retained on site.

The proposed student residences will be located to the south of the listed building. While the residence buildings are of a different scale to Cameron Bank, they are set back from the listed building and will not be detrimental to its setting or historic interest.

It is the university's intention that Cameron Bank will continue to form a productive part of the Peffermill campus. The mature trees that bound its southern elevations will be retained and the siting of the student residences away from the listed building will preserve its setting.

e) Amenity

Noise

A Noise and Vibration Impact Assessment has been submitted in support of the application. This includes a road traffic noise assessment, a railway noise assessment, a railway vibration assessment in accordance with BS 6472: 2008, an assessment of car workshop noise, an assessment of the playing fields, a discussion of the relocated sports pavilion and future plant noise.

The outcome of these assessments conclude that mitigation will be required to ensure that the internal noise levels are acceptable within the proposed student accommodation blocks by way of double-glazed windows with an alternative form of ventilation, such as acoustic trickle vents. This will be required by a condition.

Vibration levels on site were considered to be at a level where adverse impact is not expected.

Daylight, Sunlight and Privacy

The sports centre will be situated over 100m away from the nearest residential properties at Cellar Bank. The point at which daylight would be compromised is approximately 42.5m from the new building. The sports centre will not produce any adverse impact on daylight, sunlight or privacy to any nearby residential properties.

The student accommodation will be sited far enough away from the nearest residential properties across Peffermill Road to comply with the 25-degree method for protecting sunlight. The front gardens of these properties will not be impacted by adverse overshadowing and there are no issues in relation to privacy.

The design and arrangement of the three Y-form buildings have been developed so that the new buildings do not impact on one another in terms of daylighting and overshadowing. Supporting information has been submitted demonstrating compliance with the 'no sky line' method for bedroom and living room spaces.

Some of the space immediately to the north of the residences will be overshadowed for much of the day during the spring equinox. However, this is where the vehicular access and cycle shelter is proposed and will not affect residents' amenity. The garden spaces surrounding the residences are shared, which allows residents to choose where they would like to occupy, which may vary depending on the time of day. Over half of the main garden spaces will receive potential sunlight at the spring equinox for more than three hours, exceeding the minimum EDG requirement.

The layout of the residences ensures that the windows have been angled away from each other, preventing privacy issues. The windows on the east facing gable of Block 1 and the west facing gable of Block 2 will be approximately 14 metres away. The windows in both blocks serve the communal living rooms. These windows are offset and recessed into the façade minimising the potential for any privacy issues.

There are no amenity issues arising in terms of noise and vibration or daylight, sunlight and privacy for existing or proposed residents as a result of the development.

f) Transport and Road Safety

The existing vehicle and pedestrian entrance to the site will be maintained as the access to the sports centre. The existing car park has 146 spaces, which will be increased to 191 and includes 12 spaces for disabled drivers and 10 electric vehicle spaces. This represents an increase of 34%. This increase is justified in the context of the development increasing the site's hours of play capacity by 100% and the desire to avoid overspill parking on Peffermill Road.

Seven coach spaces and six motorcycle spaces will also be provided for the sports centre.

A new vehicular access will be formed from Peffermill Road to serve the student residences and does not connect to any other vehicular routes. This access will be primarily for drop-off/pick-up, taxis, refuse vehicles and university maintenance vehicles. The residences will have zero parking with the exception of six spaces for disabled drivers.

A total of 575 cycle parking spaces will be provided in secure, covered stores across the site. They will be located on the ground floor of the residences, in external stores next to the residences and at the front of the sports centre. An additional store will be provided between the residences and the sports centre, near the new access from Peffermill Road.

A new pedestrian entrance to the site is proposed adjacent to the Cameron Toll roundabout. This entrance is next to the existing pedestrian crossing across Peffermill Road to the north, and also to the footpath which passes under the rail line to the south. This entrance improves connectivity to the site and formalises a desire line for pedestrians and cyclists to the amenities and services to the west of Peffermill.

The site benefits from being near a main arterial route into the city and is well served by public transport. Real-time bus information screens will be provided at both the student residences and the sports facilities.

Overall, the proposed level of vehicle and cycle parking is acceptable. The development is well connected and will have no detrimental impact on traffic or road safety.

g) Biodiversity

The Pow Burn and Braid Burn that run through the site are both designated local conservation sites. Policy Env 15 (Sites of Local Importance) advises that developments likely to have a detrimental impact on a local nature conservation site will not be permitted unless it can be demonstrated that the adverse consequences of allowing the development have been minimised and mitigated in an acceptable manner.

In addition, LDP policy Env 16 (Species Protection) protects against development that would have an adverse impact on species protected under European or UK law.

The Ecological Assessment submitted in support of the application identified the potential presence of a number of protected species within the site, including: otter, bats and badger. Preconstruction surveys will be required to determine the use of the otter holt, Cameron Bank and the use of the badger setts.

Invasive Non-Native Species have also been identified and a method control statement will be required prior to the commencement of development.

In order to ensure that these matters are given due consideration, an informative will be added recommending that a site-specific Construction Environmental Management Plan (CEMP) will be implemented.

The CEMP will seek to ensure that any necessary mitigation measures are implemented, and that the proposal will not lead to any significant adverse residual effects in relation to terrestrial ecology.

h) Archaeology

The site occurs within an area of archaeological potential in terms of medieval and later development of the Cameron House Estate and historic environmental evidence dating back to early prehistory. The City Archaeologist has advised that a condition should be imposed to protect archaeological heritage.

i) Material Representations

Material Objections

- The heights of the accommodation blocks are too high - addressed in 3.3(b);
- Lack of parking - addressed in 3.3(f);
- There is already too much traffic in the area - addressed in 3.3(f);
- Noise and disturbance - addressed in 3.3(e);
- Impact on the listed building - addressed in 3.3(d);
- Impact on privacy - addressed in 3.3(e);
- Does not comply with limits on student numbers - addressed in 3.3(a);
- Impact on flood defences - addressed in 3.3(c); and
- Loss of wildlife habitat - addressed in 3.3(f).

Non-Material Comments

- Loss of cricket facilities - It is not within the remit of the planning system to control what particular sport is played on a playing field.

Grange/Prestonfield Community Council Comments

- Industrialisation of sports pitches does not comply with green belt policy - addressed in 3.3(a);
- Impact on wildlife, trees and biodiversity - addressed in 3.3(g);
- Sports centre and student accommodation is too tall - addressed in 3.3(b);
- Parking arrangements may be inadequate - addressed in 3.3(f);
- Standard housing should be provided as well as student accommodation in line with the SHG - addressed in 3.3(f);
- Student housing is not an appropriate use of green belt land - addressed in 3.3(f);

Gilmerton/Inch Community Council Comments

- Look forward to the benefits that the development will bring to the area;
- Impressed with the way the development will link up with pedestrian and cycle ways;
- The student accommodation is not in keeping with the immediate surroundings - addressed in 3.3(b);

Conclusion

The proposal is acceptable in principle and the sports village has been designed to a high standard and considers the nature of the site and the end users.

Although the student accommodation does not comply fully with the terms of policy Env 10, the proposal supports certain overarching aims for the green belt set out in Part 1 of the LDP and does not conflict with the other applicable aims. In addition, the proposal does not undermine other applicable green belt aims relating to preserving access to open space and complies with policies Env 18 and Env 19. Therefore, a departure from the policy can be justified in this instance.

On balance, the proposal also complies with the requirements of policy Hou 8 and the associated non-statutory guidance. The design concept for the site ensures that the development can sit comfortably within the landscape and local environment.

The site lies behind a Flood Protection System and just outwith an area of importance for flood management. As a result, it is proposed to raise the finished floor levels to 47.7m AOD which will provide at least 600mm freeboard above the 200 year level with a 40% allowance for climate change. These measures are sufficient for the development to conform to LDP policy Env 21, SPP and CEC guidance in terms of flood risk.

Impacts in terms of transport, ecology and archaeology are all acceptable.

Overall, the proposal complies with the overarching aims of the development plan and there are no material considerations which indicate otherwise.

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. 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. No development shall commence until details have been submitted to and approved by the Council as planning authority for a scheme; with timings; to deliver all facilities shown in the approved plans.

3. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis, public engagement and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. Prior to the commencement of construction works on site:
 - a. A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Planning Authority, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b. Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the 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 to the satisfaction of the Planning Authority.

5. Bedroom windows within the proposed students block shall be fitted with window glazing with a sound insulation performance of at least $Rw+Ctr$ 29 dB, with appropriate passive ventilation. Living room windows shall be fitted with glazing with a sound insulation performance of at least $Rw+Ctr$ 28 dB, with appropriate passive ventilation.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In the interests of ensuring that all of the approved development is delivered on site.
3. In order to safeguard the interests of archaeological heritage.
4. In order to ensure that the site is suitable for redevelopment.
5. In order to protect residential amenity.

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. Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 5 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).
5. All construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

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

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

6. The applicant should consider the provision of car club vehicles in support of the Council's LTS Cars1 policy. A contribution of 1,500 per order plus £5,500 per car would be required.
7. 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), timetables for local public transport.

8. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.
9. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
10. No development shall take place until a construction environmental management plan, relating to biodiversity (CEMP:biodiversity), has been submitted to and approved in writing by the planning authority.

The CEMP (biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologist need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of ecological clerk of works (ECoW) or similar competent person.
 - h) The use of protective fences, exclusion barriers and warning signs.
11. The proposed flood-lighting system shall be so designed that there is no direct illumination of neighbouring land, and so that any light spillage onto neighbouring land shall not exceed 25lux.
 12. The design, installation and operation of any lift machinery shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
 13. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

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

The application was advertised on 17 January 2020 and 21 letters of representation were received. There were 20 letters of objection, including from the Grange/Prestonfield Community Council. There was one letter offering comments in support and against the proposal from Gilmerton/Inch Community Council.

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

Background reading/external references

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

Statutory Development

Plan Provision

The site lies within the green belt of the adopted Edinburgh Local Development Plan.

Date registered

8 January 2020

Drawing numbers/Scheme

01 - 63,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Alex Gudgeon, Planning Officer

E-mail:alexander.gudgeon@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

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

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 19 (The Protection of Outdoor Sports Facilities) sets criteria for assessing the loss of outdoor sports facilities.

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

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

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

LDP Policy Hou 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 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.

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

Appendix 1

Application for Planning Permission 19/05923/FUL At 42 Peffermill Road, Edinburgh, EH16 5LL The development of a Sports village for the University of Edinburgh at Peffermill playing fields to accommodate redeveloped playing surfaces and the erection of a new Sports Centre and student residence incorporating ancillary facilities.

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations in respect to this further application for the development of a sports village for the University of Edinburgh at Peffermill Playing fields, to accommodate redeveloped of playing surfaces and the erection of a new sports centre and a student residence incorporating ancillary facilities.

Edinburgh University's Sports centre at Peffermill overlies a large area of ground situated between the historic estates of Cameron House, Inch and Craigmillar Castle. The area is first recorded in the 12th century as in part a peat marsh in the ownership of Kelso Abbey. Water management of the area continues to be a feature of the site with it being historically bisected by the Cameron or Pow Burn (see Fig 1) and the Braid Burn. The Cameron House Estate appears to have been established by the end of the medieval period with its southern boundary formed by the Cameron (Pow) Burn. Kirkwood's 1817 plan depicts several buildings occupying the higher ground to the north of the burn including the surviving listed Georgian Cameron Bank House and a former doocot.

The site is regarded as occurring within an area of archaeological potential in terms of medieval and later development of the Cameron House Estate and historic environmental evidence dating back to early prehistory. Accordingly, this application must be considered under terms of Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and Edinburgh Local Development Plan (2016) polices ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The site lies across the heart of the historic grounds and estate for Cameron House and includes the former courses of both the braid and Cameron (Pow) Burns. As such the construction of the new sports village and updating of the sports pitches have the potential for disturbing significant archaeological remains dating back not only to the

medieval period but also significant paleo-environmental evidence relating to Edinburgh's' Prehistoric landscapes. Accordingly, it is essential that phased programme of archaeological works is undertaken prior to development in order to fully excavate and recording any surviving archaeological remains occurring on this site.

The first phase of this work will be the undertaking of an archaeological evaluation (max 10%) of the site of the new student village and sports centre to determine scope of additional phases of work. Outwith this an archaeological watching brief will be required to be undertaken during the redevelopment of the sports pitches.

It is recommended that the following condition is attached by the Planning Authority to any granted permission to ensure that undertaking of the above elements of archaeological work:

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis, public engagement and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Environmental Protection

Environmental Protection has no objections to this application, subject to the attached conditions:

- 1. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*
- 2. The design, installation and operation of any lift machinery shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*
- 3. Prior to the use being taken up, the applicant shall demonstrate that the proposed flood-lighting system is so designed that there is no direct illumination of neighbouring land, and so that any light spillage onto neighbouring land shall not exceed 25lux, to the satisfaction of the Head of Planning.*
- 4. Bedroom windows within the proposed students block shall be fitted with window glazing with a sound insulation performance of at least $Rw+Ctr$ 29 dB, with appropriate passive ventilation. Living room windows shall be fitted with glazing with a sound insulation performance of at least $Rw+Ctr$ 28 dB, with appropriate passive ventilation.*

5. *Prior to the commencement of construction works on site:*
 - a. *A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*
 - b. *Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.*

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

The proposal is for a new sports centre, redevelopment of existing pitches and sporting facilities and new student residential accommodation with a capacity for over 500 students.

Environmental Protection has concerns about noise and light pollution from the proposal adversely affecting the amenity of both existing and new resident. The above conditions will provide an acceptable level of protection in relation to both these issues and therefore Environmental Protection would have no objections to these proposals if all the above conditions are attached to the permission.

Flood Prevention

15 January 2020- First Response

Thank you for the consultation request. I have reviewed the documents on the portal and have the following comments to be reviewed by the applicant:

FRA Comments

1. *Construction of the bund to the north of the hockey pitches to supplement the flood storage available on the Pow Burn will require input from a Reservoir Engineer - both for the design and construction phases.*
2. *The applicant has not completed a declaration for this application covering the flood risk assessment. As this development is classed as a major development under Planning definition, then an independent consultant is required to check the design and submission. They must then sign the required declaration for inclusion with the application prior to issue to CEC Flood Prevention. I have attached a copy of certificate A1 and B1, to be completed by the applicant.*

Student Residence SWMP Comments

3. *As this is classed as a major development under Planning definition, then an independent consultant is required to check the design and submission. They must then sign the required declaration for inclusion with the application prior to issue to CEC Flood Prevention. I have attached a copy of certificate B1, to be completed by the applicant.*

4. As acknowledged in the report, a qualified Reservoir Engineer will be required to oversee the design and implementation of the surface water outfall through the existing flood defences.

Sports Facility SWMP Comments

5. As this is classed as a major development under Planning definition, then an independent consultant is required to check the design and submission. They must then sign the required declaration for inclusion with the application prior to issue to CEC Flood Prevention. I have attached a copy of certificate B1, to be completed by the applicant.

6. The surface water attenuation calculations use a 30% climate change uplift and references CEC guidance from May 2017. Following the release of UKCP18 and SEPA's revised climate change guidance, CEC Flood Prevention now request a 40% uplift for climate change be considered in Surface Water Management Plans and Flood Risk Assessments. The latest 'Flood Risk and Surface Water Management Plan Requirements' (CEC, 2019) is linked in my signature below.

7. Underground storage tanks are proposed to attenuate surface water. CEC Flood prevention request that surface water assets, in particular attenuation structures, are above ground and not below ground for easier maintenance and identification of potential reduction in storage capacity or blockages. Could the applicant please confirm why above ground storage is not feasible.

8. It is proposed to discharge part of site surface water to the Scottish Water combined system. Please provide written confirmation that Scottish Water agree with the proposed discharge to the combined system.

9. A qualified Reservoir Engineer will be required to oversee the design and implementation of the surface water outfall through the existing flood defences.

14 August 2020 - Second Response

We have received the completed independent checker declaration (Certificate B1). This application can proceed to determination, with no further comments from our department.

Gilmerton/Inch Community Council

Gilmerton & Inch Community Council are looking forward to the benefits that this development will bring to the local community as they will be able to apply to join the sports club and use the facilities.

We are impressed with the way that the development will link up with the pedestrian and cycle ways already there and planned within the Cameron Toll area and beyond. We hope that further progress with this will be considered as the development is perfected.

At ten storeys high the accommodation block is not in keeping with the immediate surroundings and will change the landscape of the area dramatically. The height of these blocks are somewhat off putting and we would hope that perhaps these could be scaled back to a more acceptable height that will blend in and be a much more sympathetic and acceptable addition to the area.

Grange/Prestonfield Community Council

1. Introduction: This is a response to the Request for Consultation from CEC Planning & Transport dated 8 January 2020. It is similar in content to the GPCC comments on this application submitted online during the public consultation on this application, which follows a PAN earlier in 2019 and public exhibition of outline proposals. GPCC considered this application at its meeting on 15th January 2020. A summary of the scheme is:-

i) Conversion of grass pitches to artificial all-weather surfaces allowing more intensive use etc.

ii) Sports Centre offering student, staff and community facilities, indoor sports halls, gymnasia, changing rooms, social and conference spaces and physiotherapy and staff accommodation. This building 's northern elevation towards Peffermill Road would appear about 8 floors high.

(iii) 573 beds of student residence with communal facilities to provide undergraduate and postgraduate accommodation, which can also be used to provide athlete and conference accommodation during the student vacations. The buildings are to be up to 10 storeys high located between Peffermill Road and the railway embankment at the Old Dalkeith Road junction. It will comprise 3 triform towers of 6 storeys, the triform wings reducing to a single wing at 10 storeys.

The application site covers the whole of the University's Peffermill Playing Fields site, within the areas of Craigmillar, Gilmerton/Inch and Grange/Prestonfield Community Councils. However, the proposed development is principally within GPCC area.

2. The PAC Report: 19/05923/FUL is a fully detailed comprehensive application of 144 documents. It includes the required PAC Report, setting out the pre-application consultation process. This report is comprehensive and, from GPCC's perspective, sets out correctly and fully what took place. GPCC has no comments on this PAC Report.

3. Green Belt & Open space: The whole site is designated in the Local Development Plan (LDP) as Green Belt and Open Space. As well as the policies in the LDP, there is also specific CEC Guidance for Development in the Countryside and Green Belt. The planning application has a separate paper on Green Belt and Open Space by Richard Slipper Planning, which is referred to later in these comments.

The main issues report "Choices" of the emerging LDP "City Plan 2030" is currently under consultation and the open space and green network issues therein are of relevance going forward.

4. Flood Management:

i) The Pow Burn and the Braid Burn flow through the site and both catchments have existing flood management schemes with flood storage. As well as the Green Belt and Open Space LDP designations referred to above, the eastern part of the area within GPCC and those parts of the site within neighbouring CCs are also designated as an Area of Importance for Flood Management. The relevant planning consent for the latter is the deemed consent 06/01922/CEC of 15 August 2006.

ii) Application 19/05923/FUL includes a comprehensive Flood Risk Assessment by Kaya Consulting Ltd, into the effect of the proposed development and proposes measures to deal with flooding risk, including setting ground floor levels and providing additional flood storage by the lowering the level of pitches to the west of the proposed sports centre. The Kaya Flood Risk Assessment and the flood management proposals will require careful consideration in the assessment of this application.

5. Outside sports pitches, courts and facilities:

i) Over the years the proportion of artificial surfacing, high fencing and lighting has significantly increased in the Peffermill Playing Fields and, if this new application is approved unchanged, natural playing surfaces would be further reduced, leaving hardly

any in that part within the GPCC area. Overall it seems there would be 4 fewer grass pitches, but 2 extra artificial pitches and other artificial training or playing surfaces. The commercial advantages to operators of artificial pitches are obvious compared with natural and there are benefits to players also in increased availability. A grass pitch may be able to accommodate only 2 or 3 games a week without being degraded, whereas use of artificial surfacing is limited only by operational factors. The environmental and amenity cost can however be very high and in this case what is proposed would depart even further from what most people think of as Green Belt. .

ii) The current LDP regulates what may be acceptable development in the Green Belt, specifically Policy Env10. It has long been accepted that some recreational and sporting activities may be appropriate uses of Green Belt land, with some buildings ancillary and necessary to that activity also being acceptable. At Peffermill artificial lighting, high fencing and artificial surfacing have already been approved, but specifically where these provisions could perhaps still be seen as ancillary to activity still overall on natural pitches or surfaces. We think the creeping industrialisation of sporting facilities which would result from approval of this application, with the increase in artificial and hard surfacing and the increased building footprint, takes this process too far and would not be compliant with LDP Green Belt Policy.

iii) GPCC and local residents are very concerned about the further impact on the environment, wildlife, trees and biodiversity generally of the expansion of artificial pitches and hard landscaping.

6. Sports Centre: This is to incorporate in a single building of 8732sq.m., indoor facilities currently scattered around the site, together with new facilities, such as conference , all under one roof. The new Centre is to be centrally placed on the site and the existing buildings are to be demolished. LDP Green Belt Policy Env10 envisages that buildings may need to be replaced and that there can be an intensification of existing use. Whilst the footprint of the new Centre may broadly be acceptable in relation to what is being demolished, despite a significant increase in total building footprint, we think the height, about 22m equal to 8 storeys on the north side, would not be appropriate. From the Peffermill Road area the building would appear massive and dominant, less so from the south where the wall height steps down to about 14m, but then also it presents a sloping roof. We think this building should be reconfigured to reduce its height and dominant form, perhaps by the elimination of some facilities not directly related to the existing use. This could bring what is proposed more into conformity with Policy Env10 and be more in keeping with the treescape beyond to the southeast.

7. Student Accommodation:

i) As stated above 573 beds of student accommodation are proposed in 3 triform blocks at the western end of the site, close to the Cameron Toll roundabout. These blocks, up to 10 storeys in height, would visually overwhelm nearby dwellings on the north side of Peffermill Road, no more than 3 or 4 floors in height, and dominate near and distant views with significant loss of visual amenity. The impact on nearby residents and infrastructure of an increase in local population of nearly 600 would have to be very carefully evaluated in assessing this application.

ii) The LDP & CEC Guidance do not require car parking for student accommodation to be provided. We consider there should be enough safe layby provision for cars and taxis to pick up and drop off students laden with baggage at peak term times. In a separate communication the University has explained their current regime for managing student arrivals but facilities currently used such as the Cameron Toll

shopping centre car park may not be available if the cinema scheme there goes ahead. We think what is shown could prove to be inadequate.

iii) The CEC Student Housing Guidance stipulates that, for sites above 0.25Ha, 50% of the gross floor area shall be normal housing. The Design and Access Statement appears to consider that this existing site is part of a University Campus and therefore "student housing will generally be acceptable". We think this is stretching meaning too far and does not accord with actuality. If student accommodation is to be acceptable on this Green Belt site, then also would normal housing, in the proportion stipulated by the Guidance, so as to help create a balanced community. The Design and Access Statement with this application refers to LDP Policy Hou8 on Student Accommodation, but this LDP Policy should not be used to override other LDP Policies on Green Belt and Open Space and other environmental concerns.

iv) The Green Belt and Open Space Paper with this application considers that this proposed student accommodation on Green Belt land should be approved, because it can be occasionally used by visitors to the adjacent athletic facilities. Most of the time however this accommodation would be occupied by students not studying in the sports facilities, but elsewhere in the University. We do not agree with statements in the Green Belt and Open Space paper, specifically 2.33 on LDP Policy Env10. Student accommodation is an alien use of Green Belt land not justified by also occasionally being occupied by athletes using the sports facilities. The same paper in 2.49 and 2.50 emphasises the commercial imperatives driving the proposal for student accommodation, but these do not justify this use

v) GPCC does not agree with Paragraph 2.51 of the same paper that, because there are already non-compliant uses of Green Belt land on the northern periphery of the Peffermill Playing fields, "this is clearly a precedent of buildings being acceptable in the green belt at this location etc". Rather it should be a reason to halt this degradation and consider how other relevant LDP Policies could be fulfilled, including Env9 Urban Edge Development.

vi) At the southern end of Mayfield Road there are 2 consents for a total of 237 beds of student accommodation (with 19/04858/FUL to take the total to 298 having been withdrawn on 4th February 2020). Between Mayfield Road and Cameron Toll the Good's Corner site offers about 107 beds of student accommodation. King's Buildings is the nearest University Campus to the Peffermill Road site, with the central study area of the City further away, and neither would be particularly convenient for students living in this proposed student accommodation. It has not been demonstrated that there is going to be a continuing long term demand for this total amount of student housing in this part of Edinburgh. Furthermore it has not been shown how the proposed student accommodation could be adapted for future use as required by 2.8 Adaptability of the Edinburgh Design Guidance and LDP Policy 5b. Any adverse impacts of market change would fall on the local community.

vii) In the view of GPCC, student housing would be an inappropriate use of this Green Belt land and not justified by limited use by visiting athletes when not in use by students on vacation. This housing should not be in the Green Belt and we disagree with the rather special pleading in the Green Belt and Open Space Paper accompanying this application.

8. Public Transport: The Transport Assessment with this application rather overstates the convenience of bus services, the only available form of public transport. The nearest bus stop to the proposed student residences offers only a half-hourly service to the city centre (Route 42) and bus stops for other routes are some distance away, some across busy roads. If this project is to go ahead in some form there would have to be greatly improved bus services if public transport is to have a greater role in reducing

reliance on car travel. The proposed tram extension is an unscheduled long-term aim with no firm date in sight. .

9. Parking and Traffic:

i) It is proposed to expand the car park to 191 spaces. At present there are 146 car spaces, 5 for coaches and 2 for minibuses. This rather minimal increase would be inadequate to meet current demand on event or match days when parking facilities are already over-stretched and would in no way meet the expected demand if the expansion envisaged in this application takes place.

Currently, when popular matches are on, Peffermill Road and adjacent streets suffer from large numbers of parked cars, some irresponsibly parked causing problems for residents. Any changes to the current B7 RPP parking regime, which may become necessary, could put further pressure on any remaining unrestricted on-street parking.

ii) Peffermill Road is a busy route heavily used by emergency services and the local road infrastructure is already under stress. On Peffermill Road westbound, close to the Cameron Toll roundabout, there is a no right turn into Cameron House Avenue, just opposite to where it is proposed to have the access road to the student blocks. This needs to be rethought.

iii) It is clear that firmly grounded traffic and parking management plans would be required for match and competition events if there is to be any increase in facilities at Peffermill playing fields and this would have to be conditioned in any further planning consent. It would not be acceptable to proceed as at present on a "case by case" basis, as these arrangements have been shown to fail on occasions.

iv) As part of the assessment of this application, we think there is a need for a comprehensive CEC led traffic study of the Lady Road/Cameron Toll/Peffermill Road network taking into account existing pressures and the impact of all the various proposals in this area, as set out in our response to the cinema proposal 19/06001/FUL.

10. Summary: For the reasons set out above, GPCC objects to this application as submitted and asks that it be refused.

Historic Environment Scotland

Thank you for your consultation which we received on 08 January 2020. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref LB28106 SM90129 SM13032

Name Peffermill House Craigmillar Castle, castle and gardens Holyrood Park

Designation Type Listed Building Scheduled Monument Scheduled Monument

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

Our Advice

We 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.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.englished.org.

Please contact us if you have any questions about this response. The officer managing this case is Tom Gardner who can be contacted by phone on 0131 668 8835 or by email on tom.gardner@hes.scot.

Natural Environment

The site has been assessed for habitats and species, as a result of the findings of these assessments, I make the following recommendations.

Otter: A preconstruction survey for otters should be undertaken to determine the use of the otter holt identified and therefore any licence requirements.

Bat: No bats were found to be roosting in the buildings surveyed however it is considered highly likely they are roosting in the Caretakers House. however this is not a constraint to development. Recommendations are made:

o Within the design of the new development, the tree identified as having bat roost potential is retained along with the vegetated boundaries. If possible, these areas should be enhanced through appropriate planting of a range of ground, understory and trees. The 2012 Bat Conservation Trust guidance maybe of use when choosing species (Bat Conservation Trust, 2012).

o Following best practice guidance (Bat Conservation Trust, 2011, 2014), the design of the new residential development and its associated lighting in proximity to the Caretaker's House should be done sympathetically with regards to bat species. All bats are affected by lighting of commuting and foraging areas. While these areas (the linear areas of vegetation and tree lines) on site are currently not completely dark, the design should seek to minimise lighting and should not increase levels over those currently experienced.

Badger: A preconstruction survey for badgers should be undertaken to determine the use of the badger setts and therefore any licence requirements.

Breeding Birds: All scrub and vegetation clearance should be undertaken out-with the bird breeding season (March to August inclusive). If vegetation clearance within the bird breeding season cannot be avoided, checks for nesting birds will be necessary to locate any active nests. An exclusion zone should be marked around any active nests and work should not resume until it has been confirmed by a suitable person that birds are no longer nesting in the exclusion zone.

Invasive Non Native Species (INNS): There are INNS in the area of the development. Therefore, in-order to protect the nature conservation value of the site, in particular the water courses, a Method Statement for the control of INNS, should be submitted prior to development commencing site.

Biodiversity Enhancements: This development has the potential to enhance the site for biodiversity with the inclusion of features such as bat and swift bricks and green/ blue roofs. This would be in accordance with policy Des 3, the Edinburgh Design Guidance and Edinburgh Biodiversity Action Plan 2019-21 and should be given due consideration as part of the scheme design.

Condition: Construction Environmental Management Plan (CEMP)

In order to ensure that all the above matters are given due consideration, I would advise that a condition requiring the submission of a CEMP is included with nay consent given:

No development shall take place until a construction environmental management plan, relating to biodiversity (CEMP:biodiversity), has been submitted to and approved in writing by the planning authority.

The CEMP (biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologist need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of ecological clerk of works (ECoW) or similar competent person.*
- h) The use of protective fences, exclusion barriers and warning signs.*

Network Rail

Thank you for consulting Network Rail regarding the above development.

Whilst Network Rail has no objections in principle to the development, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as advisory notes, if granting the application:

Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area.

o All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 5 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).

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

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

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

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

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

Scottish Water

Scottish Water has no objection to this planning application; however, the applicant should

be aware that this does not confirm that the proposed development can currently be serviced

and would advise the following:

Water

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

Foul

- 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 can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link [www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-](http://www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application)

process-and-applications-forms/pre-development-application

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

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our

Asset Impact Team directly at service.relocation@scottishwater.co.uk.

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

Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon . When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection

for brownfield sites only, however this will require significant justification taking account of

various factors including legal, physical, and technical challenges. However it may still be

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

In order to avoid costs and delays where a surface water discharge to our combined sewer

system is proposed, the developer should contact Scottish Water at the earliest opportunity

with strong evidence to support the intended drainage plan prior to making a connection

request. We will assess this evidence in a robust manner and provide a decision that reflects

the best option from environmental and customer perspectives.

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water

pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>

Next Steps:

- Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- 10 or more domestic dwellings:

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

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

- Non Domestic/Commercial Property:

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

- Trade Effluent Discharge from Non Dom Property:

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

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email

TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/ourservices/>

compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h
Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

SEPA

12 February 2020 - First Response

Thank you for your consultation email which SEPA received on 09 January 2020.

We previously offered advice on the proposed development at pre application stage (emails dated 17 December 2018 (PCS/162409), 09 August 2019 (PCS/166352) and letter dated 23 August 2019 (PCS/166352). At that time, given the intention to develop the student residences behind the Braid Burn Flood Protection Scheme (FPS), we highlighted our position on development protected by a FPS. In line with our guidance, if developing a use which is highly vulnerable to the effects of flooding (such as student residences) behind a FPS then this must be protected to a 200 year plus climate change standard of protection. As previously advised, and set out in our recent climate change allowances for FRA guidance, we generally expect a 20% allowance for climate change.

We have considered the planning application, including the Flood Risk Assessment (dated October 2019) prepared by Kaya Consulting Ltd, and require additional flood risk information to assess the appropriateness of siting the student residence behind the FPS. We therefore object on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy and Policy Env 21 Flood Protection of the Edinburgh Local Development Plan. We will review our objection if the issues detailed in Section 1 below are adequately addressed. We also recommend you consult with your flood risk management colleagues regarding the planning application.

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.

Advice for the planning authority

1. Flood Risk

1.1 In summary, we wish to receive clarification on the following points before we consider removing our objection to the planning application:

- The FRA and hydraulic modelling are updated to exclude the embankment along the Pow Burn. The student accommodation should be located outwith the 1 in 200 year functional floodplain;
- Further information on the accuracy of the LiDAR data in this area compared to topographic level information;
- The mass balance error and Manning's *n* values provided for the 2D domain; and
- The standard model parameters that have been used for the 2D domain.

1.2 We have considered the proposals and note that the redevelopment of playing fields are located within the functional floodplain of the Braid Burn. This element of the development is classed as a water compatible use, as set out in our Flood Risk and Land Use Vulnerability Guidance, and therefore are appropriate to be located here. The sports facilities are located outwith the functional floodplain but are behind the Braid Burn FPS. As this is considered to be a least vulnerable use, and we understand that the FPS to have at least a 1 in 200 year standard of protection (SOP) and a downstream overspill level, we have no objection to the proposed location of the sports centre.

1.3 Student residences are proposed within the south western corner of the site, to the north of the Pow Burn. As this introduces overnight accommodation onto the site a Flood Risk Assessment (FRA) (dated October 2019) has been undertaken in support of the application.

1.4 The Braid Burn FPS includes an embankment to the north of the Pow Burn, which is located to the south of the proposed development site. The FRA indicates that the SOP of the FPS is 1 in 200 year plus 12% climate change. As set out in our position on development protected by a FPS, we require a minimum of 1 in 200 year plus climate change SOP for highly vulnerable uses and we generally expect a 20% allowance for climate change. The SOP provided by the current scheme is insufficient. Therefore, for us to be satisfied the development is not at flood risk, we request that the FRA and hydraulic modelling is updated to exclude the embankment along the Pow Burn. The student residences should be located outwith the 1 in 200 year functional floodplain, which may require a modification of the development layout. We would also note that flood schemes are primarily built to protect existing development from flood risk rather than to facilitate new development. Flood schemes can still overtop, fail, or be breached and subsequent flooding can be more hazardous in nature due to the rate of onset and velocity of inundation.

1.5 It is stated within section 4.1 of the FRA that the Liberton Gauging Station data was not fit for use at this time. Therefore, flows for the Braid Burn were based of the hydrological assessment made within the Braid Burn FPS. The final design flow used within this FRA has not been detailed and we would have expected to have seen this. We are satisfied with the decision to look at an alternative to using Liberton Gauge data. However, we have concerns with regards to the use of the Braid Burn FPS design flows as we believe these were also based on this gauging station data. As described within the FRA an overspill, over Peffermill Road, is at a level of 44.5mAOD. Due to this overspill level on the Braid Burn the student residences finished floor levels are set above this level, we are satisfied there is no risk from the Braid Burn.

1.6 Hydrological analysis of the Pow Burn has been undertaken separately by a modelling study undertaken by Caley Water within Infoworks ICM. This assessment

looked at the Scottish Water sewer model within the Pow Burn catchment. It states within the FRA that the Caley Water report is available within Appendix B. This has not been submitted to SEPA. Upstream of the site it has been shown that there are two inflows to the Pow Burn from Scottish Water network. The first is from the Jordon Burn/Pow Burn which discharges flows within the Morningside area of Edinburgh and discharges into an open channel upstream of the Cameron Toll Roundabout. The second is a discharge at the Cameron Toll roundabout from the Dalkeith road, draining from the Commonwealth Pool area. A range of storms were simulated based on FEH13 parameters, which we support the use of, and were developed for a return period of 200 year and a climate change uplifts of 20% and 35%. The overland flows from the contributing catchment, Dalkeith Road culvert inflow and the Jordon Burn/Pow Burn inflows were totalled to give a 1 in 200 year design flow estimate of 7.06m³/s. Unfortunately, due to the methodology used in determining these estimates design flows we are unable to comment on the results given and can only base our response on the accuracy and information supplied within the FRA.

1.7 LiDAR data was used for the 2D domain within the hydraulic model. We request further information on the accuracy of the LiDAR data in this area compared to topographic level information. We also request the mass balance error and Manning's *n* values provided for the 2D domain. It is also stated that standard model parameters have been used for the 2D domain. We request this information.

1.8 Figure 12 shows the predicted 1 in 200 year flood extent along the Pow Burn. This indicates that the site is not at risk during a 1 in 200 year event with the current FPS in place. The flood mechanism shown indicates that the channel upstream of the Cameron Toll roundabout is under capacity and therefore out of bank flooding occurs. This then spills onto the roundabout and heads southwards away from the proposed development site. We would highlight that if the council decide to upsize the culverts underneath Cameron Toll roundabout the proposed development site may be put at risk of flooding during the 1 in 200 year event. Should the council consider upsizing the culverts underneath Cameron Toll roundabout the site has the potential to be used to provide flood storage to mitigate flood risk to existing properties to the south of the proposed development and downstream. In summary, should planning approval be granted for the application the opportunity to reduce flood risk to existing nearby properties will be lost.

1.9 Figure 13 shows the 1 in 200 year plus climate change flood extent within the site from the Pow Burn. It is detailed that this flooding on site occurs due to the increased flow under Cameron Bridge. It is proposed to lower the ground level of the hockey pitch to the east of the student residences to contain the additional flows during a climate change event. It is unknown whether lowering the sports pitches for use as flood storage is a sustainable solution as there may be consequences for the effective drainage of the sports pitches.

1.10 In summary, the student residences finished floor level is a significant height difference above the overspill level for the Braid Burn and is therefore at little flood risk from this source. To the south of the proposed student residences lies the Pow Burn and an embankment, which is a part of the Braid Burn FPS. It is stated that this scheme has a SOP of 1 in 200 year plus 12% climate change. We require a minimum of 1 in 200 year plus 20% climate change to allow the proposed student residences to be located behind the FPS. Therefore, we request the FRA and hydraulic model is updated to exclude the Pow Burn embankment from the model to understand the area of potential flood risk. All built development should be located outwith the 1 in 200 year functional floodplain.

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

2. Air Quality

2.1 The local authority is the responsible authority for local air quality management under the Environment Act 1995 and therefore recommend that your Environmental Health colleagues are consulted. They can advise on the need for this development proposal to be assessed alongside other developments that could contribute to an increase in road traffic. They can also advise on potential impacts such as exacerbation of local air pollution, noise and nuisance issues and cumulative impacts of all development in the local area. Further guidance regarding these issues is provided on the Scottish Government's Planning website entitled Air Quality and Land Use Planning.

Detailed advice for the applicant

You will note that we have objected to this planning application and recommend that you take account of the advice and requirements detailed above. You should also take cognisance of the advice below.

3. Surface Water Drainage

3.1 We understand surface water from the student residences will discharge to the Pow Burn (Drainage Strategy & Surface Water Management Plan by Etive Consulting Engineers dated December 2019) and surface water associated with the sports centre will discharge to the Braid Burn, Pow Burn and combined public sewer (Drainage Statement by Engenuiti dated December 2019).

3.2 The discharge of surface water to the water environment must be in accordance with the principles of the SUDS Manual (C753) and comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). Further information on this matter can be found on our website and our CAR Practical Guide. The design of the drainage system must be site specific and dependent upon the contaminants at the site, the remediation strategy and the risks posed by any residual contamination, in addition to the normal design considerations.

3.3 We note that the discharges points to the Pow Burn from the tennis hall and student residences are to be routed through the bunds associated with the FPS. We recommend you engage with the flood risk management authority to ensure these can be accommodated without compromising the operation of the FPS.

3.4 We also recommend you engage with Scottish Water regarding the proposed surface water discharge to the combined sewer.

4. Foul Water Drainage

4.1 We understand that foul drainage from the student residences will discharge directly to the public combined sewer and the buildings associated with the sports centre will connect to existing private foul sewer (which is already connected to the public sewer). We recommend you liaise with Scottish Water to ensure that the additional flow arising from this development can be accommodated in the sewer network without causing or contributing to the premature operation of consented storm overflows.

5. Pollution Prevention and Environmental Management

5.1 Construction works must be carried out with regard to the guidelines on avoidance of pollution. Reference should be made to the relevant Guidance for Pollution Prevention (GPPs) Notes, which are available via our website, and to the CIRIA publication C715 "Environmental Good Practice On Site - Pocket Book".

5.2 You should be aware that a construction site licence under CAR may be required for the management of surface water run-off from the construction site. These apply to sites which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees

5.3 Given the overall size of the site, it is likely that a construction site licence will be required. We therefore recommend that you engage in pre-CAR discussions with a member of our regulatory function (contact details in Section 9.1 below). Further information is available on this in our Sector Specific Guidance: Construction Sites (WAT-SG-75) and on our construction site licence webpage.

5.4 Below these thresholds, you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment.

6. Waste Management

6.1 Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations. The applicant should also be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.

7. Invasive Non-Native Species (INNS)

7.1 We the Ecological Appraisal (dated November 2018) has identified the presence of INNS on site. Any INNS present on site must be managed in line with our guidance. SEPA Waste Policy provides guidance on the disposal of invasive non-native species and contaminated soils. Further information on invasive non-native species is available on our website.

8. Flood Risk

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

8.2 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from www.sepa.org.uk/flooding/planning_flooding.aspx. Please note that this document should be read in conjunction with Policy 41 (Part 2).

8.3 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. It can be downloaded from www.sepa.org.uk/flooding/planning_flooding/fra_checklist.aspx.

8.4 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.

Regulatory advice for the applicant

9. *Regulatory requirements*

9.1 *Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at Edinburgh Office, Silvan House, 231 Corstorphine Road, Edinburgh EH12 7AT (Tel: 0131 449 7296).*

If you have any queries relating to this letter please contact me by telephone on 01738 448 155 or e-mail at planning.se@sepa.org.uk.

7 May 2020 - Second Response

Thank you for approaching SEPA for further flood risk advice on 15 April 2020 following receipt of the letter report (dated 01 April 2020) from Kaya Consulting Ltd.

We have previously highlighted (emails dated 17 December 2018 (PCS/162409), 09 August 2019 (PCS/166352) and letter dated 23 August 2019 (PCS/166352)) our position on development protected by a Flood Protection Scheme (FPS) given the given the intention to develop student residences behind the Braid Burn FPS. If developing a use which is highly vulnerable to the effects of flooding (such as student residences) behind a FPS then this must be protected to a 200 year plus climate change standard of protection (SOP). As previously advised, and set out in our recent climate change allowances for FRA guidance, we generally expect a 20% allowance for climate change in these circumstances.

In our response dated 12 February 2020 (PCS/169431) we confirmed we had no concerns with the redevelopment of the playing fields and proposed location of the sports centre but requested more information to assess the appropriateness of siting the student residence behind the FPS. We have considered the letter from Kaya Consulting Ltd and understand that the SOP offered by the Braid Burn FPS is not 1 in 200 year plus climate change. Therefore, in line with the avoidance principle, we require a modification to the layout of the student residences to either avoid the 1 in 200 year flood extent without the bund, as shown in Figure 1 of the letter, or the 1 in 200 year plus 20% climate change with the bund in place.

We therefore maintain our objection to the planning application on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy, our guidance and Policy Env 21 Flood Protection of the Edinburgh Local Development Plan. We will review our 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

Advice for the planning authority

1. Flood Risk

1.1 In summary, we require clarification on the following points before we would consider removing our objection to the proposed development:

- Student residences are outwith either; the 1 in 200 year flood extent without the bund, as shown in Figure 1 of the letter, or the 1 in 200 year plus 20% climate change with the bund in place. For either option there should be no modifications to existing ground levels within the flood extent.

1.2 We previously commented on this application on the 12 of February 2020. We objected and requested the following:

- The Flood Risk Assessment and hydraulic modelling are updated to exclude the embankment along the Pow Burn. The student accommodation should be located outwith the 1 in 200 year functional floodplain,

- Further information on the accuracy of the LiDAR data in this area compared to topographic level information,

- The mass balance error and Manning's n values provided for the 2D domain, and

- The standard model parameters that have been used for the 2D domain.

1.3 Following review of the letter from Kaya Consulting Ltd (dated 01 April 2020) we accept the use of LiDAR DTM data within the hydraulic model as it has now been demonstrated that this data set is within acceptable limits for the proposed 2D domain.

1.4 We accept the Manning's n roughness values used within the 2D domain and the resulting mass balance error. We also accept the standard model parameters used within the 2D hydraulic model domain.

1.5 Hydraulic modelling has been undertaken to demonstrate the 1 in 200 year flood extent with the FPS removed, shown in Figure 1 within the letter. It is stated that the SOP of the scheme is not to a 1 in 200 year plus climate change as originally built. As previously stated we require a minimum of 1 in 200 year plus 20% climate change. Therefore, we request that the proposed development is either; outwith the 1 in 200 year flood extent without the FPS as shown within Figure 1 of the letter, or the proposed development is outwith the 1 in 200 year plus 20% climate change flood extent with the FPS in place along the Pow Burn. In either scenario there should be no modification to existing ground levels within the flood extent used. This should then be used to inform development layout.

1.6 The flood risk 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).

Caveats & Additional Information for the Applicant

1.7 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.

1.8 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 with Policy 41 (Part 2).

1.9 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.

1.10 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.

If you have any queries relating to this letter, please contact me by e-mail at planning.se@sepa.org.uk.

23 June 2020 - Third Response

Thank you for your letter dated 22 May 2020 in response to our recent representation to the City of Edinburgh Council regarding the above planning application (dated 07 May 2020). We note this sets out a proposed strategy to enable the development of the student residences behind the Braid Burn Flood Protection Scheme (FPS), within which you have raised a number of points to which we respond in turn below.

FPSs can reduce flood risk but cannot eliminate it entirely (Scottish Government Online Planning Advice on Flood Risk, para 21) and their primary purpose is to protect existing development. For this reason the policy principle of avoidance should be promoted for any proposed new development in areas protected by such schemes, even those designed to the appropriate standard. As set out in our guidance, and advised since pre application stage, we will not object to development in these areas where a scheme is built to the minimum appropriate standard for the land use vulnerability category of the proposed development (in this instance 1 in 200 year plus a 20% allowance for climate change). Additionally, the protection offered by schemes diminishes over time and the predicted effects of climate change, as set out in your letter, can have an impact on the standard of protection of a FPS over its lifetime too. Schemes also have a finite design life, which may not be in alignment with that of the proposed development.

The proposal to raise the existing FPS level to improve the standard of protection it offers is a measure that, if it is to be considered formal to meet with our current guidance, must be brought forward through the relevant legislation as part of the established Flood Risk Management Planning process. This option should be explored with The City of Edinburgh Council in the first instance to understand the extent to which the existing scheme is capable of being modified and the appetite of the local authority to undertake such a project.

As indicated above, the primary purpose of a FPS is to protect existing development and so that should be the key driver in any proposals to improve the standard of protection of this scheme. We agree that the ability to modify FPSs to take account of future climate change uncertainty is consistent with the managed adaptive approach, which we actively encourage with regard to flood risk management measures.

We do not support land raising behind the FPS as this does not align with the avoidance principle. Furthermore, in some instances, landraising behind a scheme may only serve to exacerbate local ponding of surface flood water/ diversion of surface flood water, increasing flood risk elsewhere.

We therefore maintain our objection to the planning application on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy, our guidance and Policy Env 21 Flood Protection of the Edinburgh Local Development Plan. We will review this objection if the development is modified to ensure the layout of the student residences either avoids the 1 in 200 year flood extent without the bund, as shown in Figure 1 of your letter dated 01 April 2020, or the 1 in 200 year plus 20% climate change with the bund in place. There should be no modification to ground levels within the flood extents shown by the scenario that you propose to use to inform the site layout.

As highlighted by the example in your letter, if the planning authority proposes to grant planning permission contrary to our 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.

If you have any queries relating to this please contact us by e-mail at planning.se@sepa.org.uk.

Sport Scotland

7 May 2020 - First Response

I refer to the planning consultation dated 17th April 2020, and also to previous correspondence in regard to this application.

I had previously set out some concerns that, whilst the overall sporting capacity of the site will increase due to new facilities including additional synthetic surfaces; this is focussed on hockey, and it appears that there is or may be a loss in provision for football, rugby, lacrosse and cricket.

I asked for information around how playing capacity will be retained or improved, and whether there have been discussions with the user groups (University and Community), and if so; the views of those users.

I was not able to speak to the agents, however I see in the 'Response to Consultations' document now submitted; that the above Governing Bodies for football, ruby and lacrosse (amongst others), as well as the Club's University teams, including cricket, have been consulted. The document advises that, "the responses to our proposals have been universally welcomed; save one mitigated reaction from cricket."

On this basis it is my understanding that the user groups of the site are amenable to the proposals. In our statutory consultee role we must consider playing capacity. To do this and to ensure that no user groups are prejudiced; I request that the 2 following conditions be attached to any approval of planning permission (I would note that the basis of our non-objection is the imposition of these 2 conditions):

1. No development shall commence until details have been submitted to and approved by the Council as planning authority in consultation with sportscotland for a scheme to support EUCC (men and women) in relocating their practices and games to one or more local cricket facilities.

Reason: In the interests of maintaining playing capacity and access to sports facilities for all user groups.

2. No development shall commence until details have been submitted to and approved by the Council as planning authority in consultation with sportscotland for a scheme; with timings; to deliver all facilities marked "Future pitches and sports facilities" on drawing 4418(PL)003 B. This scheme shall thereafter be adhered to.

Reason: In the interests of maintaining playing capacity and access to sports facilities for all user groups.

16 July 2020

Further to our recent discussions and emails about this planning application; I note that you have concerns about our suggested planning condition - copied below:

1. No development shall commence until details have been submitted to and approved by the Council as planning authority in consultation with sportscotland for a scheme to support EUCC (men and women) in relocating their practices and games to one or more local cricket facilities.

Reason: In the interests of maintaining playing capacity and access to sports facilities for all user groups.

I note your concern that this condition may go beyond planning's remit and ultimately cannot be enforced. You commented that a sports field is a class 11 use regardless of what particular sport is being played on it.

In response; we previously noted that we have been consulted in relation to development affecting an outdoor sports facility. We noted that artificial surfaces do not always offer the same flexibility (as regards users) as grass playing fields; and in this case a grass area which accommodates cricket use will no longer be available. We consider that given the construction of a synthetic pitch is generally classed as development, that the impact on how the area is currently used or could be used is something that should be considered.

We also note that development within the one Use Class can be controlled through the planning system - for example restriction of householder permitted development rights; or restricting types of retail.

We remain of the view that this issue can be considered through the planning system; although we do recognise this particular scenario is unusual.

However it has proved difficult to have further discussions with other parties at the present time; and in this instance we feel we may be able to discuss cricket position directly with the University of Edinburgh.

As a result; we accept if this condition is not attached to any grant of planning permission.

We do however suggest that some form of assessment regarding supply and demand for cricket is undertaken to consider whether there is sufficient provision for cricket in this area of Edinburgh; given the SPP policy presumption against loss of outdoor sports facilities.

We would also restate our opinion that differing uses for sports grounds can be addressed through the planning system and we do not consider that our response to this planning application should or will prejudice our approach to any future planning applications.

Transport

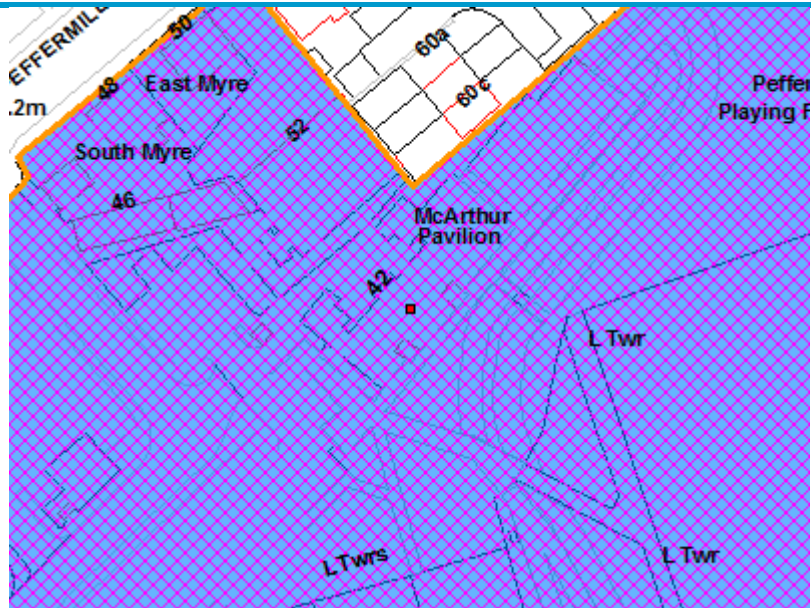
No objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. The applicant should consider the provision of car club vehicles in support of the Council's LTS Cars1 policy. A contribution of 1,500 per order plus £5,500 per car would be required;*
- 2. 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), timetables for local public transport;*
- 3. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.*
- 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.*

Note:

- o Other than 6 disabled spaces, zero car parking provision will be made for the 573 bed student accommodation;*
- o A total of 575 cycle parking spaces will be provided across the site;*
- o A total of 191 car parking spaces will be provided for the sports facility, an additional 45 spaces, 34%, on the existing 146 spaces. This is considered acceptable in the light of the approximately 100% increase in hours of play and the desire to avoid overspill parking on Peffermill Road;*
- o The 191 spaces include 12 spaces for disabled drivers and 10 electric charging spaces;*
- o 7 coach spaces and 6 motorcycle spaces are to be provided.*

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

This page is intentionally left blank