

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00 am Wednesday, 7th October, 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

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## 1. Order of business

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- 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 5 October 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

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

## 3. Minutes

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- 3.1 Minute of the Development Management Sub-Committee of the 23 September 2020 – submitted for approval as a correct record 9 - 16

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

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

- 4.1** Report for forthcoming application by J Smart And Co (Contractors) Plc. for Proposal of Application Notice at 22 Inglis Green Road, Edinburgh, EH14 2HZ - Mixed use residential and commercial development with associated landscape, car parking and infrastructure - application no 20/01816/PAN – Report by the Chief Planning Officer 17 - 22
- 4.2** GF, 6 Bell's Brae, Edinburgh - Change of use from offices into 11 residential properties, formation of new dormer windows and some minor external works - application no 20/01616/FUL – Report by the Chief Planning Officer 23 - 42
- It is recommended that this application be **GRANTED**.
- 4.3** GF, 6 Bell's Brae, Edinburgh - Internal alterations, roof works including new dormers and minor external facade works to allow the formation of 11 properties - application no 20/01597/LBC – Report by the Chief Planning Officer 43 - 54
- It is recommended that this application be **GRANTED**.
- 4.4** 4 Campbell's Close, 87 Canongate, Edinburgh - Change of Use from residential to short term visitor accommodation - application no 20/03069/FUL – Report by the Chief Planning Officer 55 - 68
- It is recommended that this application be **REFUSED**.
- 4.5** 6 Campbell's Close, 87 Canongate, Edinburgh - Change of use from residential flat to short term visitor accommodation - application no 20/01717/FUL – Report by the Chief Planning Officer 69 - 82
- It is recommended that this application be **REFUSED**.

- |            |  |           |
|------------|--|-----------|
| <b>4.6</b> | 4A Dewar Place Lane, Edinburgh, EH3 8EF - Change of Use from residential to holiday flat - application no 20/03071/FUL – Report by the Chief Planning Officer  | 83 - 94   |
|            | It is recommended that this application be <b>REFUSED</b> .  |           |
| <b>4.7</b> | 43 Main Street, Edinburgh, EH4 5BZ - Planning application for residential development including associated access, parking, infrastructure, and landscaping - application no 20/01410/PPP – Report by the Chief Planning Officer   | 95 - 140  |
|            | It is recommended that this application be <b>GRANTED</b> .  |           |
| <b>4.8</b> | Peffer Place, Edinburgh (At Site 90 Metres South Of) - Mixed-use residential led development comprising of dementia care centre (Class 8), assisted living apartments (Class 8), student accommodation (Sui Generis) and commercial units (Class, 1, 2 or 3) with access, landscaping, SUDS and car parking - application no 20/00292/FUL – Report by the Chief Planning Officer | 141 - 186 |
|            | It is recommended that this application be <b>GRANTED</b> .  |           |

## 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.**

- |            |  |           |
|------------|--|-----------|
| <b>5.1</b> | Corstorphine Hospital, 136 Corstorphine Road, Edinburgh - Re-development of the former Corstorphine Hospital to form 76 residential apartments (including 44 new build apartments) and associated community hub, vehicular access, car parking and landscape works (as amended) - application no 17/04137/FUL – Report by the Chief Planning Officer | 187 - 190 |
|            | It is recommended that this application be <b>GRANTED</b> .  |           |
| <b>5.2</b> | 103, Newcraighall Road, Edinburgh - Proposed residential development (including class 8 residential institutions, class 9 houses and sui generis flats) primary school (class 10 non-  | 191 - 194 |

residential institutions) local centre (including class 1 retail, class 2 financial services, class 3 food and drink, class 10 non residential institutions and class 11 assembly and leisure ), green network, access and transport links, infrastructure and associated ancillary works (as amended.) - application no 16/04122/PPP – Report by the Chief Planning Officer

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

- 5.3** Redhall House Drive, Edinburgh, EH14 1JE - Alteration and conversion of existing building to form six duplex apartments, the erection of a detached garage block accommodating six garages and the erection of two detached dwelling houses with all associated site development works and landscaping - application no 18/09642/FUL – Report by the Chief Planning Officer 195 - 196

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

## **6. Applications for Hearing**

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**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** Meadowbank Stadium, 139 London Road, Edinburgh - application no 20/00618/AMC - Protocol Note by the Head of Strategy and Communications 197 - 200

- 6.2** Meadowbank Stadium, 139 London Road, Edinburgh - Application for approval of matters specified in condition 1 of 18/00154 PPP for the proposed redevelopment of surplus land at Meadowbank Sports Centre with mixed uses including residential and commercial, together with roads, landscaping, drainage and ancillary works - application no 20/00618/AMC – Report by the Chief Planning Officer 201 - 246

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

## **7. Applications for Detailed Presentation**

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**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 None.

## **8. Returning Applications Following Site Visit**

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**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**

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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**

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The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The meeting will be held by Teams and will be webcast live for viewing by members of the public.

## **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Veronica MacMillan / Martin Scott, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4283 / 0131 529 4237, email [veronica.macmillan@edinburgh.gov.uk](mailto:veronica.macmillan@edinburgh.gov.uk) / [martin.scott@edinburgh.gov.uk](mailto: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/>

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# Minutes

## Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 23 September 2020

### Present:

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

### 1. Minutes

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#### Decision

To approve the minute of the Development Management Sub-Committee of 9 September 2020 as a correct record.

### 2. General Applications and Miscellaneous Business

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

#### Requests for Presentations

The Chief Planning Officer gave a presentation on agenda item 4.5 - 48 - 50 Iona Street, Edinburgh, EH6 8SW – requested by Councillors Booth, Munn and Osler

The Chief Planning Officer gave a presentation on agenda item 4.6 - 27, 29, 31 James Craig Walk, Edinburgh – requested by Councillor Osler

The Chief Planning Officer gave a presentation on agenda item 4.7 - 27, 29, 31 James Craig Walk, Edinburgh – requested by Councillor Osler.

#### Requests for Hearings

Ward Councillors Lang and Young requested a hearing in respect of item 7.2 - Ferrymuir Gait, South Queensferry (Site North Of)

#### Decision

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

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

### 3. Bangholm Outdoor Centre, Craighall Gardens, Edinburgh

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The Chief Planning Officer had identified the following application for detailed presentation to the Sub-Committee. Details were provided of the application for planning permission for the 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 at Craighall Gardens, Edinburgh - application no 19/05832/FUL.

#### Motion

To **CONTINUE** consideration of the application in order to get clarity on other options to provide the outdoor centre without it impacting on the Category A listed tree, clarity on the access arrangements, more detail on the path surface and clarity on access for Trinity pupils.

- moved by Councillor Gardiner, seconded by Councillor Booth

#### Amendment

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 with an additional condition that the path surface should be a bonded surface.

- moved by Councillor Rose, seconded by Councillor Child

#### Voting

For the motion: - 6 votes  
For the amendment - 3 votes

(For the motion: Councillors Gardiner (Convener), Booth, Mowat, Munn, Osler and Staniforth

For the amendment: Councillors Child, Mitchell and Rose.)

#### Decision

To **CONTINUE** consideration of the application in order to get clarity on other options to provide the outdoor centre without it impacting on the Category A listed tree, clarity on the access arrangements, more detail on the path surface and clarity on access for Trinity pupils.

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

### 4. Gyle Centre, Gyle Avenue, Edinburgh

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The Chief Planning Officer had identified the following application for detailed presentation to the Sub-Committee. Details were provided of the application for planning permission for the 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 at the Gyle Centre, Gyle Avenue, Edinburgh - application no 19/02604/FUL

#### Motion

To **REFUSE** planning permission as the application was contrary to LDP policies Des 7(c), (e) and (f), Tra 1, 3, 4 and 8, Ret 4(b) and (c) and Ret 8(a).

- moved by Councillor Gardiner, seconded by Councillor Booth

#### Amendment

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 the completion of a Legal Agreement.

- moved by Councillor Rose, seconded by Councillor Child

### **Voting**

For the motion: - 6 votes  
For the amendment - 4 votes

(For the motion: Councillors Gardiner (Convener), Booth, Dixon, Munn, Osler and Staniforth  
For the amendment: Councillors Child, Mitchell, Mowat and Rose.)

### **Decision**

To **REFUSE** planning permission as the application was contrary to LDP policies Des 7(c), (e) and (f), Tra 1, 3, 4 and 8, Ret 4(b) and (c) and Ret 8(a).

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

## **5. 42 Peffermill Road, Edinburgh, EH16 5LL**

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The Chief Planning Officer had identified the following application for detailed presentation to the Sub-Committee. Details were provided of the application for planning permission for the 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 at 42 Peffermill Road, Edinburgh, EH16 5LL - application no 19/05923/FUL

### **Motion**

To **REFUSE** planning permission as the application was contrary to LDP policies Env 10, 18, 19 and 21, Hou 1(d) and Student Housing Guidance.

- moved by Councillor Gardiner, seconded by Councillor Staniforth

### **Amendment**

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 referral to the Scottish Ministers prior to determination due to the outstanding objection from SEPA.

- moved by Councillor Rose, seconded by Councillor Child

### **Voting**

For the motion: - 6 votes  
For the amendment - 4 votes

(For the motion: Councillors Gardiner (Convener), Booth, Dixon, Munn, Osler and Staniforth  
For the amendment: Councillors Child, Mitchell, Mowat and Rose.)

### **Decision**

To **REFUSE** planning permission as the application was contrary to LDP policies Env 10, 18, 19 and 21, Hou 1(d) and Student Housing Guidance.

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

## Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><b>4.1</b> - <a href="#">109, 110 And 111 Princes Street, 112 Princes Street And 144-150 Rose Street, (Debenhams)</a></p>	<p>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 &amp; Sui Generis - application no 20/02952/PAN</p>	<p>1) To note the key issues at this stage.</p> <p>2) To take into account the following additional issues:</p> <ul style="list-style-type: none"> <li>• To request developers take cognisance of the Waverley Valley Strategy and liaise with the Planning Authority in terms of how the public realm can be improved around the development.</li> <li>• To consider the use class of the site as a cinema or Architecture Built Environmental Centre within the public space of the development.</li> <li>• To include a site visit for Committee when the application comes forward.</li> <li>• To explore opportunities for upper floors and roof spaces.</li> </ul>
<p><b>4.2</b> - <a href="#">Flat 1 4 Dewar Place Lane, Edinburgh, EH3 8EF</a></p>	<p>Change of use only from residential flat to holiday let flat - application no 20/03035/FUL</p>	<p>To <b>REFUSE</b> planning permission for the reasons set out in report by the Chief Planning Officer.</p>
<p><b>4.3</b> - <a href="#">Flat 2 4 Dewar Place Lane, Edinburgh, EH3 8EF</a></p>	<p>Change of use only from residential dwelling house to holiday let flat - application no 20/03036/FUL</p>	<p>To <b>REFUSE</b> planning permission for the reasons set out in report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><a href="#">4.4 - The Farmhouse, Almondhill, Kirkliston (at Land 102 Metres Southeast Of)</a></p>	<p>Development of a 48 bed care home (class 8) and associated access, parking and landscaping - application no 20/02413/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.</p>
<p><a href="#">4.5 - 48 - 50 Iona Street, Edinburgh, EH6 8SW</a></p>	<p>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</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer.</p>
<p><a href="#">4.6 - 27, 29, 31 James Craig Walk, Edinburgh</a></p>	<p>Change of use from student accommodation to Class 1 (Shops), Class 2 (Financial, professional &amp; 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</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.</p>
<p><a href="#">4.7 - 27, 29, 31 James Craig Walk, Edinburgh</a></p>	<p>Internal and external alterations, erection of shopfronts and associated works (as amended) - application no 20/02527/LBC</p>	<p>To <b>GRANT</b> listed building consent subject to the informatives as set out in section 3 of the report by the Chief Planning Officer with a referral to Scottish Ministers for a period of 28 days due to the objection from Historic Environment Scotland.</p>
<p><a href="#">4.8 - 1F1 16 Johnston Terrace, Edinburgh, EH1 2PR</a></p>	<p>Change of use of apartment from residential to short term business/holiday accommodation - application no 20/02790/FUL</p>	<p>To <b>REFUSE</b> planning permission for the reasons set out in report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><b>4.9</b> - <a href="#">55 Mayfield Road, Edinburgh (Telecoms Apparatus 27 Metres North West)</a></p>	<p>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 - application no 20/02337/FUL</p>	<p>This item was <b>WITHDRAWN</b> from the agenda by Planning Officers, as there was a discrepancy in the description of development and site plan.</p>
<p><b>5.1</b> - <a href="#">7, 11, 13 Eyre Terrace, Edinburgh, EH3 5ER</a></p>	<p>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</p>	<p>To <b>AGREE</b> 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>
<p><b>5.2</b> - <a href="#">Royal Blind School, 2B Craigmillar Park, Edinburgh</a></p>	<p>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</p>	<p>This item was <b>WITHDRAWN</b> from the agenda by Planning Officers, as the Section 75 has now been signed.</p>
<p><b>7.1</b> - <a href="#">Bangholm Outdoor Centre, Craighall Gardens, Edinburgh</a></p>	<p>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</p>	<p>To <b>CONTINUE</b> consideration of the application in order to get clarity on other options to provide the outdoor centre without it impacting on the Category A listed tree, clarity on the access arrangements, more detail on the path surface and clarity on access for Trinity pupils.  (On a division)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><b>7.2 - <a href="#">Ferry Muir Gait, South Queensferry (Site North Of)</a></b></p>	<p>Residential development comprising 125x dwellings (Approval of Matters Specified in Conditions of consent 14/01509/PPP) - application no 18/08266/AMC</p>	<p>1) To <b>REFUSE</b> the request for a hearing and agree to determine the application at the meeting of the Development Management Sub-Committee of 23 September 2020.</p> <p>2) To <b>APPROVE</b> Matters Specified in Conditions subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer, and an additional informative that the applicant discusses with Transport officers the narrowing of entry points between housing areas on existing streets, amend informative 5 to remove the word 'consider' and amend informative 11 to note that it should be a shared use path.</p>
<p><b>7.3 - <a href="#">Gyle Centre, Gyle Avenue, Edinburgh</a></b></p>	<p>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</p>	<p>To <b>REFUSE</b> planning permission as the application was contrary to LDP policies Des 7(c), (e) and (f), Tra 1, 3, 4 and 8, Ret 4(b) and (c) and Ret 8(a).</p> <p>(On a division)</p>
<p><b>7.4 - <a href="#">42 Peffermill Road, Edinburgh, EH16 5LL</a></b></p>	<p>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</p>	<p>To <b>REFUSE</b> planning permission as the application was contrary to LDP policies Env 10, 18, 19 and 21, Hou 1(d) and Student Housing Guidance.</p> <p>(On a division)</p>

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## Development Management Sub Committee

**Wednesday 7 October 2020**

**Report for forthcoming application by**

**J Smart And Co (Contractors) Plc. for Proposal of  
Application Notice**

**20/01816/PAN**

**At 22 Inglis Green Road, Edinburgh, EH14 2HZ  
Mixed use residential and commercial development with  
associated landscape, car parking and infrastructure.**

**Item number**

**Report number**

**Wards**

B07 - Sighthill/Gorgie

### Summary

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The purpose of this report is to inform the Development Management Sub Committee of a forthcoming application for planning permission for a mixed use residential and commercial development with associated landscape, car parking and infrastructure.

In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice on 27th April 2020.

### Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## Recommendations

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

## Background

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### 2.1 Site description

The site is located on the east side of Inglis Green Road and is currently occupied by the former cash and carry building with associated car parking. There are a number of commercial premises immediately surrounding the site including a car dealership and a supermarket. To the north of the site is the Water of Leith. Residential development is found on the western side of Inglis Green Road.

Access to the site would be from the signalised junction on Inglis Green Road which serves the existing supermarket located on the adjacent site.

### 2.2 Site History

There is no relevant planning history for this site.

## Main report

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### 3.1 Description Of The Proposal

The application is a Proposal of Application Notice of an application for planning permission for a mixed use residential and commercial development with associated landscape, car parking and infrastructure.

### 3.2 Key Issues

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

**aa) The principle of development is acceptable in this location;**

The site is located within the Urban Area as identified in the Edinburgh Local Development Plan (LDP). The site must be assessed against all relevant policies within the LDP including Policy Hou 1 which sets out criteria for considering the suitability of sites for housing.

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

The proposed design detail and form of application are unknown at this stage. Matters relating to the site context, detailed design and layout would need to be considered as part of the application process. Design development will need to take cognisance of relevant LDP design and environment policies and the Edinburgh Design Guidance.

**c) The proposed access arrangements, connectivity and parking levels are acceptable;**

The proposals should have regard to transport policies of the LDP. Transport information will be required to support the application. The LDP identifies opportunities for a new footpath linkage over the Water of Leith connecting to New Mart Road.

The requirements of the Council's Parking Standards will also be applicable.

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

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment. In order to support the application, the following documents will be required:

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement
- Transport Statement;
- Flood Risk Assessment and Surface Water Management Plan;
- Archaeology Assessment;
- Tree Survey.

The proposals will require to be screened under Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **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**

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

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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**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**

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

## Consultation and engagement

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### 8.1 Pre-Application Process

There is no pre-application process history.

### 8.2 Publicity summary of representations and Community Council comments

The applicant's Proposal of Application Notice noted that there will be an online consultation in accordance with government guidance for the period of the Covid-19 emergency. The online consultation event was held in August 2020. Posters were placed on local community boards. A public notice was placed in the Edinburgh Evening News on 5th August 2020

The applicant has confirmed that West End and Gorgie/Dalry Community Council and local councillors received a copy of the Proposal of Application Notice.

### Background reading / external references

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- 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](#)

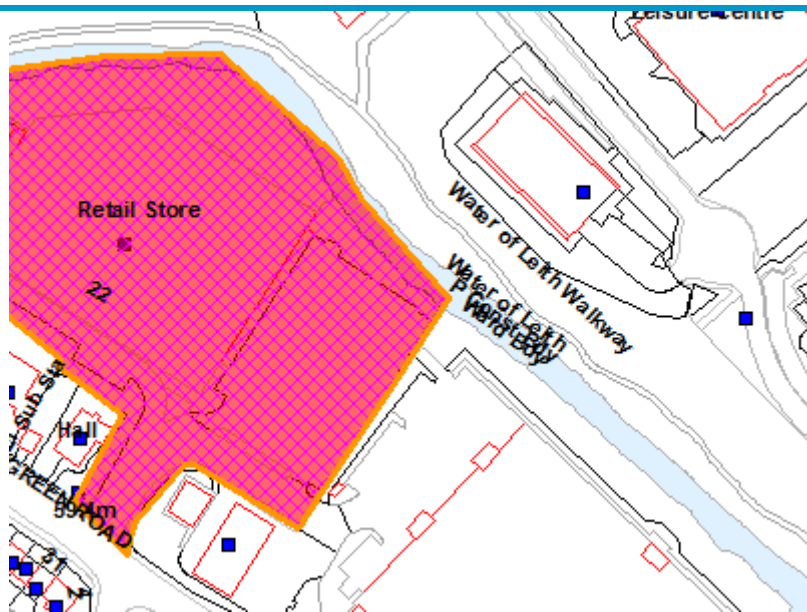
#### David R. Leslie

Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Elaine Campbell, Team manager  
E-mail: [elaine.campbell@edinburgh.gov.uk](mailto:elaine.campbell@edinburgh.gov.uk)

## Location Plan

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## Development Management Sub Committee

**Wednesday 7 October 2020**

**Application for Planning Permission 20/01616/FUL  
at GF, 6 Bell's Brae, Edinburgh.  
Change of use from offices into 11 residential properties,  
formation of new dormer windows and some minor external  
works.**

**Item number**

**Report number**

**Wards**

B05 - Inverleith

### **Summary**

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

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area. The proposals largely comply with the adopted Edinburgh Local Development Plan. The infringement of policy in terms of private amenity space and cycle parking are acceptable as this is the conversion of an existing building. The development delivers acceptable level of amenity for future occupiers.

There are no material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LEMP09, LEN01, LEN03, LEN04, LEN06, LTRA02, LTRA03, LTRA04, LDES01, LDES12, HES, HEPS, HESUSE, NSG, CRPDEA, NSGD02,



# Report

## **Application for Planning Permission 20/01616/FUL at GF, 6 Bell's Brae, Edinburgh. Change of use from offices into 11 residential properties, formation of new dormer windows and some minor external works.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is a C listed building (listed 12 December 1974 and revised 2009, reference LB30067) located on Bell's Brae within the Dean Village.

6 Bell's Brae is a 13-bay, slightly curved building. It varies between one and three storeys in height reflecting the complex topography of the site where the street climbs steeply to the east and falls to the north. The building was constructed in 1881 as a stable block and was converted to office use in 1970s/80s.

The building is constructed of sandstone with a slate roof and has elongated timber framed windows. There are a number of later additions to the building including large glazed opening to the ground floor rear elevation, a projecting rear full height glazed and slate stairwell and rooflights. Internally, the building has no apparent features of interest as a result of its conversion and use.

The building is sits within a grouping of other buildings from similar periods within the Dean Village. Many of these buildings have been converted into to residential use. To the rear of the building is a semi-private courtyard and small garden shared by the building and converted residential properties on Miller Row.

To the north of the site lies the Water of Leith Special Landscape Area and Local Nature Conservation Site.

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

This application site is located within the Dean Conservation Area.

## 2.2 Site History

12 December 2002 - Planning permission granted to replace existing timber/glass doors with traditional timber lined doors on the main facade to Bell's Brae (02/03923/FUL)

13 January 2003 - Listed building consent granted to replace existing timber/glass doors with traditional style timber lined doors on the main facade to Bell's Brae (02/03923/LBC)

9 April 2020 - Concurrent listed building application for internal alterations, roof works including new dormers and minor external facade works to allow the formation of 11 properties (20/01597/LBC)

## Main report

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### 3.1 Description of the Proposal

It is proposed to change the use of the building from office to residential. Eleven flats are proposed spread over four floors, including the roof space.

Externally, nine dormers and three rooflights are proposed. These include five dormers to the north elevation and four to the south. Of the three rooflights, one replaces an existing opening whilst two are new insertions. Four existing rooflights will be removed.

To the rear, the modern projecting stairwell will be refinished with new glazing, stone and zinc. A number of screened and blocked up windows will be reinstated with wooden framed windows to match existing. An existing ground floor window will be modified to form a door opening.

Eight parking spaces are proposed within the existing undercroft parking area across the courtyard which is also within the control of the applicant. 27 cycle parking spaces are proposed including 14 within the undercroft space on Miller Row and 13 within a purpose-built external cycle store with a sedum roof.

Internally, partition walls are to be removed and new walls formed.

The development will comprise of:

5 x 1 bedroom, 2 x 2 bedroom, 3 x 3 bedroom and 1 x 5 bedroom units, and include duplex apartments.

The following documents have been provided to support the application:

- Design Statement and
- Bat Survey.

These documents are available to view on the Planning Portal.

## Previous Scheme

This scheme has been amended to reduce the number of dormers from 14 to 9 and to incorporate waste storage within the building in order to minimise the impact on the conservation area and listed building. Additional cycle storage has also been added.

### **3.2 Determining Issues**

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

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

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

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- a) the principle of development is acceptable;
- b) the proposals preserve the character and setting of the listed building;
- c) the proposals preserve or enhance the character or appearance of the conservation area;
- d) the proposals preserve the outstanding universal value of the Old and New Towns of the Edinburgh World Heritage Site;
- e) impact on neighbouring amenity is acceptable;
- f) there are any other material considerations and
- g) any comments have been addressed.

## a) Principle

LDP policy Hou 1 (Housing Development) supports the principle of housing on suitable sites within the urban area, provided proposals are compatible with other policies in the plan.

LDP policy Emp 9 (Employment Sites and Premises) seeks to ensure the redevelopment of employment sites does not prejudice or inhibit the activities of any nearby employment use and contributes to the comprehensive regeneration and improvement of the wider area.

The proposed change of use meets this criteria. The Dean Village has changed over the last 30 years from an industrial area to largely housing and the proposal is compatible with this change.

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

### *Residential amenity*

The proposed conversion will create 11 residential flats including 1, 2, 3 and 5-bedroom units. All of the flats meet or significantly exceed the minimum floorspace standards included within the Edinburgh Design Guidance, with the exception of a single one-bedroom unit which falls just below the standard. This slight infringement of just 2 square metres is acceptable in this instance as adequate storage and living space are provided.

Seven of the proposed flats are dual aspect with four flats being duplexes. However, as a result of the buildings unusual form in response to the steeply graded site, four of the flats are single aspect. The Edinburgh Design Guidance states that where single aspect dwellings are proposed, it should be demonstrated that they meet the requirements for daylight, sunlight and privacy for each living space and provide good levels of ventilation and internal amenity space. Single aspect units should not comprise more than 50% of any development.

The single aspect flats are all served by large opening floor to ceiling windows. These overlook the semi-private courtyard and gardens. Internally habitable rooms have been arranged so these are closest to the windows, with bathrooms to the rear. Daylight information has been included within the design statement which demonstrates that all the bedrooms in these four units will receive adequate daylight, but three out of the four living room/kitchens will not meet the 2% requirement. If they were living rooms only, two of these three rooms would meet the standard but because the building is deep, they have been formed as large open plan spaces with kitchens to the rear of the room and so marginally fail. The non-conformity with the EDG is acceptable in this context.

Future occupiers within the building will also have reasonable levels of privacy.

Overall the amenity for future occupiers will be acceptable.

### *Nearby uses*

The surrounding area is predominantly residential and features many historic buildings converted into homes. The proposal is compatible with this character.

### *Open Space and Parking*

LDP policy Hou 3 (Private Green Space) expects provision to be made for private amenity space. The development sits within an enclave of buildings and includes a shared courtyard and small garden area. It is indicated that new residents will have access to these spaces, although they are outwith the red line boundary. It is not uncommon for listed buildings within a compact historic street form such as this site, to provide no or limited outdoor space. Whilst there is no further opportunity to increase space on the site, the Water of Leith Walkway runs to the rear of the site and other public amenities can also be accessed a short walking distance away. This infringement of policy Hou 3 is acceptable in this context.

LDP policies Tra 2 (Car Parking) and Tra 3 (Cycle Parking) set out the requirement for private car and cycle parking. The development retains eight car parking spaces associated with the existing office use. The amount of car parking complies with maximum parking standards within the Edinburgh Design Guidance. A total of 27 cycle parking spaces are being provided. These include 14 within the undercroft area of the neighbouring property and 13 with an external secure covered store within the courtyard. The level of provision is in accordance with the required 26 spaces and whilst the location of the store within the adjacent building, is not fully compliant with policy Tra 4 (Design of Off Street Car and Cycle Parking) in terms of distance, this infringement is accepted on the basis that it is the conversion of an existing building within a sensitive site.

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

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

### b) Impact on Listed Building

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

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

Historic Environment Scotland's (HES) guidance note Managing Change in the Historic Environment: Re-use and Adaptation of Listed buildings, sets out the principles that apply to altering historic buildings.

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

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

HES guidance on the Use and Adaptation of Listed buildings stresses that changes may be required to find a new use for a listed building. The guidance advises that changes to specific assets and their context should be managed in a way that protects the historic environment and that careful consideration is required to avoid harming the building's special interest. It recognises that listed buildings will be adapted for new uses and that small-scale alterations will be required.

The main alteration to the listed building is the introduction of dormer windows. Five are proposed to the north and four to the south roof slopes. These dormers are of a sensitive design being small in scale with pitched roofs. The dormers are to be finished in slate to complement the existing roof and the design will be similar in width and pitch to the building's original dormers as well as those introduced as part of the adjacent development. The three rooflights proposed will be conservation style.

The partial replacement of the large non-original wooden door to the south elevation with a similar hardwood door with a further opening will match existing materials and will have only a minimal impact on its appearance.

Whilst the form of the building and many of the historic window and door openings remain, the C listed building has seen a number of interventions since its conversion to office use in the 1970s, including the projecting stairwell, replacement and blocked up windows and rooflights.

The proposed new additions to the roof are relatively modest, of a sensitive design and allow for the conversion of the building to ensure its continued use. The reinstatement of windows will have a positive impact on the character of the building. Recladding of the modern stairwell addition with stone and high-quality contemporary materials will enhance its appearance as it is now in a state of disrepair.

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

#### c) 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 Dean Conservation Area Character Appraisal emphasises the distinctive village character of the streetscape within Dean Village, the heritage of high quality buildings, the limited range of building materials, the predominance of residential uses, and the importance of the Water of Leith and its corridor.

The roof slopes of 6 Bell's Brae are visible as part of the collection of buildings at the south east entrance to the Dean Village from the Dean Bridge. The roof plane features original dormers along with rooflights and it is largely unaltered. The introduction of dormers to the roofscape, however, would not be uncharacteristic with original dormers present on the south elevation. The adjacent building was also converted in a similar manner in 2017.

As part of the application the number of dormers has been reduced by 50% on the more prominent northern roof to reduce their impact. The proposed dormers are modest in scale, and when considered within the context of the wider conservation area, will not have a significant detrimental effect.

The alterations to the stairwell will be visible from within the courtyard space. However, the recladding materials are sensitive in nature and will be an enhancement over the existing situation.

The proposed external bike store is small in scale and will largely be obscured from public view on Bell's Brae. The structures sedum roof will soften its appearance when viewed from within the courtyard.

Other alterations including reopening of windows, will have a positive impact on the conservation area.

Overall, the choice of materials and design proposed is appropriate to the surrounding area. Materials and details are conditioned to further ensure specific suitability.

The proposal will preserve and enhance the special character and appearance of the conservation area and complies with Policy Env 6.

#### d) World Heritage Site

The Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site (EWHS) is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Statement of Outstanding Universal Value emphasises the importance of maintaining the authenticity of the Site which "continues to retain its historic role as the administrative and cultural capital of Scotland, while remaining a vibrant economic centre."

LDP Policy Env 1 (World Heritage Sites) states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh will not be permitted.

In terms of the use, the EWHS Management Plan encourages sustainable tourism and recognises that a balance is needed between resident and visitor needs. The re-use of this redundant building ensures the New Town Conservation Area is maintained as a thriving part of the city without harm to the OUV.

External alterations are limited and where visible are sensitive in design, scale and materials.

The proposal will have no adverse impact on the Outstanding Universal Value of the Edinburgh World Heritage Site and complies with LDP policy Env 1.

#### e) Neighbouring Amenity

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

Policy Des 12 (Alterations and Extensions) states that alterations to existing buildings will be permitted where it will not result in an unreasonable loss of privacy or natural light to neighbouring properties.

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

In terms of privacy, the proposal makes use of existing window openings along with the nine proposed dormers. The Edinburgh Design Guidance (EDG) states - *The pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. This means that there may be higher expectations for separation in suburban areas than in historic areas such as the Old Town.*

6 Bell's Brae sits slightly higher than existing buildings as a result of the site's topography. The new dormer windows will not directly face windows on neighbouring buildings. Overlooking from the dormers to lower levels is indirect and does not represent an unacceptable loss of privacy over existing window arrangements.

The addition of 11 residential units will have no impact in terms of noise and disturbance in this predominantly residential area.

Overall, amenity for surrounding neighbours will be acceptable.



## f) Other Material Planning Considerations

### *Waste*

Following revisions to the plans, waste storage has been designed as internal storage within the existing building and can be accessed directly from Bell's Brae. This approach minimises the impact of waste storage within the sensitive context of the built environment and is in line with the requirements of the Edinburgh Design Guidance. Waste Planning has accepted this as an appropriate solution.

### *Local Biodiversity Site*

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

The site is in close proximity to the Water of Leith Nature Conservation site. A bat survey was submitted as part of the application. This found that there was no evidence of bats on site.

### *Archaeology*

The City Archaeologist has commented that interior alterations to this historic listed building could provide important evidence for its original design and development. A condition has been applied for a historic building survey.

### *Development Contributions*

The Roads Authority has confirmed there are no net tram contributions. The site lies with the Craighroyston/Broughton Education Contribution Zone sub area 3. However, the development would generate less than one pupil as such no contribution is required. The site does not fall within a health contribution zone.

### *Flood Risk*

The Council's flood officer has no objections to the proposal.

## g) Public Comments

### **Material Comments - Objection:**

- overdevelopment - addressed in 3.3a);
- lack of open space - addressed in 3.3a);
- traffic and parking - addressed in 3.3a);
- privacy impacts - addressed in 3.3d);
- lack of waste provision - addressed in 3.3e);

### **Non-material Comments**

- Loss of view

## **Material Comments - Support**

- Support provision of housing;
- Will improve area.

## **Conclusion**

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

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area. The proposals largely comply with the adopted Edinburgh Local Development Plan. The infringement of policy in terms of private amenity space and cycle parking are acceptable as this is the conversion of an existing building. The development delivers acceptable level of amenity for future occupiers.

There are no material considerations that outweigh this conclusion.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions: -**

1. 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. A comprehensive specification of all external materials, including detail drawings, trade names and material samples shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

#### **Reasons: -**

1. In order to safeguard the character of the statutorily listed building.
2. In order to enable the planning authority to consider this/these matter/s in detail.

## **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
5. The applicant should be advised that, as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013.
6. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **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 15 May 2020 and the proposal attracted eight comments; seven were objections and there was one support. The comments raised are addressed in the Assessment Section of the report.

## **Background reading/external references**

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- 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 Dean Conservation Area.

### **Date registered**

14 April 2020

### **Drawing numbers/Scheme**

01-10, 11A, 12A, 13A, 15A, 16B,

Scheme 3

## **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](mailto:lynne.mcmenemy@edinburgh.gov.uk)

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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

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

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

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

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

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

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

### **Relevant Government Guidance on Historic Environment.**

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

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

### **Relevant Non-Statutory Guidelines**

**The Dean Conservation Area Character Appraisal** emphasises the distinctive village character of the streetscape within Dean Village, the heritage of high quality buildings, the limited range of building materials, the predominance of residential uses, and the importance of the Water of Leith and its corridor.

**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 20/01616/FUL At GF, 6 Bell's Brae, Edinburgh Change of use from offices into 11 residential properties, formation of new dormer windows and some minor external works.**

### **Consultations**

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#### Roads Authority

*The applicant should be required to provide 26 cycle parking spaces in a secure and under cover location.*

*Should you be minded to grant permission, the following should be included as conditions or informatives as appropriate:*

- 1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 2. The applicant should be advised that, as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category B - Newly sub-divided or converted having the character of residential property);*
- 3. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*

#### *Note:*

- The proposed 8 car parking spaces for the 11 properties is considered acceptable;*
- There is no net Tram contribution.*

#### Waste

*I can confirm that the information provided for the bin store is in line with our instruction for architects guidance and waste and recycling requirements have been fully considered.*

*I would ask that you pass this 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 order the bins required, 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 Officer

Thank you for the consultation request. CEC Flood Prevention have no concerns over this application. This application can proceed to determination, with no further comments from our department.

### Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the change of use from offices into 11 residential properties, formation of new dormer windows and some minor external works

The site concerns a C-listed former stables constructed in 1881 for horses and carriages converted into offices in 1972. The building was associated with Victorian cab driver Cabbie Stewart and possibly also served the adjacent Lindsay Mill and Dean Distillery amongst others. 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, Managing Change documents and Archaeology Strategy plus CEC's Edinburgh Local Development Plan (2016) Policies ENV4 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Although altered in the early 1970's the proposals will require interior alterations to this historic listed building which could provide important evidence for its original design and development. It is therefore recommended that a programme of historic building survey (phased internal and external elevations and plans, photographic and written survey and analysis) is undertaken prior to and during internal alterations/ demolitions.

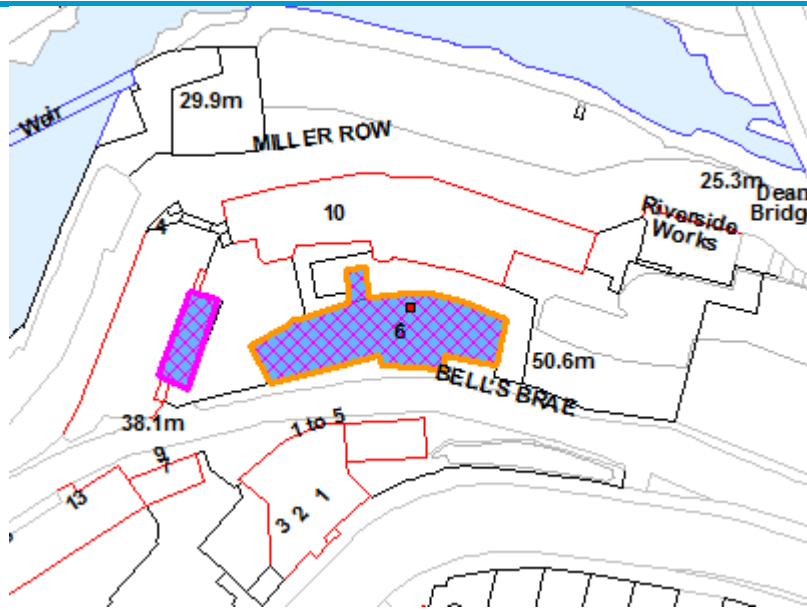
Such mitigation should be secured by the following condition;

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

The work would be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and

resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

## Location Plan



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**END**

## Development Management Sub Committee

Wednesday 7 October 2020

**Application for Listed Building Consent 20/01597/LBC at GF, 6 Bell's Brae, Edinburgh. Internal alterations, roof works including new dormers and minor external facade works to allow the formation of 11 properties.**

**Item number**

**Report number**

**Wards**

B05 - Inverleith

### Summary

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

The works comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed building and preserve the character and appearance of the conservation area. The external alterations involve an acceptable change to the exterior and there are no internal features of special interest.

### Links

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[Policies and guidance for this application](#)

HES, HEPS, HESUSE, HESSET, LDPP, LEN03, LEN04, LEN06, NSG, CRPDEA,

# Report

## **Application for Listed Building Consent 20/01597/LBC at GF, 6 Bell's Brae, Edinburgh Internal alterations, roof works including new dormers and minor external facade works to allow the formation of 11 properties.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is a C listed building (listed 12 December 1974 and revised 2009, reference LB30067) located on Bell's Brae within the Dean Village.

6 Bell's Brae is a 13-bay, slightly curved building. It varies between one and three storeys in height reflecting the complex topography of the site where the street climbs steeply to the east and falls to the north. The building was constructed in 1881 as a stable block and was converted to office use in 1970s/80s.

The building is constructed of sandstone with a slate roof and has elongated timber framed windows. There are a number of later additions to the building including large glazed opening to the ground floor rear elevation, a projecting rear full height glazed and slate stairwell and rooflights. Internally, the building has no apparent features of interest as a result of its conversion and use.

The building is sits within a grouping of other buildings from similar periods within the Dean Village. Many of these buildings have been converted into to residential use. To the rear of the building is a semi-private courtyard and small garden shared by the building and converted residential properties on Miller Row.

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

This application site is located within the Dean Conservation Area.

## 2.2 Site History

12 December 2002 - Planning permission granted to replace existing timber/glass doors with traditional timber lined doors on the main facade to Bell's Brae (02/03923/FUL)

13 January 2003 - Listed building consent granted to replace existing timber/glass doors with traditional style timber lined doors on the main facade to Bell's Brae (02/03923/LBC)

14 April 2020 - Concurrent planning application for internal alterations, roof works including new dormers and minor external facade works to allow the formation of 11 properties (20/01616/FUL)

## Main report

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### 3.1 Description of the Proposal

It is proposed to change the use of the building from office to residential. Eleven flats are proposed spread over four floors, including the roof space.

Externally, nine dormers and three rooflights are proposed. These include five dormers to the north elevation and four to the south. Of the three rooflights, one replaces an existing opening whilst two are new insertions. Four existing rooflights will be removed.

To the rear, the modern projecting stairwell will be refinished with new glazing, stone and zinc. A number of screened and blocked up windows will be reinstated with wooden framed windows to match existing. An existing ground floor window will be modified to form a door opening.

Internally, partition walls are to be removed and new walls formed.

### 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) all public comments received have been addressed.

#### a) Character of the Listed Building

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

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

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

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

Historic Environment Scotland (HES) guidance note Managing Change: Use and Adaptation of Listed buildings, sets out the principles that apply to converting historic buildings to new uses.

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

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

The main alteration to the listed building is the introduction of dormer windows. Five are proposed to the north and four to the south roof slopes. These dormers are of a sensitive design being small in scale with pitched roofs. The dormers are to be finished in slate to complement the existing roof and the design will be similar in width and pitch to the building's original dormers as well as those introduced as part of the adjacent development. The three rooflights proposed will be conservation style. The addition of new dormers and rooflights will have minimal impact on the setting of the building.

The partial replacement of the large non-original wooden door to the south elevation with a similar hardwood door with a further opening will match existing materials and will have only a minimal impact on its appearance.

Whilst the form of the building and many of the historic window and door openings remain, the C listed building has seen a number of interventions since its conversion to office use in the 1970s, including the projecting stairwell, replacement and blocked up windows and rooflights.

The proposed new additions to the roof are relatively modest, of a sensitive design and allow for the conversion of the building to ensure its continued use. The reinstatement of windows will have a positive impact on the character of the building. Recladding of the modern stairwell with stone and high-quality contemporary materials will enhance its appearance as it is now in a state of disrepair.

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

### c) 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 Dean Conservation Area Character Appraisal emphasises the distinctive village character of the streetscape within Dean Village, the heritage of high quality buildings, the limited range of building materials, the predominance of residential uses, and the importance of the Water of Leith and its corridor.

The roof slopes of 6 Bell's Brae are visible as part of the collection of buildings at the south east entrance to the Dean Village from the Dean Bridge. The roof plane features original dormers along with rooflights and it is largely unaltered. The introduction of dormers to the roofscape would not be uncharacteristic with original dormers present on the south elevation. The adjacent building was also converted in a similar manner in 2017.

As part of the application, the number of dormers has been reduced by 50% on the more prominent northern roof to reduce their impact. The proposed dormers are modest in scale and, when considered within the context of the wider conservation area, will not have a significant detrimental effect.

The alterations to the stairwell will be visible from within the courtyard space. However, the recladding materials are sensitive in nature and will be an enhancement over the existing situation.

The proposed external bike store is small in scale and will largely be obscured from public view on Bell's Brae. The structure's sedum roof will soften its appearance when viewed from within the courtyard.

Other alterations, including reopening of windows, will have a positive impact on the conservation area.

Overall, the choice of materials and design proposed is appropriate to the surrounding area.

The proposal will preserve and enhance the special character and appearance of the conservation area and complies with Policy Env 6.

### c) Public Comments

No public comments were received.

### Conclusion

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

The works comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed building and preserve the character and appearance of the conservation area. The external alterations involve an acceptable change to the exterior and there are no internal features of special interest.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions :-**

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

#### **Reasons:-**

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



## **Informatives**

It should be noted that:

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

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **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**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

No representations have been received.

## **Background reading/external references**

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- 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 Dean Conservation Area.

### **Date registered**

9 April 2020

### **Drawing numbers/Scheme**

01-10, 11A, 12A, 13A, 15A, 16B,

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant Government Guidance on Historic Environment.**

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

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

#### **Relevant policies of the Local Development Plan.**

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

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

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

### **Relevant Non-Statutory Guidelines**

**The Dean Conservation Area Character Appraisal** emphasises the distinctive village character of the streetscape within Dean Village, the heritage of high quality buildings, the limited range of building materials, the predominance of residential uses, and the importance of the Water of Leith and its corridor.

# Appendix 1

**Application for Listed Building Consent 20/01597/LBC  
At GF, 6 Bell's Brae, Edinburgh  
Internal alterations, roof works including new dormers and  
minor external facade works to allow the formation of 11  
properties.**

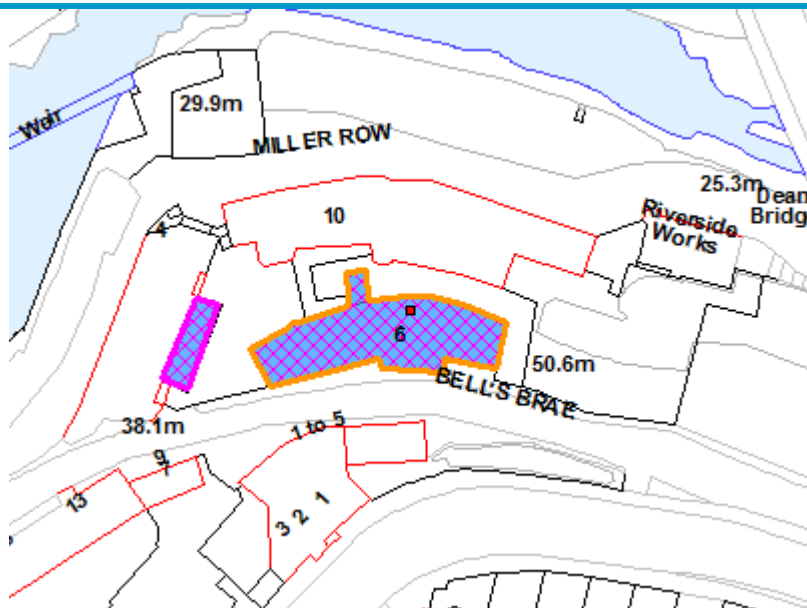
## Consultations

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No consultations undertaken.

## Location Plan

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## Development Management Sub Committee

Wednesday 7 October 2020

**Application for Planning Permission 20/03069/FUL  
at 4 Campbell's Close, 87 Canongate, Edinburgh.  
Change of Use from residential to short term visitor  
accommodation.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

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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 close that makes an important contribution to the character of the conservation area. There are no material considerations that would outweigh this conclusion.

### Links

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[Policies and guidance for this application](#)

LDPP, LDEL02, LHOU07, LEN06, LEN04, LTRA02, LTRA03, HES, HESUSE, OTH, CRPOLD,

# Report

## **Application for Planning Permission 20/03069/FUL At 4 Campbell's Close, 87 Canongate, Edinburgh Change of Use from residential to short term visitor accommodation**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The property is a former brewery converted into flats in 1982. It was listed category B on 11 January 1989 (LB reference 28412). Owing to the slope of Campbell's Close, it is four storeys high at its north (Calton Road) elevation but at its south elevation, where the application property is located, is two storey high with a basement level.

The application relates to a two bedroom, main door flat on the top floor accessed up one flight of an external stair. No. 6 Campbell's Close is also accessed from this external stair.

The surrounding area is mostly residential with commercial located towards the Canongate.

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

#### **2.2 Site History**

8 August 2015 - planning permission granted for installation of new roof window above bathroom (14/02906/FUL)

19 August 2015 - listed building consent granted for installation of new roof window above bathroom (14/02907/LBC)

#### Adjacent Site

28 July 2020 - an application for planning permission has been submitted for short stay visitor accommodation at 6 Campbell's Close. This is awaiting decision. (Planning Application reference: 20/01717/FUL).



## Main report

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### 3.1 Description of the Proposal

Planning permission is sought for the change of use from residential accommodation to short stay visitor 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 architectural and historical character of the listed building;
- c) the proposal will preserve the character and appearance of the Old Town Conservation Area;
- d) the proposal raises any issues in respect of parking and road safety; and
- e) any comments 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.

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.

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 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 has direct access from the street and it is within a busy city centre location with significant tourist traffic. However, it is located on a quiet close just off the main thoroughfare with minimal passing footfall except those accessing the residential properties. The property is accessed via an external stairwell which is shared with the other upper floor property and will pass by the properties on the lower floors. Therefore, there would 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.

Environmental Protection have stated they do not support the application due to concern regarding neighbouring residential amenity.

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.

The proposal is contrary to LDP policy 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 close.

#### b) Impact on Listed Building

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

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

Historic Environment Scotland's (HES) guidance note Managing Change in the Historic Environment: Re-use and Adaptation of Listed buildings, sets out the principles that apply to altering historic buildings.

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

HES guidance on the Use and Adaptation of Listed buildings stresses that changes may be required to find a new use for a listed building. The guidance advises that changes to specific assets and their context should be managed in a way that protects the historic environment and that careful consideration is required to avoid harming the building's special interest. It recognises that listed buildings will be adapted for new uses and that small-scale alterations will be required.

This application is for a change of use only and listed building consent will be required for any proposed internal or external changes. No changes are proposed.

On the basis, that the proposal is for a change of use only, the proposed change of use will preserve the character and setting of the listed building and accord with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. It also complies with Env 4 of the LDP and HES managing Change guidance.

### c) Old Town Conservation Area and World Heritage Site

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.

While there are no proposed external changes to the building that would affect the appearance of the conservation area, it 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 close 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. The proposal is contrary to policy Env6.

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.

### d) Transport

Policies Tra 2 and Tra 3 of the LDP sets out the requirement for private car and cycle parking. The car and cycle parking standards are contained in the Edinburgh Design Guidance.

The Roads Authority have no objections to the proposal. The zero parking provision is acceptable and complies with the parking standards in the Edinburgh Design Guidance. The application property is well served by public transport and is within walking or cycling distance of local amenities and many tourism venues.

There are no Roads Authority or transport issues.

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

## e) Public comments

### **Material Objections**

- Impact on amenity - addressed in section 3.3(a);
- Overall impact of tourism on residents - addressed in section 3.3(a);
- Parking - addressed in section 3.3(d).
- Proposal is contrary to Hou 7 - addressed in section 3.3(a);
- Impact on the Old Town Conservation Area - addressed in 3.3 (c);
- Proposal is contrary to Env 6 - addressed in section 3.3(c);
- Impact on environment - addressed in 3.3 (c).

### **Non-material Considerations**

- Use contrary to title deeds - this is not a material planning consideration;
- Grant from Edinburgh World Heritage is to maintain Old Town in residential use - this is not a material planning consideration;
- Over provision of holiday lets and impact on housing market - each application must be assessed on its own merits in accordance with the Development Plan;
- Anti-social behaviour - this is a matter for the police;
- Other short-term lets nearby don't have planning permission - this does not preclude the assessment of this application;
- Impact upon neighbour's mental health - there are no policies of the Development Plan in relation to this;
- The change of use would take property away from the homeless and skilled workers - the use of the residential unit is not controlled by the planning authority;
- Impact on accommodation for staff at educational establishments - the use of the residential unit is not controlled by the planning authority;
- Impact on hotels - the planning system does not seek to control commercial competition;
- Impact on house insurance of other properties - this is not a material planning consideration;
- 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; and
- Contrary to Scottish Government Housing policy - this is an application for change of use and this policy is not directly relevant.

### **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 close 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**

#### **Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed change of use is likely to adversely affect the amenity of neighbouring residents.
2. The proposal is contrary to policy Env 6 on Conservation Area Development as its location within a quiet residential close 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.

### **Financial impact**

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#### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

### **Risk, Policy, compliance and governance impact**

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

### **Equalities impact**

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#### **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**

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#### **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**

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#### **8.1 Pre-Application Process**

There is no pre-application process history.

#### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on the 11 August 2020. 12 objection comments were received including one from the Old Town Community Council.

## Background reading/external references

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- 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**

Adopted Edinburgh Local Development Plan

**Date registered**

28 July 2020

**Drawing numbers/Scheme**

01,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynne McMenemy, Senior Planning Officer

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**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.

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



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

### **Relevant Government Guidance on Historic Environment.**

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.

### **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 20/03069/FUL At 4 Campbell's Close, 87 Canongate, Edinburgh Change of Use from residential to short term visitor accommodation**

### **Consultations**

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#### Environmental Protection

*Environmental Protection do have slight concerns with this proposal and therefore cannot fully support it.*

*Short-term visitor accommodation can impact on neighbouring residential amenity, primarily due to noise and anti-social behaviour. The applicant advises that for this building, the property below (no. 8) and the basement flat (no. 12) are currently owner-occupied flats. No. 10 is sometimes occupied by the owner and sometimes rented out for holiday lets. The adjacent flat, (no.6) has a pending application to change to a short-term holiday let. (20/01717/FUL). The applicant advises that the adjoining flat to the north which is accessed off Calton road is also an owner-occupied property.*

*Therefore, there is residential accommodation that could be affected by the use of this property. This property has the benefit of having main door access, however the external stair case could be a source of noise, in particular from suitcases being bumped off the steps, early in the morning or late at night. The other noise concern we have is the noise being generated by guests playing loud music, banging around, shouting, or making noise outside if smoking on the landing etc.*

*The applicant has advised that many of the surrounding properties are already operating as short-term lets, which may be correct, although they may be operating without appropriate planning consent.*

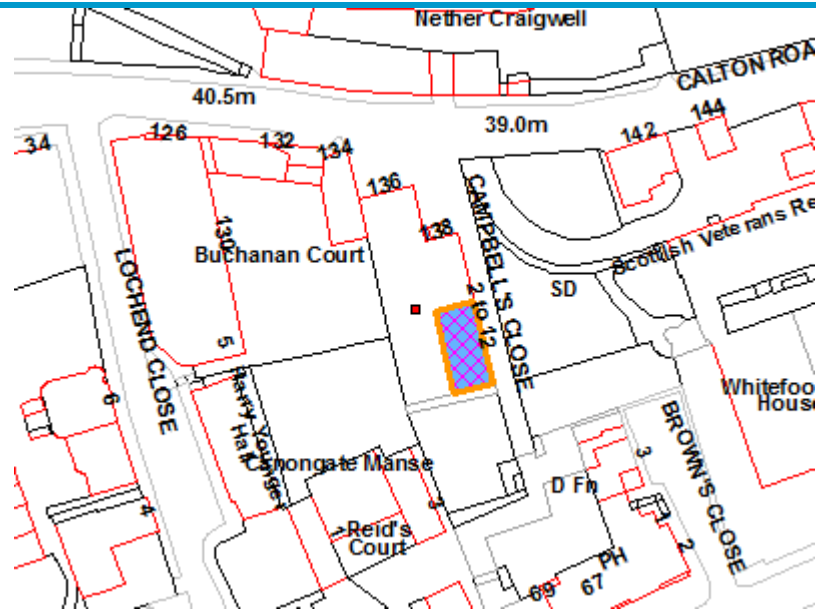
*Environmental Protection do have slight concerns with this proposal and therefore cannot fully support it.*

#### Roads

*No objections.*

## Location Plan

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## Development Management Sub Committee

Wednesday 7 October 2020

### Application for Planning Permission 20/01717/FUL at 6 Campbell's Close, 87 Canongate, Edinburgh' Change of use from residential flat to short term visitor accommodation.

Item number

Report number

Wards

B11 - City Centre

### Summary

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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 close that makes an important contribution to the character of the conservation area. There are no material considerations that would outweigh this conclusion.

### Links

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[Policies and guidance for this application](#)

LDPP, LDEL02, LHOU07, LEN06, LEN04, LTRA02, LTRA03, HES, HESUSE, OTH, CRPOLD,

# Report

## **Application for Planning Permission 20/01717/FUL at 6 Campbell's Close, 87 Canongate, Edinburgh. Change of use from residential flat to short term visitor accommodation.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The property is a former brewery converted into flats in 1982. It was listed category B on 11 January 1989 (LB reference 28412). Owing to the slope of Campbell's Close, it is four storeys high at its north (Calton Road) elevation but at its south elevation, where the application property is located, is two storey high with a basement level.

The application relates to a two bedroom, main door flat on the top floor accessed up one flight of an external stair. No. 4 Campbell's Close is also accessed from this external stair and is currently being run as a short term holiday flat, albeit without planning permission.

The surrounding area is mostly residential with commercial located towards the Canongate.

The site is within the Edinburgh World Heritage Site.

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

#### **2.2 Site History**

##### Adjacent Site

28 July 2020 - an application for planning permission has been submitted for short stay visitor accommodation at 4 Campbell's Close. This is awaiting decision. . (Planning Application reference :20/03069/FUL)

## Main report

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### 3.1 Description of the Proposal

Planning permission is sought for the change of use from residential accommodation to short stay visitor 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 architectural and historical character of the listed building;
- c) the proposal will preserve the character and appearance of the Old Town Conservation Area;
- d) the proposal raises any issues in respect of parking and road safety; and
- e) any comments 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.

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.

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 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 has direct access from the street, and it is within a busy city centre location with significant tourist traffic. However, it is located on a quiet close just off the main thoroughfare with minimal passing footfall except those accessing the residential properties. The property is accessed via an external stairwell which is shared with the other upper floor property and will pass by the properties on the lower floors. Therefore, there would 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.

Environmental Protection have stated they do not support the application due to concern regarding neighbouring residential amenity.

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.

The proposal is contrary to LDP policy 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 close.

#### b) Impact on Listed Building

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

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

Historic Environment Scotland's (HES) guidance note Managing Change in the Historic Environment: Re-use and Adaptation of Listed buildings, sets out the principles that apply to altering historic buildings.

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

HES guidance on the Use and Adaptation of Listed buildings stresses that changes may be required to find a new use for a listed building. The guidance advises that changes to specific assets and their context should be managed in a way that protects the historic environment and that careful consideration is required to avoid harming the building's special interest. It recognises that listed buildings will be adapted for new uses and that small-scale alterations will be required.

This application is for a change of use only and listed building consent will be required for any proposed internal or external changes. No changes are proposed.

On the basis, that the proposal is for a change of use only, the proposed change of use will preserve the character and setting of the listed building and accord with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. It also complies with Env 4 of the LDP and HES managing Change guidance.

### c) Old Town Conservation Area and World Heritage Site

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.

While there are no proposed external changes to the building that would affect the appearance of the conservation area, it 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 close 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. The proposal is contrary to policy Env6.

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.

### d) Transport

Policies Tra 2 and Tra 3 of the LDP sets out the requirement for private car and cycle parking. The car and cycle parking standards are contained in the Edinburgh Design Guidance.

The Roads Authority have no objections to the proposal. The zero-parking provision is acceptable and complies with the parking standards in the Edinburgh Design Guidance. The application property is well served by public transport and is within walking or cycling distance of local amenities and many tourism venues.

There are no Roads Authority or transport issues.

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

## e) Public comments

### **Material Comments - objections**

- Impact on amenity - addressed in section 3.3(a);
- Overall impact of tourism on residents - addressed in section 3.3(a);
- Parking - addressed in section 3.3(d).
- Proposal is contrary to Hou 7 - addressed in section 3.3(a);
- Impact on the Old Town Conservation Area - addressed in 3.3 (c);
- Impact on environment - addressed in 3.3 (c).

### **Non-material Considerations**

- Over provision of holiday lets and impact on housing market - each application must be assessed on its own merits in accordance with the Development Plan;
- Anti-social behaviour - this is a matter for the police;
- Other short-term lets nearby don't have planning permission - this does not preclude the assessment of this application;
- Impact upon neighbour's mental health - there are no policies of the Development Plan in relation to this;
- The change of use would take property away from the homeless and skilled workers - the use of the residential unit is not controlled by the planning authority
- Impact on hotels - the planning system does not seek to control commercial competition;
- Impact on house insurance of other properties - this is not a material planning consideration; and
- 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**

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 close 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**

#### **Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed change of use is likely to adversely affect the amenity of neighbouring residents
2. The proposal is contrary to policy Env 6 on Conservation Area Development as its location within a quiet residential close 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.

### **Financial impact**

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#### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

### **Risk, Policy, compliance and governance impact**

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

### **Equalities impact**

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#### **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**

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#### **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**

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#### **8.1 Pre-Application Process**

There is no pre-application process history.

#### **8.2 Publicity summary of representations and Community Council comments**

26 objection comments were received including one from the Old Town Community Council. 1 comment of support and 1 neutral were also received.

## Background reading/external references

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- 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**

Adopted Edinburgh Local Development Plan

**Date registered**

21 April 2020

**Drawing numbers/Scheme**

01, 02,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Annmaree Marwick, Planning officer

E-mail: [annmaree.marwick@edinburgh.gov.uk](mailto:annmaree.marwick@edinburgh.gov.uk)**Links - Policies**

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**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.

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

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

### **Relevant Government Guidance on Historic Environment.**

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.

### **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 20/01717/FUL At 6 Campbell's Close, 87 Canongate, Edinburgh Change of use from residential flat to short term visitor accommodation.**

### **Consultations**

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#### **Environmental Protection**

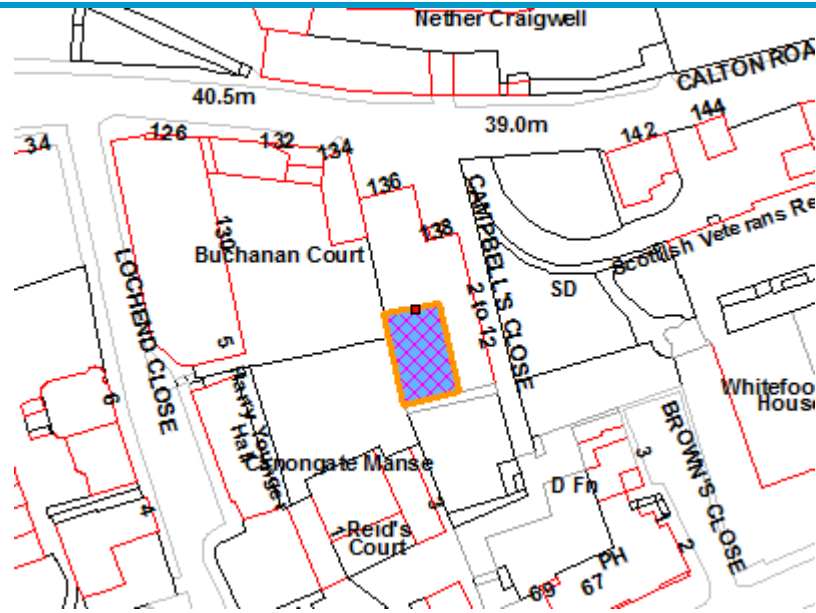
*The main issues we have with short- term lets is the impacts they can have on neighbouring residential amenity. This can be from a fairly constant flow of visitors entering and exiting the property with suitcases. This property has the benefit of having main door access but there is still an external stair case that could be a source of noise if used regularly to haul suitcases up and down. The other noise concern we have is the noise being generated by guests can vary, but nevertheless there can be guests that stay over who can cause issues with playing loud music, banging around, shouting, or making noise outside if smoking.*

*The applicant has advised that many of the surrounding properties are already operating as short-term lets. I'm not sure if these have formally change the use of the residential properties into short term let use through planning.*

*Environmental Protection do have slight concerns with this proposal and therefore cannot fully support it.*



# Location Plan



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## Development Management Sub Committee

**Wednesday 7 October 2020**

**Application for Planning Permission 20/03071/FUL  
At 4A Dewar Place Lane, Edinburgh, EH3 8EF  
Change of Use from residential to holiday flat**

<b>Item number</b>	
<b>Report number</b>	
<b>Wards</b>	B11 - City Centre

### Summary

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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

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDEL02, LHOU07, LEN06, NSG, NSBUS, NSGD02,
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# Report

## **Application for Planning Permission 20/03071/FUL At 4A Dewar Place Lane, Edinburgh, EH3 8EF Change of Use from residential to holiday flat**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is a two-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 Planning History

23 September 2020- Application refused at the Development Management Subcommittee for a change of use from residential dwelling house to holiday let at Flat 1 4 Dewar Place Lane (Application number 20/03035/FUL).

23 September 2020 - Application refused at the Development Management Subcommittee for a change of use from residential dwelling house to holiday let at Flat 2 4 Dewar Place Lane (Application number 20/03036/FUL).

9 September 2020 - Application submitted for a change of use from residential dwelling house to holiday let at Flat 3 4 Dewar Place Lane (Application number 20/03037/FUL). This is pending consideration.

## Main report

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### 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 private access to the rear of the building. There is no access from the 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 could be shared among occupants of the building. The proposal also has the potential to provide parking for occupants of the premises within the boundary of the site which could be shared among occupants of the building. The proposal relates to a two-bedroom flat where the existing lounge area could be used as a third bedroom also, potentially increasing the number of occupants from three to five. The shared means of waste arrangement and parking 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. 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 4A. 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 site, 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, it 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.

The proposal is contrary to LDP policy Env 6 as it will alter the quiet residential nature of the lane which contributes 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 two-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

##### Material Comments - Objection

- Contrary to LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) - Addressed in Section 3.3 (a)
- Contrary to LDP Policy Env 6 (Conservation Areas - Development) - Addressed in Section 3.3 (b).

##### Non-Material Comments - Objection

- Loss of housing - The LDP does not include any policies against the loss of residential use.
- Change of use is not supportive of Scottish Government Housing policy on More Homes "everyone has a quality home that they can afford and that meets their needs" - This does not preclude assessment of the application. The Scottish Government does not prevent applications for short holiday lets from being submitted and assessed on their own merits.
- Change of use is not supportive of Scottish Planning Policy on "socially sustainable places" and "supporting delivery of accessible housing" - The LDP does not include any policies against the loss of residential use and this does not preclude assessment of the proposal on its own merits.

##### Material Comments - Support

- Supports tourism.



## **Non-Material Comments - Support**

- Management of the apartment provides employment.

## **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**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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

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### 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

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### 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 14 August 2020 and the proposal attracted 5 comments; three objecting and two supporting. The comments raised are addressed in the Assessment Section of the report.

## Background reading/external references

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- 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**

5 August 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](mailto:laura.marshall@edinburgh.gov.uk)

## **Links - Policies**

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### **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 20/03071/FUL At 4A Dewar Place Lane, Edinburgh, EH3 8EF Change of Use from residential to holiday flat

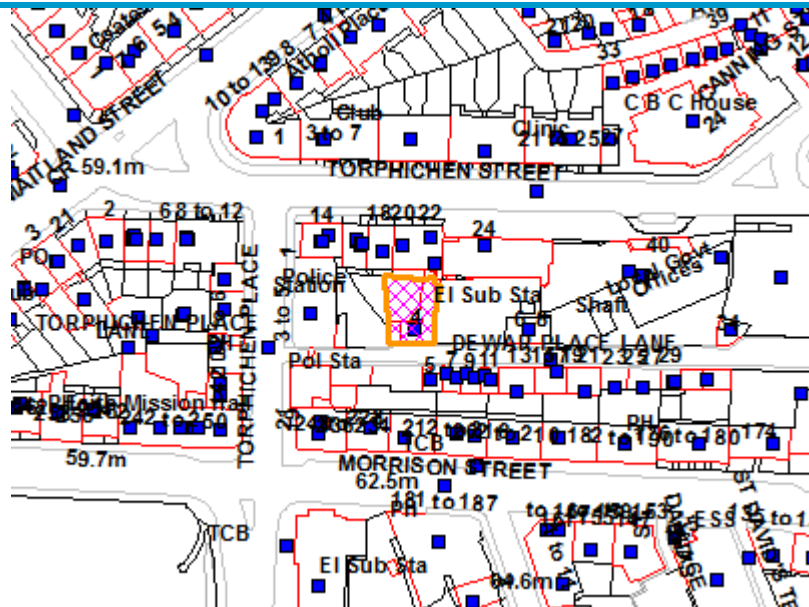
### Consultations

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No consultations undertaken.

### Location Plan

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## Development Management Sub Committee

**Wednesday 7 October 2020**

**Application for Planning Permission in Principle  
20/01410/PPP**

**at 43 Main Street, Edinburgh, EH4 5BZ**

**Planning application for residential development including associated access, parking, infrastructure, and landscaping.**

**Item number**

**Report number**

**Wards**

B01 - Almond

### Summary

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The principle of housing development (Class 9 and Sui-Generis flatted development) with vehicular access from Main Street would be acceptable in principle and is in accordance with the Edinburgh Local Development Plan (LDP).

There are a range of concerns regarding the indicative proposals including site layout, heights and massing and levels of development including unit numbers and housing mix. However, all such matters could be reserved as part of a planning permission in principle, and it is recommended that design parameters and other matters relating to the future development of the site are established through condition.

The existing cycle and pedestrian access passing through the north of the site forms an established local route and part of the city's off-road network. This must be retained as an integral part of the site layout with requirements and details being secured through condition.

Planning obligations in respect of affordable housing, transport and educational provision require to be secured through Section 75 agreement.

It is recommended that the application be granted subject to conditions and the applicant entering into a suitable legal agreement. There are no material considerations which outweigh this conclusion.

## Links

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### [Policies and guidance for this application](#)

LDEL01, LDES01, LDES04, LDES05, LDES07, LDES08, LEN09, LEN12, LEN16, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LRET05, LEMP09, LTRA02, LTRA03, LTRA04, LTRA09, NSGD02, NSHAFF,



# Report

## **Application for Planning Permission in Principle 20/01410/PPP**

**at 43 Main Street, Edinburgh, EH4 5BZ.**

**Planning application for residential development including associated access, parking, infrastructure, and landscaping.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is situated within Davidsons Mains village, north west Edinburgh.

The site (0.44 hectares) is broadly 'L' shaped in configuration and bounded by Main Street to its southern edge. A former railway embankment, mature woodland define the site to the north and north east. This is designated as Local Nature Conservation Site and Open Space.

The areas immediately to the south of the site include two residential properties and a public house fronting Main Street with an associated dwelling to the rear. Low rise housing is situated to the north and east. Various residential properties and commercial premises including a former bank, car parking, public house and beer garden to the rear are situated to the west of the site. A Tesco Metro supermarket lies to the north west corner of the site. This is a two storey commercial structure dating from the 1970's. A service bay, enclosed by palisade fencing, lies to the eastern side of building.

The site comprises two parts:-

The southern part of the site is occupied by a former vehicle repair garage and associated yard area, this accessed via Main Street. The buildings comprise 1-2 storey structures, these featuring white render and exposed brick finishes. A single mature tree with low lying vegetation lies to the north east. The rear part of the site slopes downwards by approximately 2 metres towards its northern edge.

The northern area of the site forms surface car parking (103 spaces) associated with the Tesco store. A pedestrian/cycle access enters the site from the east, this providing a link to the North Edinburgh Cycle Network at Silverknowes Road. The car park currently provides direct access via the Tesco store to provide a link with Cramond Road South. The topography of this part of the site is broadly level. A culvert lies beneath the car park, this entering the site from the west, before exiting via the northern edge.

A high brick wall currently defines the southern edge of the car park, this bisecting the two parts of the site.

The site is located within a back land area to the north of the historic Main Street. The urban character is almost exclusively 1, 2 and 2.5 storey, featuring a mix of terraced housing, cottages and low rise flats, these being interspersed with a range of commercial uses fronting Main Street. The area lying to the east of the site, including The Green, comprises low rise suburban terraces and semi-detached dwellings.

## 2.2 Site History

No relevant planning history.

## Main report

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### 3.1 Description Of The Proposal

#### Scheme 2

Planning Permission in Principle is sought to establish the principle of residential development for 36 units, including associated access, parking, infrastructure and landscaping. No specific use classes have been identified.

The proposal would comprise redevelopment of the former garage premises to the south of the site and part of the existing surface car park to the north. This would include the demolition of the existing buildings and the boundary wall which bisects the site. The north western section of the car park (approximately 24 spaces) and service access for the adjacent supermarket would be retained.

Indicative design proposals have been submitted as part of the application, these derived from a feasibility study. These include a site layout, site sections and proposed massing plans. A Design and Access Statement, with site analysis has also been prepared.

The proposed vehicular access into the site would be from Main Street to the south, this leading to a 'T' turning head within the northern part of the site.

The existing cycle and pedestrian route, which enters the site at the north east corner would be diverted via the northern edge of the site, this opening out within the area of retained car parking. A subsequent amendment has changed the alignment of this route at the north east corner of the site.

The indicative proposals identify the following:-

#### *Southern part of site*

Block A - 3 storey - 8 units

Block B - 3 storey + developed roof - 13 units

### *Northern part of site*

Block C - 3 storey + developed roof - 11 units  
Cottage units - 2 storey - 4 units

Of the proposed 36 residential units, 27 are identified as private with 9 affordable units. These would be composed of:-

27 x 2 bedroom  
9 x 3 bedroom

The site layout has identified 30 parking spaces with internal storage provision for 84 cycles.

Private open spaces are located to the rear of the blocks with front curtilage landscaping, although these aspects are not developed in detail. An area of landscaped public open space is located to the north western corner, adjacent to the supermarket service bay and retained car parking.

### Scheme 1

As above, prior to amendments relating to the diversion of the cycleway, provision of visualisations to demonstrate height and massing. A legal paper relating to the status of the cycle/pedestrian route which crosses the northern part of the site has also been submitted by the applicant.

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

- Planning Statement;
- Design and Access Statement;
- Preliminary Ecological Report;
- Transport Statement and
- Drainage and Flooding Strategy.

### **3.2 Determining Issues**

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- (a) The principle of the proposed uses are acceptable;
- (b) The proposals would raise issues in respect of design;
- (c) The proposal would address requirements of housing policy and guidance, including the Council's affordable housing policy;
- (d) The proposal raises issues in respect of transport and road safety;
- (e) The proposal would achieve an acceptable standard of residential amenity for future residents;
- (f) The proposal would affect the amenity of neighbours;
- (g) The proposal raises issues in respect of trees and ecology;
- (h) The proposal would result in flood risk;
- (i) The proposal would result in impact to archaeology;
- (j) The proposal would give rise to developer contributions and
- (k) The proposals address issues raised in representations.

#### (a) Principle of Use

The site is designated in the Local Development Plan as Urban Area, with the southern part of the site and the adjacent store being designated as part of the Davidson's Mains Local Centre.

In order to establish if the principle of residential on the site is acceptable, it is necessary to consider the LDP Policies Hou 1 - Housing Development and Ret 5 - Local Centres. LDP Policy Emp 9 - Employment Sites and Premises is also applicable as the proposal would result in the loss of an employment site (i.e. the site was most recently used as a car repair garage).

LDP Policy Hou 1 states that priority will be given to the delivery of the housing land on d) on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The principle of housing development would be supported in principle subject to satisfactorily addressing requirements of relevant policy and guidance, particularly in relation to design and the quality of amenity for future residents.

LDP Policy Ret 5 outlines that proposals for non-retail development in a local centre which would have a detrimental impact on the function of the centre will not be permitted.

The former garage premises are located behind the main frontages of the Local Centre. Both the location and nature of its use means it makes a limited contribution to the function and identity of the Local Centre. Although part of the car park to the rear of the Tesco Metro supermarket would be lost as a result of the proposal, this would not harm the overall function of the Local Centre given the store itself would remain unaltered and would still be accessible by a range of forms of travel, including walking - which is key to the role of local centres.

The proposal would not result in the loss of retail floorspace and the loss of the existing land uses would not undermine the function of the centre. The proposed residential use would create homes immediately adjacent to the local centre, which could mutually benefit both residents of the development and Local Centre itself through additional footfall and vitality.

LDP Policy Emp 9 states that proposals to redevelop employment sites or premises in the urban area for uses other than business, industry and storage will be permitted provided: a) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use; b) the proposal will contribute to the comprehensive regeneration and improvement of the wider area.

In relation to part a) the site does not lie in a location where there are many surrounding employment uses and so the criterion is of limited applicability to these proposals. The operation of the supermarket service bay lying adjacent to the site, would need to be fully considered as part of a Noise Assessment this informing any mitigation during the detailed design process.

The loss of the former garage premises as an employment site would not be significantly detrimental to the Local Centre and would address requirements of part b). The Council would support the principle of housing development on brownfield land, including derelict land and land occupied by redundant buildings. Whilst the existing buildings reflect the general scale and character of the area, these are of no architectural merit and demolition would be acceptable. The proposed redevelopment of the site for housing would also result in the removal of a non-conforming use and physical improvement of the wider area.

In terms of the redevelopment of the car park, the existing facility serves primarily as an overspill at the rear of the Tesco store and sees sporadic levels of use. A level of car parking provision would be retained both to the front and rear of the store and the loss of the car parking would be compatible with current transport policy. The redevelopment of car parking for residential use would be supported in principle, in that it would allow for the more efficient use of urban land.

In summary, the proposed development would address requirements of LDP Policies Hou 1, Ret 6 and Emp 9. The principle of housing development would be acceptable in terms of land use and result in the development of a windfall housing site. The proposal would not undermine the function and viability of the Local Centre or prejudice or inhibit the activities of any nearby employment use.

Given that no use classes have been identified as part of the application, it is recommended that this grant of planning permission is restricted to Class 9 housing and Sui Generis flatted development. All aspects relating to detailed design including unit numbers would be reserved matters.

## **(b) Design**

### Design Concept and Layout

LDP Policy Des 1 - Design Quality and Context, states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning Permission will not be granted for poor quality or inappropriate design of for proposals that would be damaging to the character or appearance of the area around it

LDP Policy Des 4 - Development Design - Impact on Setting, notes that where surrounding development is fragmented or poor quality, development proposals should help repair urban fabric, establish model forms of development and generate coherence and distinctiveness, i.e. a sense of place. These requirements are further reinforced through the Edinburgh Design Guidance.

LDP Policy Des 7 - Layout Design, part a) requires that a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces, services and SUDS features has been taken.

LDP Policy Des 8 - Public Realm and Landscape Design, states that permission will be granted for development where all external spaces and features, including streets, footpaths, civic spaces and boundary treatments have been designed as an integral part of a scheme as a whole.

The Edinburgh Design Guidance establishes keys aims for new development including:- the need to have a positive impact on the immediate surroundings; the wider environment; landscape and views, through its height and form; scale and proportions; materials and detailing; positioning of buildings on the site, integration of ancillary facilities; and the health and amenity of occupiers.

The applicant has submitted indicative design proposals including site layout, sections, massing, visualisations. A Design and Access Statement has been submitted, this including analysis of site constraints and opportunities.

Davidsons Mains possess a distinct village character. Although not a conservation area, the historic village core, of which the application site forms part, is characterised by traditional buildings and low-rise development, almost exclusively 1-2 storey development with pitched roofs. The site locality also contains a mix of housing typologies, which includes cottage style dwelling, terraced properties and low-rise flatted developments.

The proposed 3 and 4 storey flatted blocks would not be compatible with these characteristics. Whilst these would be set back from the street, the proposed height and massing would visibly be at odds with the village character. The indicative design proposals have failed to respond to the distinct urban grain and spatial character including the back land nature of the site and the scale and form of adjacent buildings.

The design proposal would appear to be development led and has not been clearly derived from comprehensive site analysis. Any site layout must be clearly informed by movement patterns to ensure effective integration with the urban structure of the village. Particularly this would include, the existing pedestrian/cycle route which passes through the site and enhancing its permeability and opportunities for pedestrian movement.

In summary, a more bespoke design would be needed to create the sense of place that fits the character of the area and responds to the constraints of the site. The indicative proposals do not fully address the requirements of LDP Policies Des 1 Design Quality and Context, Des 4 Development Design, Des 7 Layout Design, Des 8 Public Realm and Landscape Design, Edinburgh Design Guidance and Edinburgh Street Design Guidance

The proposed design has not been based on an overall concept that draws upon the positive character of the surrounding area and reinforce a sense of place. The proposal would not establish a model form of development, generate coherence, being disruptive and potentially damaging to the character of the locality.

The proposed design has not demonstrated a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces.

### Height, Mass and Scale

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, having regard to; a) height and form and b) scale and proportions.

Edinburgh Design Guidance advises that development should seek to match the general height and form of buildings prevailing in the surrounding area. Where new developments exceed the height of neighbouring buildings there is a need to ensure they enhance the skyline and surrounding townscape.

The indicative design proposal is predominately 3 storey, with 2 storey 'cottage' flats to the north east corner of the site. Two of the 3 storey blocks also feature developed roof space, which would effectively constitute a fourth storey. These would be in contrast to the prevailing scale of development in the locality, which is almost exclusively low rise, 1-2 storey development with pitched roofs. Recent residential developments within the village context have sought to respond to this character, with maximum heights of 2.5 - 3 storeys.

Visualisations have been supplied by the applicant, although the viewpoints were not agreed with the Planning Authority. The visualisations are limited in scope with no views to illustrate the scale of development in the context of the backland area to the rear of Main Street.

A large number of representations expressed concern regarding the proposed height, mass and scale of the development, particularly the impact upon the historic village character.

There is concern that the height and mass of the indicative proposal would not reflect the prevailing character, particularly the scale of adjacent buildings in the southern part of the site. As presented the proposal would not address requirements of Des 4, Parts a) and b) and the Edinburgh Design Guidance.

However, given the nature of this planning permission in principle, it is recommended that design parameters including matters relating to height mass and scale are established through condition. Development within the southern part of the site must achieve a range of development heights with no part of development exceeding 2.5 storeys. The development shall incorporate pitched roofs. The development within the northern part of the site must seek to achieve a range of development heights with no part of development exceeding 3 storeys.

### Density and Unit Numbers

LDP Policy Hou 4 - Housing Density - The Council will seek an appropriate density of development on each site having regard to: a) its characteristics and those of the surrounding area; b) the need to create an attractive residential environment and safeguard living conditions within the development.

The indicative design proposal has been calculated at 80 dwellings per hectare, which would be typical of a low rise flatted development or tenemental area. This would be higher than the prevailing densities for Main Street and the adjacent residential areas to the north and south, which would be more characteristic of medium to high density suburban development.

There is concern that the indicative design and layout have not sought to adequately respond to potential site constraints, e.g. noise, land contamination, mature tree adjacent to the site and the need to incorporate access routes. Also, the proposed form and density of development has not fully responded to adjacent site conditions and characteristics of the surrounding area, nor has it been demonstrated that the proposal would safeguard living conditions within the development. The proposal is also entirely flatted and the opportunity to deliver family housing with private gardens has been missed.

In view of these issues, it is not recommended that unit numbers are agreed as part of this permission and this is a reserved matter to be considered at detailed design stage. An appropriate density for the site would need to be demonstrated as part of further design development.

In design terms, the nature of the site would lend itself to the urban housing - possibly mix of townhouses, terraces and low-rise flatted blocks. In turn this could achieve a suitable density which responds to the local context and character.



## Conclusion - Design

There are a range of concerns regarding the indicative proposals including the design concept, site layout, heights, massing and levels of development including densities, unit numbers and housing mix. However, all such matters could be reserved as part of a planning permission in principle, and it is recommended that design parameters and all matters relating to the future development of the site are secured through conditions.

For avoidance of doubt, the indicative design proposal and plans would not represent an approved scheme.

### **(c) Housing policy and guidance, including the Council's affordable housing policy**

LDP Policy Hou 6 - Affordable Housing, requires that planning permission for residential development, consisting of 12 or more units should include provision for affordable housing.

The applicant has identified a total of 8 affordable units, this constituting 25% of the total units proposed. These would comprise a mix of 2 and 3 bed units and accessed from a single stair core. Whilst the applicant has indicated their commitment to the provision of affordable housing, no confirmation has been given that homes will be designed to RSL design standards and requirements or whether the proposal would be representative of the provision of homes across the area.

The Council's Affordable Housing team have been consulted in relation to the application. They have advised that in order for the proposal to be fully assessed, the applicant should submit an 'Affordable Housing Statement' setting out their approach, this also being available as a public document. This document has not been submitted by the applicant.

LDP Policy Hou 2 - Housing Mix, states that the Council will seek the provision of a mix of house types and size where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility.

The application proposes a range of flatted units, these ranging from 1-3 beds. In the absence of an Affordable Housing Statement, the applicant has not demonstrated whether the proposed mix of house types, would be appropriate to the character of the locality and that requirements of the Edinburgh Design Guidance have been addressed, including those relating to the provision of accommodation which would be suitable for growing families.

Davidsons Mains is set within both a village and suburban context. A range of housing types including family housing, low rise flatted units and housing for older people are all evident within the vicinity of the site. In view of these characteristics and the nature of the site, an entirely flatted scheme may not be appropriate to the locality and it is considered that any future scheme should strive to deliver a greater level of housing typologies including family housing.

In summary, the proposals have not fully demonstrated that the requirements of Hou 2 and Hou 6 have been addressed, including whether the proposed housing mix is appropriate for the area. It is therefore recommended that the design of any future development proposal be based upon the findings of an Affordable Housing Statement, and the preparation of such a document would be stipulated through condition. A legal agreement will be required to secure the delivery of 25% affordable housing on site.

#### **(d) Transport and Road Safety**

##### Site Access

The proposal would seek to utilise the existing vehicular access from Main Street to provide the principal access into the site.

This issue was highlighted in a large number of representations, including potential conflicts with pedestrians, the existing bus stop and public house and that new development would result in additional vehicle movement on a congested local network.

A transport statement has been submitted as part of the application. This is considered to provide an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network.

The access previously served the garage premises. The proposed residential use would result in a trip generation comparable to that of the former garage use and potentially even result in a net reduction of vehicle trips.

The proposed re-use of the existing access to Main Street would therefore be acceptable in principle, with design details being secured through condition.

##### Proposed diversion of cycle and pedestrian route

The northern part of the site currently provides direct access for pedestrians and cyclists via the existing car park. This enters the site from the north east, to provide a direct link between the National Cycle Network at Silverknowes Road with Cramond Road South, via the Tesco store.

The application seeks to divert this route via the northern edges of the site to accommodate the proposed development. This would be largely segregated from the remainder of the development being tightly enclosed by adjacent boundaries for much of its length. The maximum width would be 2.6 metres, which would fall below the standards specified in the Edinburgh Street Design Guidance. Although the realigned route would provide some access through the site, this would result a longer, indirect route due to the positioning of the 'cottage flats' at the north east corner of the site.

Representations have identified a range of concerns with the proposed arrangement including the indirect alignment, the proposed width of the route, the enclosed nature of adjacent boundary treatments which would impact upon sight lines, levels of surveillance and the perception of safety. Overall, the proposed arrangement is considered inferior to the existing facility which enjoys high levels of use.

LDP Policy Tra 9 - Cycle and Footpath Network, part b) states that proposals should not be detrimental to a path which forms part of the core paths network or prejudice the continuity of the off-road network generally; or part c) obstruct or adversely affect a public right of way or other route with access rights unless satisfactory provision is made for its replacement.

The applicant has made legal submission that this route does not form a public right of way. Scotways and the Council's Access Officer were also consulted in relation to the matter. Although the status of this route as a public right of way or other route with access rights has not been confirmed, it nevertheless represents an established part of the off-road network, being well used and valued by the local community as borne out by the large number of representations. It also provides direct access to and from the North Edinburgh Cycle Network. LDP Policy Tra 9, part b) therefore remains material to the assessment of this application.

Although some design amendments have been supplied by the applicant in relation to the alignment, the largely segregated nature of the route is still not considered to offer satisfactory replacement provision and the proposal fails to meet requirements of the Edinburgh Street Design Guidance. As presented, the proposal would be detrimental to a path which forms part of the core paths network and prejudice the continuity of the off-road network generally. It would not therefore address the requirements of LDP Policy Tra 9 b).

The retention and enhancement of this route is considered critical to the redevelopment of the site, also promoting connectivity and active travel objectives. The route should therefore form an integral part of the layout, being integrated into the design of any proposed street and open space in the northern part of the site and overlooked by adjacent development.

In addition to securing east-west movement across the northern part of the site, any redevelopment proposal should also seek to further enhance the permeability of site, to provide direct pedestrian/cycle access between Main Street, the Tesco store and the National Cycle Network. It is recommended that the design of this route, including design requirements and detailed alignment be stipulated through a condition.

### Street Design and Parking

The proposed vehicular access into the site would be from Main Street to the south, this leading to a 'T' turning head within the northern part of the site. Car parking provision would be on-street with cycle storage identified as being integral to the blocks. The existing access arrangements relating to the Tesco store, including service bay and car parking would be maintained, with no through access to the application site.

The carriageway space, as presented in the indicative proposals, would seem largely based around engineering requirements, with the needs of vehicular traffic and parking dominating much of the street scene. It is not apparent that the site layout has sought to promote place before movement as per the Scottish Government's Designing Streets Policy and the Edinburgh Street Design Guidance. Given the nature and characteristics of the site, the design approach would lend itself to shared space, to place greater emphasis on the needs of the pedestrian and active travel.

The indicative proposals are not considered to address the various criteria of LDP Policy Des 7, Layout design - particularly that a comprehensive and integrated approach has been taken to the layout of buildings, streets, footpaths, cycle paths and public and private open spaces. Layouts should also seek to encourage walking and cycling and incorporate design features which will restrict traffic speeds and minimise potential conflict between pedestrians, cyclists and pedestrian traffic.

The proposed car and cycle parking levels and cycle storage arrangements would broadly address requirements of LDP Policies Tra 2 - Private Car Parking, Tra 3 - Private Cycle Parking and the Council's Parking Standards, as updated in January 2020. However, it has not yet been demonstrated that all design considerations as per LDP Policy Tra 4 - Design of Off-Street Car and Cycle Parking, have been taken in to account and further details would need to be demonstrated as part of any finalised design proposal.

It is recommended that the design and layout of road infrastructure, including footways, accesses, cycle routes, verges and service strips and details of parking provision, including spaces for electric vehicles are address as a reserved matter through condition.

#### **(e) Amenity for Future Residents**

LDP Policy Des 5 - Development Design - Amenity, part a) states that planning permission will be granted for development where it is demonstrated that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight and immediate outlook.

In view of the indicative nature of the proposals, matters relating to daylight, sunlight and immediate outlook have not been assessed. Similarly, proposed levels of private open space, the requirements of LDP Policy Hou3, Private Green Space in Housing Development and the Edinburgh Design Guidance have not been considered.

#### Noise

Environmental Protection requested that a Noise Assessment be prepared in relation to the proposed development. This was not provided by the applicant.

Several potential noise sources have been identified in proximity to the site. These include the public house flanking the eastern edge of the site, a former bank (which includes rooftop plant) and pub beer garden situated to the west. Impacts arising from the operation of the Tesco store and service bay which lies to the north west corner of the site will also require detailed consideration.

In the absence of this information, it is not possible to establish which parts of the site are suitable for residential use and whether mitigation will be required. As such it is not possible to determine layout and unit numbers at this stage.

It is recommended that a Noise Assessment be stipulated through condition, this informing the detailed site layout and the design of any noise mitigation measures.

## Land Contamination

In order to determine whether the requirements of LDP Env 22 - Pollution and Air, Water and Soil Quality have been addressed, particularly that there will be no significant adverse effects for health, the environment and amenity, that there will be no significant adverse effects and that appropriate mitigation can be provided, it is recommended that a condition be applied requiring investigation into land contamination.

Given the former operation of the southern part of the site as a vehicle repair garage, contaminants may present. The demolition of the buildings may also present issues relating to hazardous materials.

### **(f) Amenity of Neighbours**

LDP Policy Des 5, Development Design - Amenity, Part a) states that planning permission will be granted where the amenity of neighbouring developments is not adversely affected.

Representations were received from regarding the potential loss of privacy, daylighting, sunlighting and overshadowing to adjacent properties due to the scale and height of the proposal.

The applicant has submitted information in relation to these matters. However, given the indicative nature of the proposals this has not been assessed in detail. Issues relating to daylighting, overshadowing and privacy would need to be considered as part of any subsequent detailed design proposal.

### **(g) Trees and Ecology**

A Preliminary Ecological Appraisal prepared by ITP Energised, March 2020, has been submitted as part of the application.

This concludes that the proposed development would have a negligible impact on the ecology and woodland in the vicinity of the site. However, the appraisal does identify that the remaining buildings on the site are capable of providing roosting opportunities for bats. The requirement for further bat surveys can be stipulated through condition.

Although levels of vegetation within the site are limited, a single mature tree remains within the southern part of the site. It is recommended that a tree survey be undertaken to assess its condition and value, this also assessing trees lying with 12 metres of the site boundary to ensure any necessary mitigation and tree protection.

## **(h) Flood Risk and Drainage**

A Drainage and Flood Strategy Report and Site Drainage Survey have been submitted as part of the application.

The online indicative SEPA flood maps identify a low to medium risk of surface water flooding in the northern part of the site, particularly the extents of the car park. A culverted watercourse lies beneath the car park, this entering the site from the west, before exiting via the northern edge.

A drainage concept and schematic drainage layout has also been prepared on the basis of the indicative design proposals prepared for the site.

The Council's Flooding and Drainage Team have confirmed that the flooding information provided as part of the application would largely satisfy the requirements of the Council's Self Certification scheme. Potential flood risks could be mitigated and demonstrate that the site would be suitable for residential use.

The proposal would address the requirements of LDP Policy Env 21, Flood Protection, in that it would not increase flood risk or be at risk of flooding itself.

However, it is recommended that further flooding and drainage information is secured through condition once detailed design proposals have been finalised at AMC stage. This would include a revised surface water management plan to reflect the design of any finalised scheme, with confirmation of proposed site levels and finished floor levels.

Flood Prevention have also requested that a further CCTV survey be undertaken to fully establish the extents of the culvert and it is recommended that a minimum 5 metre stand off from the footprint of the building be required from the culverted watercourse.

Scottish Water requirements would need to be addressed including written confirmation that they will accept the proposed surface water discharge into the culvert, will adopt and maintain the surface water drainage system.

## **(i) Archaeology**

The City Archaeologist has provided comment in relation to the application proposals.

The part of the site occupied by the former garage is located within the historic core of the historic settlement of Davidsons Mains originally known as Muttonhole, which dates back to the post-medieval period. This occurs within an area of archaeological potential. The rear of the site forming part of the car park for the adjacent supermarket formed part of the short lived Davidsons Mains Railway Station including goods yard which opened in 1894 and closed in 1951.

The proposals will require significant ground-breaking works during construction and demolition. Accordingly, it is recommended that if permission is granted that a programme of archaeological mitigation is undertaken prior to demolition or development.

It is recommended that a programme of archaeological investigation be secured through condition. This approach would address the requirements of LDP Policy Env 9 - Development of Sites of Archaeological Significance.

### **(j) Developer Contributions**

The following developer contributions would be applicable to the proposal and will need to be included as part of any S.75 legal agreement.

#### Education

The site falls within Sub-Area W-2 of the 'West Edinburgh Contribution Zone'.

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

The proposed development is therefore required to make a contribution towards the delivery of these actions. The required contribution should be based on the established 'per house' and 'per flat' contribution figures set out below and secured through a legal agreement

If the appropriate contribution is provided by the developer, Communities and Families do not object to the application.

Per unit requirement:

Per Flat - £1,093

Per House - £6,985

#### Transport

Contribute the sum of £2000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

Contribute the sum of £2000 to progress a suitable order to introduce waiting and loading restrictions as necessary;

Contribute the sum of £2000 to promote a suitable order to introduce a 20mph speed within the development, and subsequently install all necessary sign and markings at no cost to the Council. The applicant should be advised that the successful progression of the Order is subject to statutory consultation and advertisement and cannot be guaranteed.

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

## Green Space Actions

No specific green space provisions apply.

However, should permission be granted, it is recommended that of open space and public realm, including the active travel route across the northern part of the site be implemented as part of the development.

## Health Care

The application site is not located within a Healthcare Contribution Zone as defined in the Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'. As such no healthcare contributions would be sought.

## **(k) Issues raised in representations**

The application proposals were made publicly available for comment via the Council's Planning Portal on 30 March 2020. However, due to the Covid19 situation, the application was not formally advertised until 29 April 2020, this being followed by an extended 30 day period for public comment.

### Principle - Supportive of residential development

- Supportive of residential development on brownfield land, the site is located close to many amenities, well situated for public transport and for walking and cycling - assessed in 3.3 a
- Housing is much needed in the area, particularly affordable - assessed in 3.3 a and c
- The site is currently an eyesore and development of the site would enhance the area - assessed in 3.3 a

### Principle - Not supportive

- Object to the proposed development of the Tesco car park area - assessed in 3.3 a
- Preference to see family homes with off-street parking and garden space, rather than flats - assessed in 3.3 a and c
- Preference to see sheltered housing, rather than homes for young people/families - assessed in 3.3 a and c
- Concern re. the potential loss of commercial floorspace and opportunities - assessed in 3.3 a



### Height, massing and scale

- Heights, including development should not exceed 2 and 3 storeys - assessed in 3.3 b
- Concern re. proposed flat roofing which would be inappropriate to the character of the location - assessed in 3.3 b
- Scale, height and mass would be completely alien to the village environment and nature of housing at the western end of Main Street where no properties exceed two storeys. Adjacent development at The Green are single storey cottages - assessed in 3.3 b
- Proposal is overly ambitious, representing one of the largest such developments in Davidsons Mains in recent years - assessed in 3.3 b
- The overall scale and density of the proposals (at 36 units) constitute overdevelopment of the site - assessed in 3.3 b

### Local character, historic village setting

- Proposal goes against Council policies with regard to placemaking, local identity, sense of place, preserving the historic built character - assessed in 3.3 b
- Proposals are not in keeping with the local environment, village character and atmosphere - assessed in 3.3 b
- Approach is development rather than design led and has not assessed the character of the local context and townscape - assessed in 3.3 b
- Insufficient information to comment re. architectural appearance and material finishes - assessed in 3.3 b
- Concern re. design detail, architectural detail, material finishes and impact upon local character - assessed in 3.3 b
- Development should be more of a courtyard development - assessed in 3.3 b
- Development should be permeable and function as part of the local community rather than being a 'gated' community. North-south access important as well as east-west, and both should be maintained as part of development. Direct pedestrian access from the Tesco could allow for 'park and stride' arrangement to local primary school - discussions have apparently taken place between the primary school and Tesco in this regard - assessed in 3.3 b and d although it recognised this involves discussions between third parties and matter is out with the scope of this application
- Inadequate waste storage provision for the scale of development proposed - assessed in 3.3 b
- Proposed levels of open space/green space are inadequate - assessed in 3.3 e

### Wildlife impacts, loss of trees, biodiversity

- Proposal goes against Council policies with regard to trees, biodiversity, green networks, cycle/path network provision - assessed in 3.3 b, d and g
- Proposal will impact upon passage/movement of wildlife currently living in wooded area beside the site - assessed in 3.3 g
- Proposal could impact upon trees lying adjacent to the site - assessed in 3.3 g
- Proposal would result in the loss of biodiversity and a tranquil wild space where wildlife can thrive - assessed in 3.3 g

- Loss of daylighting, sunlighting and overshadowing, loss of privacy, overlooking
- Loss of privacy, daylighting, sunlighting and overshadowing to adjacent properties due to the scale and height of the proposal, some impacts unspecified assessed in 3.3 f

#### Amenity of future residents

- Concern regarding proximity to Tesco car park and service bay. Servicing could result in a noise nuisance at anti-social hours and be detrimental to the amenity of future residents. No Noise Report has been submitted - assessed in 3.3 e

#### Impact of proposed diversion of footway/cycleway across the site, design of proposed footway/cycleway

- 
- NCN1 is part of the strategic cycle network linking paths beyond Davidson's Mains, adjacent suburbs and other part of city. This provides a contiguous, safe, off-road route and represents an important route for active travel - assessed in 3.3 d
- Proposed layout contravenes LDP Policy Tr a 9 - Cycle and Footpath Network and should be rejected - assessed in 3.3 d
- The proposed diversion of the footway/cycleway would include two 90 degree bends to divert cyclists on a narrow path - the will result in conflict between users. The proposed arrangement would be hemmed in by fencing and constricted. The proposed route should be dual use for pedestrians and cyclists and 2 metre width is inadequate. Adequate measures should be in place to allow social distancing, to reflect the Covid19 situation. Width should be a minimum 3.5 metres wide and at least 4 metres wide. No justification has been provided for this in the Design + Access Statement or the Transport Statement - assessed in 3.3 b
- Junction of this route into the site could become a focal feature of the site, with seating, planting etc - assessed in 3.3 b
- Concern that proposed arrangement will result in conflict between pedestrians, traffic and cyclists in Tesco's car park - assessed in 3.3 b
- Path should retain a straight and direct access route to Cramond Road South/Barnton Gardens - assessed in 3.3 b

#### Impact/loss of parking at Tesco site

- Proposal will result in a major reduction of car parking and large proportion of this should be retained. Reduction may also result in overspill parking, placing pressure on surrounding streets - assessed in 3.3 a
- Insufficient space has been provided for Tesco delivery lorries to enter/exit - assessed in 3.3 a and d

#### Impact of development on local road network, traffic levels, congestion

- Proposed level of development will place additional burden on the local road network which already experiences significant traffic problems. Local air quality issues - assessed in 3.3 d

### Design of vehicle access to Main Street

- Design of the site access to Main Street, this representing the only vehicular access point into the site. This could result in detrimental impact to pedestrians and the operation of the adjacent bus stop. The junction should be designed as a continuous footway with pedestrian priority (as per the Edinburgh Street Design Guidance) - assessed in 3.3 d
- Entry to the site (at the side of the pub) is too narrow (a single vehicle width) for the volume of cars, entrance is of insufficient width and result in loss of parking and servicing for the pub - assessed in 3.3 a and d
- Has Road Safety Audit been undertaken? - assessed in 3.3 d
- Vehicular entrance could be identified via Tesco to the west - assessed in 3.3 d

### Car and Cycle parking levels

- Adequacy of parking provision, disabled parking, loading, turning within the site, the car will dominate this development. Comment also expressed re. detail of cycle parking - assessed in 3.3 d
- Low parking ratios may result in sporadic parking within the site and overspill to surrounding streets - assessed in 3.3 d
- New development could also be car free or shared cars with electrical charging points - assessed in 3.3 d

### Upgrading of the local cycle network

- Developer contribution should be sought to upgrade cycle/pedestrian path from Silverknowes Road Bridge to the development site. This route should be upgraded prior to the commencement of development and remain open for the duration of construction work - the poor condition of this route is noted although developer contribution cannot be sought as requirement do not arise as consequence of the proposed development

### Impact on local facilities, services, infrastructure including schools and healthcare

- Inadequate local infrastructure to support proposed development - assessed in 3.3 j
- Issues relating to additional pressure on local schools arising from the development were highlighted in a significant number of representations - assessed in 3.3 j
- Local medical practice operating at capacity - assessed in 3.3 j

### Flooding, Drainage and Surface Water Management

- Inadequate capacity of the local drainage network and instances of flash flooding. Concern regarding adequacy of surface water culvert to cope with heavy rainfall - assessed in 3.3 h

## Archaeology

- Supportive of requirement for further archaeological investigation, with recognition that this represents a very important site at the core of an historic settlement - assessed in 3.3 i

## Non-material

- Community engagement has not taken place, with limited opportunity to discuss proposals face to face during lockdown. Lockdown has restricted the ability to consider and assess proposals.
- Blocking of views, Loss of private views.
- Proposal will result in reduction of range stocked by Tesco.

## **Conclusion**

The principle of housing development (Class 9 and Sui-Generis flatted development) with vehicular access from Main Street would be acceptable in principle and is in accordance with the Edinburgh Local Development Plan (LDP).

There are a range of concerns regarding the indicative proposals including site layout, heights and massing and levels of development including unit numbers and housing mix. However, all such matters could be reserved as part of a planning permission in principle, and it is recommended that design parameters and other matters relating to the future development of the site are established through condition.

The existing cycle and pedestrian access passing through the north of the site forms an established local route and part of the city's off-road network. This must be retained as an integral part of the site layout with requirements and details being secured through condition.

Planning obligations in respect of affordable housing, transport and educational provision require to be secured through Section 75 agreement.

It is recommended that the application be granted subject to conditions and the applicant entering into 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. Notwithstanding the submitted drawings and for avoidance of doubt, the indicative design proposal submitted as part of the PPP application does not represent an approved scheme and all matters are reserved.
2. Approval of matters
  - Before any work on the site is commenced, details of the undernoted matters shall be submitted to and approved in writing by the Planning Authority; the submission(s) shall be in the form of a fully detailed layout and shall include detailed plans, sections and elevations of the buildings and all other structure, including detailed street elevations.

#### Approval of Matters:

- number of residential units, including proposed housing mix - supported by an Affordable Housing Statement;
- site layout, design, siting and height of buildings, form and mass, all materials with product specification as appropriate; the site layout shall be supported by a Noise Impact Assessment;
- existing and finished ground and floor levels in relation to Ordnance Datum;
- design and layout of the road infrastructure, including parking, footways, footpaths, accesses, cycle routes, verges, service strips and details of parking provision including electric vehicles. Street, public accesses and open space design shall be developed in full cognisance with Edinburgh Design Guidance, Edinburgh Street Design Guidance and Scottish Government 'Designing Streets' policy document;
- numbers, design and siting of cycle parking and motorcycle parking;
- waste management and recycling facilities;
- daylight, privacy and overshadowing information to assess the amenity of future occupiers within the development and impacts on neighbouring amenity;
- full details of sustainability measures in accordance with Edinburgh Standards for Sustainable Building; and
- surface water management plan providing details of existing and proposed ground level surface water flow paths. This should include runoff from outside the site, from unpaved areas within the site, and from paved areas which exceed the capacity of the drainage system Site layout must pay due cognisance to Drainage and Flood Strategy Report and subsequent revisions prepared by ENV Consulting Engineers, dated March 2020;
- a detailed CCTV survey shall be undertaken of the existing culverted watercourse, to confirm its location, condition and whether further maintenance work is required on the culvert.
- boundary treatments, including heights and materials;

#### Landscape and Open space design:-

- Topographical survey (existing) of the site and a margin beyond the site boundary to indicate existing contours and spot heights, all existing natural features and any built features;
- A fully detailed tree survey;
- Landscape layout plan;
- Planting Plan with planting schedule and specification;

- Hard Landscape Plan to show all surface finishes, boundary treatments and product specification;

Maintenance and Management Plan.

3. The development within the southern part of the site (i.e. extents of the former garage premises and associated land) shall achieve a range of development heights with no part of development exceeding 2.5 storeys. The development shall incorporate pitched roofs. The development within the northern part of the site (i.e. extents of the Tesco car park) shall achieve a range of development heights with no part of development exceeding 3 storeys.
4. All Vehicular access to the development shall be provided from Main Street.
5. Public access for pedestrians and cyclists shall be maintained East West across northern boundary of the site, with through access being formed south through the site to Main Street. This shall be accommodated as an integral part of the site layout, i.e. as part of a street and/or open space, being routed along the southern extents of the existing car park to form direct connections between the existing path lying to the east, Cramond Road South to the west and Main Street to the south. This shall be designed as a dedicated active travel route to meet requirements of the Edinburgh Street Design Guidance.
6. All building footprints shall be positioned to include a minimum 5 metre stand off from the footprint from the culverted watercourse.
7. Prior to the commencement of development :
  - (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 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 Head of Planning.

8. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting and analysis, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority  
The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

9. Prior to the commencement of development a Tree survey is required to be submitted for the full extent of the application site and to extend to 12 metres beyond the site boundary. This should be in compliance to BS 5837:2012. The following plans should be provided: -
  - A plan based on a topographical survey to accurately include the exact location of trees including their canopy extent
  - A Tree Constraints Plan
  - A Tree Protection Plan showing the Root Protection Area of retained trees, the construction exclusion zone and location of protective barrier fencing with specification and any ground protection
  - A plan to clearly indicate which trees are to be retained, with pruning works or removed
  - The proposed site layout overlaid with trees to be retained, tree constraints and existing/proposed services and drainage indicated
10. A bat survey shall be undertaken prior to the demolition of any buildings on the site. A minimum of two presence/absence surveys for bats are recommended for each of the four structures with moderate roost potential to establish if roosting bats are present. These should be carried out during the activity season from May to September, inclusive, with at least one of the two surveys undertaken within the period from May to August.

**Reasons:-**

1. In order to secure the proper planning of the area.
2. In order to enable the Head of Planning to consider this/these matter/s in detail.
3. In order to establish design parameters to guide the future development of the site and ensure a satisfactory design
4. In order to ensure suitable access to the site.
5. In order to maintain public access through the site and enhance connectivity for active travel between the site and its immediate surroundings.
6. In the interests of flood prevention.
7. In order to ensure the most efficient and effective rehabilitation of the site.
8. In order to safeguard the interests of archaeological heritage.
9. In order to ensure appropriate tree protection.
10. In the interests of a protected species.

## Informatives

It should be noted that:

1. a) Application for the approval of matters specified in conditions shall be made before expiration of 3 years from the date of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against refusal has been dismissed, in which case applications for the approval of outstanding matters specified in conditions  
  
b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle of 2 years from the final approval of matters specified in conditions, whichever is later
2. a) Permission shall not be issued until the applicant has entered into a suitable legal agreement to ensure that 25% affordable housing is provided on the site in accordance with Council policy;  
  
b) Permission should not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families towards the alleviation of accommodation pressures in the local school catchment areas;  
  
c) Permission shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to redetermine sections of footway and carriageway as necessary for the development;  
  
d) Permission shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to introduce waiting and loading restrictions as necessary;  
  
e) Permission shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to promote a suitable order to introduce a 20mph speed within the development, and subsequently install all necessary sign and markings at no cost to the Council;  
  
f) Permission shall not be issued until a suitable legal agreement has been concluded in relation to the provision of Car Club vehicles and space;

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

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.



4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. 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;
6. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
7. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;
9. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
10. 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 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;

## **Financial impact**

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### **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**

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

## **Equalities impact**

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### **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**

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### **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**

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### **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 proposals were made publicly available for comment via the Council's Planning Portal on 30 March 2020. However, due to the Covid19 situation, the application was not formally advertised until 29 April 2020, this being followed by an extended 30 day period for public comment.

107 letters of representation have been received, these include 96 objections, 7 neutral comments and 4 letters in support of the proposals. These included comments from the Davidsons Mains and Silverknowes Association, Davidsons Mains Primary School Parent Council, Org North West Heritage, SPOKES and a Ward Councillor.

## Background reading/external references

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- 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 area comprises Urban Area with the southern part of the site and adjacent land to the west designated as Local Centre.

The land to the north and north east is designated as Local Nature Conservation Site and Open Space. This area includes LDP Proposal T7 to the north - an Active Travel proposal for various off-road cycle/footpath links

### **Date registered**

23 March 2020

### **Drawing numbers/Scheme**

01,

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Francis Newton, Senior Planning Officer

E-mail: [francis.newton@edinburgh.gov.uk](mailto:francis.newton@edinburgh.gov.uk)

## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

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

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

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

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

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

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

LDP Policy Ret 5 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

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

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

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

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

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

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

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

# Appendix 1

## Application for Planning Permission in Principle 20/01410/PPP

At 43 Main Street, Edinburgh, EH4 5BZ

Planning application for residential development including associated access, parking, infrastructure, and landscaping.

### Consultations

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#### Archaeology comment

*This former garage is located within the historic core of the historic settlement of Davidsons Mains, originally known as Muttonhole. The origins of Muttonhole are not known, however it is recorded from at the least the 17th century and given its location on the intersection of early roads dating back to the Roman period (connecting to Cramond Roman Fort) earlier medieval settlement cannot be discounted.*

*The rear of the site forming part of the carpark for the adjacent supermarket formed part of the short lived Davidsons Mains Railway Station opened in 1894 and closed in 1951.*

*Given the site's location within the core of the historic village the site has been identified as occurring within an area of archaeological potential. Accordingly, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 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 construction and demolition. Such works will have significant impacts upon any surviving archaeological remains associated with the development of Davidsons Mains/Muttonhole dating back to the post-medieval period. Accordingly, it is recommended that if permission is granted that a programme of archaeological mitigation is undertaken prior to demolition or development.*

*This strategy will require the undertaking of phased programme of archaeological investigation, the first phase of which will be the undertaking of archaeological evaluation (min 10%). The results from this initial phase of work will allow to produce detailed mitigation strategies to be agreed to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken.*

#### Public Engagement

*As stated the site may contain important remains dating back to the origins of the village. Given this and the sites location at the heart of the community, it is recommended further that a programme of archaeological works includes public/community engagement. The full the scope of which will be agreed with CECAS but could include: site open days, viewing points, temporary interpretation boards and exhibitions.*

*It is recommended that this programme of work be secured using the following condition:*

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

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

## **Communities and Families comment**

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

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

**36 Flats**

*This site falls within Sub-Area W-2 of the 'West Education Contribution Zone'.*



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

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

*The proposed development is therefore required to make a contribution towards the delivery of these actions. The application is for planning permission in principle. The required contribution should be based on the established 'per house' and 'per flat' contribution figures set out below and secured through a legal agreement.*

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

*Per unit infrastructure contribution requirement:*

*Per Flat - £1,093*

*Per House - £6,985*

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

## **Environmental Protection comment**

*There are a number of nearby businesses that are a potential noise issues. Although there are existing residential properties in the vicinity, the development will position properties closer and in some cases significantly closer. Therefore, some of the sources may be challenging to mitigate, protect the existing business and provide a reasonable standard of amenity for the occupants. As the agent of change principle is now included within Planning legislation for noise sensitive developments, a Noise Impact Assessment (NIA) will be required to demonstrate that noise levels meet the required standards and/or specify mitigation measures; if required. Thus ensuring that the existing businesses are protected from subsequent action, should noise complaints be received.*

*Therefore, please ask the agent for the following information:*

*A Noise Impact Assessment (NIA):*

1) Tesco

a) For Tesco Delivery Noise, Movement of cages and Waste Uplifts etc a BS4142 assessment. However, in addition, the standards to be met include BS8233 and WHO Guidelines on Community Noise (Internal through a slightly open window). In addition to day time noise, the assessment should include at least some monitoring during the night time period; 23:00 hours and 07:00 hours.

b) Mechanical Plant Noise Assessment - Refrigeration, a/c, heating and ventilation etc - Compliance with NR25 standard. (Internal through a slightly open window).

2) The Bank

a) Mechanical Plant Noise Assessment - Refrigeration, a/c, heating and ventilation etc - Compliance with NR25 standard. (Internal through a slightly open window).

3) *Norhet Bar*

a) *Mechanical Plant Noise Assessment - Refrigeration, a/c, heating and ventilation etc - Compliance with NR25 standard. (Internal through a slightly open window).*

b) *Entertainment Noise (Karaoke / music etc) - Requires to be inaudible. To meet this standard we will accept compliance with NR15 or 10dB below background noise level. (Internal through a slightly open window).*

c) *Customer noise (beer garden area at rear) - Requires to be inaudible. To meet this standard we will accept compliance with NR15 or 10dB below background noise level. (Internal through a slightly open window).*

*Clearly, with the current Corona Virus Lockdown, the Norhet Bar will be closed and therefore it will not be possible to assess noise from its activities. Similarly, Tesco may be receiving more deliveries and at different times such as earlier in the morning or later at night. Therefore, I appreciate it won't be possible for a representative NIA to be provide until things return to normal.*

### **Environmental Protection updated comment**

*Environmental Protection has no objections to this application subject to the attached conditions:*

#### *Conditions*

1. *A Noise Impact Assessment (NIA) shall be provided that assess all potential noise sources.*

2. *Prior to the commencement of construction works on site:*

(a) *A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*

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

*Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.*

#### *Assessment*

*The proposed development site is located behind and to the north of Davidson Mains, Main Street. The site consists of a vacant car repair business and associated land. It also includes part of the rear car park of the Tesco Store located at the northern part of the site. The northern edge of the site is bounded by the embankment of a disused rail line. The Tesco Store is located to the west / north-west of the development site. To the west of the central part of the site is located a small car parking area. 15m further*

*west from the site boundary is located a large beer garden belonging to a Public House on the Main Street. The rear of a vacant bank building also bounds the site. Adjacent to the former bank is located a two storey residential building on the Main Street, which also bounds the southern part and access to the site.*

*To the east, on the other side of site access, is located another Public House which has a small beer garden to the rear. The central and north protrusion part of the site is bounded by residential accommodation to the east and south respectively.*

*The recent use of the site for vehicle repair and the historic use of the north part of the site as a railway siding / goods yard, requires that ground investigation for contamination shall be required. Therefore, a condition has been recommended.*

*The development site is surrounded by a number of businesses where deliveries, building services and customer noise, could significantly impact on the amenity of residents in the proposed development. Therefore, a condition has been recommended for a Noise Impact Assessment (NIA) to be provided when a full planning application is made. Due to the close proximity to nearby noise sources, it is anticipated that mitigation is likely to be required to ensure a reasonable standard of amenity for residents, as well as provide protection to the existing business and ensure that they can continue to operate without additional restrictions on their activities.*

*A Climate Emergency has been declared by the Scottish Government and they have amended the Climate Change Bill to set a 2045 target for net zero emissions. The City of Edinburgh Council has set an even more ambitious target for the city to become carbon neutral by 2030. Therefore, new developments provide a great opportunity to include zero carbon technology for the energy source(s). I recommend that a Sustainability Statement is submitted along with the full planning application.*

*Air Quality is also a very important area of concern. Although the development site is not located either in or close to an Air Quality Management Area (AQMA), zero carbon technology will not contribute pollutants which reduce air quality for residents. With regard to the car parking provision, cars are not a sustainable form of transport and do contribute to air quality issues (including electric vehicles through brake and tyre dust do). Therefore, we encourage car parking provision to be kept as low as possible and the number of electric vehicle charging points to be higher than the minimum required in the Edinburgh Design Standards.*

*In summary, Environmental Protection have no objections to the application subject to the attached condition.*

### **Affordable Housing comment**

*Can you ask the applicant to submit an 'Affordable Housing Statement' (which will be a public document available on the City of Edinburgh Council's Planning Portal) which sets out how they have addressed/plan to address the following points:*

- o The applicant should agree with the Council the tenure type and location of the affordable homes prior to the submission of a planning application*

- o *The applicant is requested to enter into an early dialogue the Council to identify a Registered Social Landlord (RSL) to deliver the affordable housing on site*
- o *The applicant should make provision for a minimum of 70% of the affordable housing on site to be social rent.*
- o *The affordable housing should include a variety of house types and sizes which are representative of the provision of homes across the wider site.*
- o *In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind"*
- o *The affordable homes should be designed and built to the RSL design standards and requirements.*
- o *The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

## **Affordable Housing comment updated**

### *1. Introduction*

*Housing Management and Development are the 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 36 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (9) homes of approved affordable tenures. We request that the developer enters an early dialogue with the Council on the design, mix and location(s) of the affordable housing, and identification of the Registered Social Landlords (RSL) so that an integrated and representative mix of affordable housing can be delivered on site.*

*The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. The affordable housing should be a representative mix of the market housing being provided across the site. The Council aims to secure 70% of new onsite housing for social rent and we ask that the applicant enters into an early dialogue with us and our RSL partner organisations to ensure that this is delivered.*

*The affordable homes should be 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

*There is a requirement to provide 25% on site affordable housing to assist in the delivery of a mixed sustainable community:*

- o The applicant will be required to submit an "Affordable Housing Statement", setting out their approach to the following points and which will be a public document available on the City of Edinburgh Council's Planning Portal.*
- o The applicant should agree with the Council the tenure type and location of the affordable homes prior to the submission of a planning application*
- o The applicant is requested to enter into an early dialogue the Council to identify a Registered Social Landlord (RSL) to deliver the affordable housing on site*
- o The applicant should make provision for a minimum of 70% of the affordable housing on site to be social rent.*
- o The affordable housing should include a variety of house types and sizes which are representative of the provision of homes across the wider site.*
- o In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind"*
- o The affordable homes should be designed and built to the RSL design standards and requirements.*
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

### **Flood Prevention comment**

*The applicant has conducted a flood risk assessment and it may be useful to consult with SEPA to ask them to review it. However, I'm not sure how often they respond to consultation requests for individual sites where there is not a significant flood risk from multiple sources. I have reviewed the information on the portal and have the following comments, to be addressed by the applicant:*

- 1. The applicant has not completed a self-certification declaration (Certificate A1) covering the flood risk assessment and surface water management plan.*
- 2. The applicant has not completed a SWMP checklist. The checklist provides a summary of the information provided to support the application and can be found at the link in my signature below.*
- 3. Please confirm who will adopt and maintain the surface water drainage system*
- 4. 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. The drawing should also show how the perimeter cut off drains manage surface water flood risk from runoff outside of the development boundary entering the site.*

5. *Please confirm the finished floor level of the proposed development blocks*

### **Flood Prevention updated comment**

*Following our meeting, below are some comments to be addressed by the applicant:*

1. *The applicant has not completed a self-certification declaration (Certificate A1) covering the flood risk assessment and surface water management plan.*
2. *The applicant has not completed a SWMP checklist. The checklist provides a summary of the information provided to support the application and can be found at the link in my signature below.*
3. *Please confirm who will adopt and maintain the surface water drainage system*
4. *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. The drawing should also show how the perimeter cut off drains manage surface water flood risk from runoff outside of the development boundary entering the site.*
5. *Please confirm the finished floor level of the proposed development blocks*
6. *Please confirm the condition and capacity of the culvert is sufficient to accommodate the proposed surface water discharge. Could you please provide us with a copy of the CCTV survey undertaken?*

### **Flood Prevention updated comment**

*I have reviewed the updated information and have the following comments to consider during determination.*

1. *The applicant has conducted a CCTV survey on the culvert but also notes the uncertainty in the location and condition of the culvert. The survey was unable to be completed due to obstructions. Before construction commences, it is recommended a more detailed survey and examination of the culvert is undertaken. The survey should confirm whether repair and maintenance work is required on the culvert.*
2. *Could the applicant please provide written confirmation that Scottish Water accept the proposed surface water discharge to the culvert.*
3. *Could the applicant please provide written confirmation that Scottish Water will adopt and maintain the surface water drainage system, including SuDS.*

## **Flood Prevention updated comment**

*This application has largely satisfied the self-certification scheme. There are however some outstanding issues that could potentially be conditioned:*

- 1. The applicant has conducted a CCTV survey on the culvert but also notes the uncertainty in the location and condition of the culvert. The survey was unable to be completed due to obstructions. Before construction commences, it is recommended a more detailed survey and examination of the culvert is undertaken. The survey should confirm whether repair and maintenance work is required on the culvert.*
- 2. Could the applicant please provide written confirmation that Scottish Water accept the proposed surface water discharge to the culvert.*
- 3. Could the applicant please provide written confirmation that Scottish Water will adopt and maintain the surface water drainage system, including SuDS.*

## **Roads Authority Issues**

*Whilst Transport has no objection relation to the principle of residential development on this site, this application should be refused for the following reasons:*

- 1. It is considered that the proposals are contrary to LDP policy Des 7 - Layout Design as:
  - a. The design of the transport elements of this proposal (streets, cycle and footpaths etc) is not considered to be of a comprehensive and integrated approach;*
  - b. The proposed layout is considered to be mainly based on the movement and storage of motor vehicles and will be unlikely to further encourage walking and cycling. Design features to minimise traffic speeds and minimise potential conflict between pedestrians, cyclists and motorised traffic do not appear to have been utilised;*
  - c. The proposed development does not provide overlooking/natural surveillance of the cycle and pedestrian route;**
- 2. It is considered that the proposals are contrary to LDP policy Tra 9 - Cycle and Footpath Network as:
  - a. Have an adverse impact on the proposed off-road cycle/footpath link immediately north of the site. As per LDP Table 9 - Transport Proposals and Safeguards - T7 various off-road cycle/footpath improvements (See note IV for further information);*
  - b. The proposed realignment of the off-road cycle and pedestrian route generally prejudices the continuity of the off-road path network;*
  - c. Will adversely affect the public right of way and the proposed replacement is not of a satisfactory standard;**

*Note:*

- 1. The application has been assessed under the current parking standards (updated January 2020). These permit the following:
  - a. A maximum of 36 car parking spaces (1 space per unit). 30 car parking spaces are proposed;**

- b. A minimum of 81 cycle parking spaces (1 space per 1 room unit, 2 spaces per 2/3 room unit and 3 spaces per 4+ room unit. Calculation based on habitable rooms). 70 cycle parking spaces are proposed;
- c. A minimum of 8% of car parking should be designated as accessible, this would result in a requirement for 2 accessible spaces. 0 accessible spaces are proposed;
- d. A minimum of 1 of every 6 car parking spaces should be equipped with electric vehicle (EV) charging infrastructure, this results in a requirement for 5 EV spaces. 0 EV spaces are proposed;
- e. A minimum of 1 dedicated motorcycle parking space (1 space per 25 units). 0 dedicated motorcycle parking spaces are proposed;

II. The justification for the proposed level of car parking is based on the site's accessibility to public transport. Car parking provision does comply with the current standards, but if this application is approved it is expected that car parking will be a reserved matter and dealt with on any subsequent applications, where a more detailed justification would be expected;

III. It appears applicant has not applied the current parking standards (updated January 2020) when calculating the required level of cycle parking provision. In its current form the proposed level of cycle parking provision is considered contrary to LDP Policy Tra 3 - Private Cycle Parking, but if the application is approved it is anticipated that all parking would be a reserved matter and would be dealt with on subsequent applications;

IV. The proposed off-road cycle/footpath link outlined in table 9 of the LDP (T7) is a safeguard to provide an off-road connection between the Blackhall Path and Barton Avenue. Whilst potentially sections of this link could be provided within this development what has been proposed as part of this application is unacceptable due to the proposed alignment, path width, natural surveillance/overlooking of the path and the general surrounding environment of path (proximity to walls and fences and generally being "hemmed" in). The Edinburgh Street Design Guidance Fact Sheet C1 - Designing for Cycling is relevant, particularly the principles for cycling design:

- a. Safety
- b. Directness
- c. Comfort
- d. Coherence
- e. Attractiveness
- f. Adaptability

V. A transport statement 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 demonstrates that the proposed development would generate a total of 216 daily people trips, with 23 two-way people trips in the AM peak and 20 two-way people trips in the PM peak. By applying relevant census data related to modal split, in this case the applicant has utilised travel to work or study which shows that for this area 50% by car, 23% by public transport and 11% by active travel resulting in 13 two-way vehicle trips in the AM peak and 11 two-way vehicle trips in the PM peak, meaning an average of 1 additional vehicle every 5 mins



*which will have minimal impact on the surrounding road network. No analysis of the existing use of a mechanics garage has been provided, it is anticipated that this generates a number of existing trips that would likely be mainly by vehicles, meaning the net impact of the proposed development is less than what is stated here or potentially would even result in a net reduction of vehicle trips;*

## **Roads Authority Issues updated**

*Further to the memorandum dated the 15th of May and based on further discussions regarding this application transport have no objections to the principle of housing on this site as proposed in this application subject to the following being included as conditions or informatives as appropriate:*

- 1. The design and layout of the road infrastructure, including footways, footpaths, accesses, cycle tracks, verges and service strips to be a reserved matter and to be agreed through future applications;*
- 2. Parking numbers including car, cycle, accessible, electric vehicle and motorcycle parking to be a reserved matter and to be agreed through future applications;*
- 3. The applicant will be required to:*
  - a. Provide a dedicated active travel route through the site to provide a connection between Main Street and the off-road path network to ensure the site is permeable for pedestrians and cyclists;*
  - 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;*
  - d. 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;*
- 4. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;*
- 5. 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;*
- 6. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*

7. A Quality Audit, as set out in *Designing Streets*, to be submitted prior to the grant of Road Construction Consent;

8. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

9. The applicant should 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;

10. 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;

11. 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:

1. It is understood that all parking will be a reserved matter and dealt with through future applications, the following assessment under the current parking standards (updated January 2020) is for information only:

a. A maximum of 36 car parking spaces (1 space per unit). 30 car parking spaces are proposed;

b. A minimum of 81 cycle parking spaces (1 space per 1 room unit, 2 spaces per 2/3 room unit and 3 spaces per 4+ room unit. Calculation based on habitable rooms). 84 cycle parking spaces are proposed;

c. A minimum of 8% of car parking should be designated as accessible, this would result in a requirement for 2 accessible spaces. 2 accessible spaces are proposed;

d. A minimum of 1 of every 6 car parking spaces should be equipped with electric vehicle (EV) charging infrastructure, this results in a requirement for 5 EV spaces. 5 EV spaces are proposed;

e. A minimum of 1 dedicated motorcycle parking space (1 space per 25 units). 1 dedicated motorcycle parking spaces are proposed;

II. *It is understood that this application will agree the principle of housing on this site, with detailed design of the transport infrastructure being provided in subsequent AMC applications. The applicant should note that the proposals shown as part of this PPP application are considered contrary to LDP Policy DES 7- Layout Design and TRA 9 Cycle and Footpath Network as per Transport's previous response (15th of May 2020) and it is considered that the amendments proposed do not address the fundamental issues that have been raised.*

III. *The off-road cycle/footpath link outlined in table 9 of the LDP (T7) is a safeguard to provide an off-road connection between the Blackhall Path and Barton Avenue. Sections of this link will need to be incorporated within this development and subsequent applications should ensure firstly the principle of this active travel link and also that it is designed to high standard with a particular focus on alignment, path width, natural surveillance/overlooking of the path and the general surrounding environment of path (proximity to walls and fences and generally not being "hemmed" in). The applicant should note the Edinburgh Street Design Guidance, in particular Fact Sheet C1 is relevant, which includes the key principles for cycling design:*

- a. *Safety*
- b. *Directness*
- c. *Comfort*
- d. *Coherence*
- e. *Attractiveness*
- f. *Adaptability*

IV. *The principle of vehicular access from Main Street is agreed, again the design of which would be agreed through subsequent applications. Any future junction design should be in-line with the Edinburgh Street Design Guidance and promote priority for vulnerable users.*

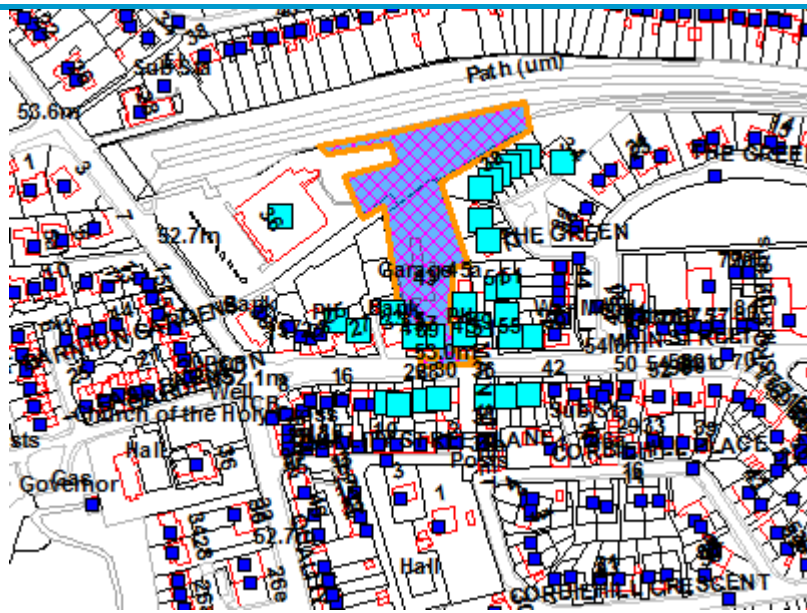
V. *A transport statement has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments and demonstrates that the proposed development would generate a total of 216 daily people trips, with 23 two-way people trips in the AM peak and 20 two-way people trips in the PM peak. By applying relevant census data related to modal split, in this case the applicant has utilised travel to work or study which shows that for this area 50% by car, 23% by public transport and 11% by active travel resulting in 13 two-way vehicle trips in the AM peak and 11 two-way vehicle trips in the PM peak, meaning an average of 1 additional vehicle every 5 mins which will have minimal impact on the surrounding road network. No analysis of the existing use of a mechanics garage has been provided, it is anticipated that this generates a number of existing trips that would likely be mainly by vehicles, meaning the net impact of the proposed development is less than what is stated here or potentially would even result in a net reduction of vehicle trips;*

VI. *The application site does not fall into any transport contribution zones and there are no relevant transport actions within the proximity of the site when considering the LDP Action Programme (Feb 2020);*

## Public Right of Way comment

*Graham is better placed to comment on the legal opinion prepared by Morton Fraser but really the status of the route as a PROW is not the main issue here. Access is currently available across this site and this will remain the case following the development. The comments received focus on the quality of this access and I see that recent design changes reflect these comments with the two 90 degree bends now changed to 45 degrees to provide better visibility at these points.*

## Location Plan



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**END**

## Development Management Sub Committee

**Wednesday 7 October 2020**

**Application for Planning Permission 20/00292/FUL  
At Site 90 Metres South Of 2, Peffer Place, Edinburgh  
Mixed-use residential led development comprising of  
dementia care centre (Class 8), assisted living apartments  
(Class 8), student accommodation (Sui Generis) and  
commercial units (Class, 1, 2 or 3) with access, landscaping,  
SUDS and car parking.**

**Item number**

**Report number**

**Wards**

B17 - Portobello/Craigmillar

### Summary

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The proposal will provide a mixed use development which is appropriate for the local centre setting. It will provide a range of care and supported residential accommodation which will meet the growing demands of the city's population in the future, alongside custom built student accommodation in a sustainable location which provides reasonable access to existing higher education facilities.

The layout and design of the building provides an appropriate response to the local context and will continue the regeneration of the Niddrie Mains Road corridor. The development will not impact adversely on the setting of nearby listed buildings and will provide a reasonable level of amenity to existing and future occupiers. Overall, the proposal complies with the Edinburgh Local Development Plan and there are no material considerations which outweigh this conclusion.

## Links

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### [Policies and guidance for this application](#)

LDPP, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN03, LEN09, LEN12, LEN16, LEN20, LEN21, LEN22, LTRA02, LTRA03, LTRA04, LHOU08, LRET05, NSG, NSGD02, NSGCDF, NSGSTU, LHOU02,

# Report

## **Application for Planning Permission 20/00292/FUL At Site 90 Metres South Of 2, Peffer Place, Edinburgh Mixed-use residential led development comprising of dementia care centre (Class 8), assisted living apartments (Class 8), student accommodation (Sui Generis) and commercial units (Class, 1, 2 or 3) with access, landscaping, SUDS and car parking.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is in the Craigmillar area of east Edinburgh. It is positioned to the immediate north of Niddrie Mains Road. The site extends to approximately 1.19ha and is within the urban area of the adopted Edinburgh Local Development Plan 2016 (LDP). It is located within the Craigmillar local centre as identified in the LDP.

The site slopes gradually from south to north, with a change in level of approximately 4m across the site. It is currently brownfield land, having previously being occupied by a DIY store which is now demolished. The central area of the site is rubble/hardstanding with some areas of self-seeded planting around the perimeter. There are a number of trees on the site which are mainly situated around the perimeter. These are most dense/ mature along the Niddrie Mains Road edge of the site.

Niddrie Mains Road forms the southern boundary of the site. The western site boundary is formed by a cycle/ pedestrian footpath beyond which lies a stone wall separating the site from the adjacent land, which is currently occupied by a mobile home park and Craigmillar police station beyond.

The East Neighbourhood Centre building is located immediately east of the site, fronting onto Niddrie Mains Road. The land behind this is currently under development for the new Castlebrae High School. On the site's northern edge is located a light industrial warehouse accessed via Peffer Place, which is currently in use as a Council transport services depot.

The site is located opposite the White House which is a two storey Category B listed art-deco style building (LB30325, listing date 7th December 1995). The Castlebrae Business Centre (formerly Niddrie Marischal Secondary school) which is Category B listed (LB49459, listing date 8th September 2003) comprising a two-storey flat-roofed quadrangular plan building with Art Deco Detailing lies to the north-east of the application site.

The site is located within the wider masterplan area for Craigmillar (reference 14/03416/PPP (varied by 14/03416/VARY). The PPP proposes a retail land use on the site. The Craigmillar Urban Design Framework also applies to the site.

## 2.2 Site History

### *Site*

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

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

### *Surrounding area*

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

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

14 August 2019 - Planning permission granted for the erection of a new 3 and 4 storey secondary school with associated hard and soft landscaping, town square proposal, external sports provision and car parking at redevelopment site at Niddrie Mains Road Edinburgh (application reference 19/01771/FUL).

22 January 2020 - Planning permission granted for residential development comprising of 136 flatted units across 5 no. blocks; with associated parking, roads and landscaping at 100 Niddrie Mains Road Edinburgh EH16 4DT (application reference 18/02744/FUL).

## **Main report**

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### **3.1 Description Of The Proposal**

The application is for full planning permission for the development of a mixed use development comprising student accommodation, 64 assisted living apartments and a residential care centre which specialises in dementia care facilities.



The dementia care facility will comprise 60 bedrooms for dementia care and 28 bedrooms for palliative care (88 bedrooms in total). The centre will care for residents with high dependency nursing needs as well as those living with dementia. The facility also includes shared communal spaces for residents including lounges and dining areas. Communal staff facilities are also provided. Entry to the facility will be via a main entrance onto the courtyard area. The facility will be secure for vulnerable residents, but is designed as a space which minimises the clinical character and provides a modern setting which specialises in dementia care.

The dementia care facility is positioned in the north of the site and will be three storeys in height (level -1 to level 1).

The assisted living accommodation includes 64 apartments, split across 46 one-bedroom apartments and 18 two-bedroom apartments. The facility is designed as bespoke specialist housing, designed to cater for the varying needs of those over 55 years of age. A range of communal areas for residents will be provided which includes a range of day spaces, gym, library and cinema room. Further communal and servicing space will be provided for staff facilities, laundry and kitchen spaces.

The assisted living accommodation is positioned in the east of the site, with the main entrance located via a reception area on Niddrie Mains Road. This part of the development will be three to four storeys in height (ground floor to level 3). Two commercial units will be provided on the ground floor of the assisted living accommodation block which will face onto Niddrie Mains Road.

Connections will be provided between the dementia care facility and the assisted living accommodation, with the intention that residents from both areas will be able to gather communally in a shared activity space. This space has been designed as a flexible area which could accommodate different group sizes and activities.

The proposal also includes student accommodation, with 153 bed spaces comprising 103 individual studio rooms and 50 bedrooms arranged in cluster units of five. The student accommodation building includes a range of shared amenity spaces including common rooms, a gym, recreation space and laundry facilities.

The student accommodation is located in the west of the site, and will be three to four storeys in height (level -1 to level 3, accommodating the change of level across the site). The principle entrance point to the student accommodation will be via Niddrie Mains Road, with a secondary entrance located within the central courtyard area.

Access into the site will be via the existing access junction on Niddrie Mains Road. Car parking will be provided in the central area of the site. There are 28 car parking spaces proposed and ten motorcycle spaces.

There is provision for 200 cycle spaces across the site. Secure indoor cycle parking is provided for the student accommodation (168 spaces) and shared provision for the supported living and dementia care facility (14 spaces). There are a further 18 visitor cycle spaces provided in the car parking area in the form of Sheffield cycle stands. The existing footpath along the western site boundary will be retained and enhanced.

Open space is provided in a range of character areas across the site. A garden area is located in the northern part of the site. Two outdoor courtyard spaces are located within the dementia care part of the building, which are accessed internally from the building. A third outdoor courtyard space is provided for shared use by the assisted living and student development, which has several access points from communal day spaces within the assisted living building. A strip of garden ground wraps around the eastern edge of the building. The roofscape includes some areas of sedum roofs which will not be accessible but will provide biodiversity opportunities.

Proposed materials include a palette of buff brickwork and a light shade of pre-cast concrete.

Public realm improvements are proposed along the frontage of Niddrie Mains Road including the introduction of street trees and the provision of an active frontage to the street.

The following documents have been submitted in support of this application and are available to view on the Planning and Building Standards Online Services;

- Planning Statement
- Pre-Application Consultation Report
- Design and Access Statement
- Townscape and Visual Appraisal
- Landscape General Arrangement Plan
- Noise Impact Assessment
- Air Quality Assessment
- Flood Risk Assessment
- Drainage Strategy Report
- Transport Statement
- Preliminary Ecological Appraisal
- Daylight Assessment Report
- S1 Sustainability Form
- Tree Assessment
- Tree Removal Statement
- Preliminary Bat Roost Assessment

### **3.2 Determining Issues**

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

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

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

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

#### **a) The principle of the development is acceptable in this location;**

The site is in the urban area as defined in the Edinburgh Local Development Plan (LDP) and is located within the Craigmillar Local Centre area. The Edinburgh LDP map shows an Indicative Shopping Proposal (S1) within the site boundary. This notes the opportunity to enhance the role of the local centre through the development of new retail units and other local facilities as part of the wider regeneration of Craigmillar.

The site has an extant planning permission in principle (PPP) in place which provides an indicative masterplan for the regeneration of the Craigmillar area. The majority of this masterplan has now been built out. This application is separate from the previous PPP consent, however the proposals within the PPP masterplan are a material consideration.

The revised Craigmillar Urban Design Framework (2013) identifies the local centre as indicated in the LDP. It notes that within this area, shops on both sides of Niddrie Mains Road with street frontages are sought. It also notes that the main shopping area in Craigmillar should be a destination, with shops, businesses, community uses, some housing and other uses, with the aim of creating a mixed use community heart.

The proposed development considered in this application does not reflect the proposal for a foodstore as set out in the PPP consent, however it provides a mix of uses which

are aligned with the objectives of the Craigmillar Urban Design Framework as noted above. It will also provide two new retail units on the northern side of Niddrie Mains Road, located on the ground floor of the assisted living block. The remainder of the building frontages onto Niddrie Mains Rd will be occupied by active spaces including common rooms and reception areas within the student accommodation and assisted living blocks.

It is considered that the proposed mix of ground floor uses will complement the existing retail provision on the southern side of Niddrie Mains Road, and will continue the existing active frontage formed by the library in the Neighbourhood Centre building, and the new Castlebrae High School to the east of the site. This will create an improved street character which is appropriate for the local centre setting.

The location of the site within Craigmillar Local Centre will also be of particular benefit to future residents of the assisted living accommodation and dementia care facility, as it allows for easy access to the existing local community and retail facilities for residents who may have limited mobility. Policy Hou 2 Housing Mix supports proposals which meet a range of housing needs, including housing for older people.

Policy Hou 8 supports the development of purpose-built student accommodation in locations within the city which are a) appropriate in terms of access to university and college facilities, and where b) the proposal will not result in an excessive concentration of student accommodation.

The application site is located around 2km east of the University of Edinburgh's King's Buildings campus. It is also located 3km west of Queen Margaret University Campus. There are other student generating facilities within closer proximity of the site including the University of Edinburgh's Medical School at the Royal Infirmary, which is around 1km south of the site and the University of Edinburgh's Peffermill playing fields located 800m west of the site.

Niddrie Mains Road acts as a key bus corridor from which frequent bus routes connect the site with all of these facilities, as well as the higher education facilities within the city centre. The site location is therefore considered to be a reasonable location in terms of access to university by active travel or public transport methods and is acceptable with regards to part (a) of Policy Hou 8.

The site is located within an area characterised by a mix of development uses including community uses, retail and residential. The purpose of part b) of policy Hou 8 is to ensure that the development of student accommodation does not adversely affect the established community. The student accommodation proposed is in a purpose-built block which ensures that it is well managed and regulated. There is not an over concentration of student accommodation in the local area at present.

The Council's non-statutory Student Housing Guidance supports Policy Hou 8 as it suggests that there should be a balance between student and non-student housing. It states that criteria in LDP will be applied to proposals for student housing using the locational and design guidance. This specifies a preference for student housing locations close to university or college campuses, where the cumulative impact of student housing and other land uses has been considered, and notes that on larger

sites (over 0.25ha), new build residential development should form a minimum of 50% of the total new build housing and student accommodation gross floor area.

In this case, the proposed use of the remaining area of the site is a dementia care facility and assisted living accommodation. Whilst these proposed uses are not Class 9 (Residential) uses but are Class 8 (Residential Institutions) they are clearly residential in nature, and will provide accommodation which contributes to the changing demands of aging residents in the city in the future.

The gross floor area of the proposed development is 19,913 sq m, comprising 4966sq m of student accommodation, 5472 sq m of dementia care facility, and 6,475 sq m of assisted living accommodation. The proportion of the total development footprint which is used for student accommodation is 29.4%, which falls significantly below the 50% threshold for student accommodation use as set out in the Student Housing Guidance.

The proposal also complies with the requirement of the Student Housing Guidance to create "safe and pleasant places" with a "mix of uses" to ensure adaptability. The proposed development allows for a mix of studio and cluster units within the student development which is an appropriate balance of accommodation. In this regard, the mix of uses is compliant with policy Hou 8 and is acceptable.

Overall, the mix of uses proposed is compliant with the provisions of the Local Development Plan and the Craigmillar Urban Design Framework and is acceptable.

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

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 listed buildings or their settings, or any features of special architectural or historic interest which they possess.

LDP Policy Env 3 seeks to protect listed buildings from development that may be detrimental to the architectural character, appearance or historic interest of the building, or its setting. The site is located opposite the White House which is a two storey Category B listed art-deco style building, sitting on the corner of Niddrie Mains Road and Craigmillar Castle Loan.

The proposed development will form a new frontage onto Niddrie Mains Road, directly opposite the White House. The existing pavements on this stretch of Niddrie Mains Road have already been widened, and the White House and the site boundary are separated by 21m. Whilst the proposed development will sit at four storeys, and is therefore higher than the existing development on the southern edge of Niddrie Mains Road, it is considered that the width of the street and the change in character and increase in density along Niddrie Mains Road that has already taken place through the development of the Local Neighbourhood Hub building and ongoing Castlebrae High School development is sufficient to accommodate the building height as proposed.

Furthermore, the proposed height of four storeys is in compliance with the guidance set out in the Craigmillar Urban Design Framework. Whilst this height increase will change

the character of the northern side of Niddrie Mains Road, it is considered that this change will be an improvement and will create a stronger urban feel which is more characterful of a local centre, and will not impact negatively on the setting of the street or the White House.

Castlebrae Business Centre (formerly Niddrie Marischal Secondary school) is a Category B listed property comprising a two-storey flat-roofed quadrangular plan building with Art Deco Detailing, including a central tower detail on the front elevation. The proposed development is located to the south west of Castlebrae Business Park, around 40 m from the rear elevation of the listed building.

The scale and massing of the development steps down to the rear of the site, and the site levels fall by around 4m from Niddrie Mains Road level. The building in the southern part of the site will be a maximum of 3 storeys, of which the lower floor will sit at -1 level. The proposed development will therefore sit into the landscape form, which will minimise its impact on the setting of Castlebrae Business Centre. The area of garden space between the building and the rear site boundary softens the relationship with the building and the surrounding built context and the proposed development is not considered to have a negative impact on the setting of the listed building.

The impact of development on the setting of both listed buildings within proximity of the site is therefore considered to be acceptable and the proposal is compliant with policy Env 3.

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

*Edinburgh Urban Design Panel*

The proposals were presented to the Edinburgh Urban Design Panel at pre-application stage on 19th December 2018. The EUDP report can be found in appendix 1, consultation section. The scheme presented to the panel proposed the same mix of uses as per this proposal, but within a different site layout.

The panel supported the opportunity for a mix of uses on the site to support social and inter-generation relationships within the Craigmillar community and to reduce isolation. They also identified the site's potential for connections to Higher Education campuses and Edinburgh Royal Infirmary and welcomed the prospect of external courtyard spaces that could provide therapeutic benefits, subject to design development.

A key matter raised by the panel for further consideration from the applicant was the need to ensure that the proposals responded to the design principles set out in the Craigmillar Urban Design framework, to ensure that the development could make a positive contribution to the local townscape and public realm. They also noted a need for the scheme layout to create a cohesive layout of buildings, access and outdoor spaces to provide opportunities for interaction, and to demonstrate that the proposed uses could be effectively integrated within the local centre.

The applicant has considered the issues raised and has submitted a complete redesign of the site layout following the comments raised at the Urban Design Panel.

*Context and layout*

In assessing the scale, layout and design of the proposals, LDP policies Des 1 (Design Quality and Context) to Des 8 (Public Realm and Landscape Design) provide a robust framework along with the Edinburgh Design Guidance.

Policy Des 1 (Design Quality and Context) requires development to demonstrate that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area.

A key underlying principle of the Craigmillar Urban Design Framework is to strengthen the vitality and increase the viability of the local centre on Niddrie Mains Road. The applicant has submitted supporting information to demonstrate how the design of the scheme will sit within the context of this local centre. The surrounding built environment is characterised by a mix of urban form and massing and is subject to ongoing change through the regeneration of Craigmillar.

The proposed development introduces a new mix of uses into the local centre, which are complementary to the existing community and retail uses and provide a new opportunity for vulnerable groups to live within the context of an active local centre.

The site layout has been arranged to accommodate the varying specific needs across the mix of uses. The dementia care centre is located at the rear of the site, in order to allow this part of the building to be kept secure for vulnerable residents. The garden space to the rear of the building and two internal outdoor courtyards will be completely secure to allow safe use by residents of the centre.

The assisted living apartments are located in the eastern part of the site, with a frontage onto Niddrie Mains Road. The student accommodation is located in the western part of the site. These uses will have a greater connection to the local centre in terms of residents' daily needs, and therefore are well located within the development in this regard.

The assisted living and student accommodation blocks facing onto Niddrie Mains Road will help to activate the street frontage through their ground floor uses which will include their main entrances, communal areas within the building, and two retail units on the ground floor of the assisted living apartments. This is in line with the guidance set out in the Craigmillar Urban Design Framework which seeks an improved level of street activity within the local centre area. The proposed layout will provide a strengthened edge to the northern side of Niddrie Mains Road and will clearly define the edge of the block.

The main internal courtyard area within the scheme will have a semi-private character, which will allow residents of the assisted living and student accommodation to share the open space provision.

The student accommodation building will overlook the existing footpath which runs down the western edge of the site. The layout will improve the setting of this route by providing natural surveillance, improved lighting and a safer, more attractive pedestrian connection for users.

The built footprint of the student accommodation along the western edge of the site has been redesigned during the application assessment process in order to provide a reasonable set back from the site edge. There is a set back between the building and the western site boundary of between 5.6m and 8.5m. This allows for the existing footpath to be widened to a minimum of 4m and provides a reasonable set back to ensure that any future development on the adjacent land to the west is not prejudiced.

To the eastern site boundary, there is a strip of garden ground between the building and site boundary which provides a minimum width of 3m. The existing set back and shared garden ground provision along the east of the site is considered to be sufficient given the existing land uses on the adjacent site.

### *Height, density and massing*

Policy Des 4 (Impact on Setting) requires that proposals respond positively to the surroundings in relation to height and form, scale, proportions, positioning and materials. Furthermore, the Craigmillar Urban Design Framework notes that "architecture within an urban block should respect and respond to its adjacent sites."

The development site drops in level by approximately 4m from south to north. The site proposed massing of the building has been designed to account for this change in level, and the building steps down in height into the landscape. The building forms a four storey frontage onto Niddrie Mains Road, dropping to three storeys (including a basement -1 level) at the rear of the site.

The variation of height across the site allows a strong urban edge to be formed fronting onto Niddrie Mains Road, which meets the aspirations set out within the Craigmillar Urban Design Framework for the local centre. The height of the student accommodation block along this frontage has been revised from five storeys to four storeys during the assessment process in order to improve the scale and massing of the development. By stepping down to the rear, the development changes in character and is able to be absorbed into the surrounding townscape effectively. The proposed building heights respond appropriately to the adjacent built form and the physical characteristics of the site.

Whilst responding to the site characteristics and guidance set out within the Craigmillar Urban Design Framework, the massing of the building is also distributed according to each accommodation type. This allows for a lower domestic scale to be achieved at the rear of the block where the dementia care centre is located.

The applicant has undertaken a visual and townscape appraisal in support of the application. In terms of key city views, the proposed development has been assessed from six potential affected views. The appraisal concludes that the development will be visible from three key views. Of these, two viewpoints (S19 and S20 from the former A68 near Dalkeith) are located a significant distance from the site. The development as proposed will have a negligible impact on these receptors due to its scale and distance from the viewpoints.



The visual appraisal notes that the development will be visible from key view S12A Craigmillar Castle to Inchkeith Island. This is a panoramic view across the cityscape towards the Firth of Forth. The visual impact of the development on this viewpoint has been assessed as moderate and slight adverse during construction/ short term, but once the building is completed and the sedum roofs are established the impact is assessed to be minor and slight beneficial. The impact on this viewpoint is considered to be reasonable in the context of the wider regeneration of the Craigmillar area and is acceptable.

With regards to local views, the introduction of new developments in Craigmillar such as the Neighbourhood Centre building and the emerging Castlebrae High School building have already changed the density and massing of development along the Niddrie Mains Road corridor. The applicant has provided an assessment of local views which finds the visual impact of the proposals along Niddrie Mains Road and Peffermill Road to be medium, with a moderate-minor and slight adverse effect during construction phases. Once the landscaping strategy for the site has been implemented in the medium to long term, this impact is assessed to be minor and beneficial.

It is noted that the proposed development has been amended during the assessment process to remove an element of five storey development from the Niddrie Mains Road frontage as part of the student accommodation block. This amendment has reduced the visual impact of the development on local views along Niddrie Mains Road.

The proposed landscape strategy for the site will include the introduction of street trees along the Niddrie Mains Road frontage which will relate to proposals for the new Craigmillar Town Square area of public realm. This will create overall improvements to the streetscape and is in keeping with the design principles set out in the Craigmillar Urban Design Framework.

The new development has been designed to address the existing and emerging street scene and whilst it will result in a change of character to the street, is considered to be acceptable in terms of impact on the local townscape and an appropriate addition to the local centre.

In summary, the development will sit within a wider context of change within Craigmillar and is not considered to have any significantly adverse impacts on the townscape characteristics of the area. The proposed mix of building height and massing is reflective of new development in the wider Craigmillar area. It is appropriate to the context of this site within Craigmillar local centre and is acceptable for this location.

### *Design and materials*

The building is designed as a single footprint in order to allow for the creation of internal connections between the assisted living accommodation and the dementia care facility. It will also allow the dementia care facility and its garden area to function as a secure and attractive space for residents.

Proposed materials include a palette of buff brickwork and a light shade of pre-cast concrete. The suggested colour palette seeks to draw on the Art-Deco precedent that exists in the local area. The specifications of materials are not approved at this stage and a condition will be added to the consent to allow this to be addressed at post-consent stage.

The dementia care facility part of the building has been designed to incorporate bay windows along the southern, eastern and internal courtyard elevations. This design feature will break up these elevations visually, minimise the sense of massing in this lower part of the site and maximise the opportunity for natural light to reach all bedrooms. This will also allow the south facing rooms to have high quality views towards Arthur's Seat, which will provide a good level of visual amenity for the residents occupying these rooms.

The elevational treatments of the student accommodation block and assisted living accommodation block will comprise a simple form with regular fenestration detailing and a good balance between solid and void. Full height windows are utilised across the development to maximise natural light. The principle southern elevation onto Niddrie Mains Road will include a brick finish for ground and first storeys, with pre-cast concrete proposed at upper storeys. This presents a simple elevation to the streetscape which will complement the existing built environment. A higher proportion of glazing will be incorporated at ground level to increase visual connection between the building and street level.

A simple mix of elevational treatments using the same palette of materials will be utilised on the east, west and internal courtyard treatments for the student accommodation and assisted living. Part of the roof will be finished with sedum, which helps to provide biodiversity opportunities and minimise the visual impact of the roofscape. The design and materials proposed for the building provide a simple and contemporary design solution for the site which is appropriate for the setting.

It is concluded that the design, scale, layout and materials are acceptable and the Local Development Plan policies in respect of design principles and guidance set out in the Edinburgh Design Guidance and Craigmillar Urban Design Framework are met.

**d) the proposed landscape arrangements are appropriate;**

*Landscape strategy*

The proposed landscape strategy for the site seeks to create a range of character spaces as follows;

An area of shared green space will be provided to the north of the building, which will be accessed via the dementia care centre, and will be kept secure for those residents. This space will include a SUDs area managed as a rain garden that will provide interest as well as a range of informal seating areas, new tree planting and green spaces.

Two internal courtyards are located within the dementia care centre, which will provide further outdoor space which is secure for residents use. These will be a mix of hard and soft landscaping to provide access to residents with seating areas provided.

A larger courtyard area will be provided beside the assisted living block which will be open for use by students and residents of this block. This space will include a mix of hard and soft landscaping treatments with a mix of grassed areas, hardstanding and ornamental shrub planting.

Improvements will be made to the Niddrie Mains Road frontage which align with the improved public realm character to the east of the site. New street trees will be provided along the building frontage which will extend the existing character of the improvements made outside the East Neighbourhood Centre and the new Craigmillar Town Square.

The general layout of the open space provides a mix of character spaces. The detailed specification and proposed maintenance plan for the proposed landscape strategy is not confirmed at this stage. A condition is attached to this application to allow these matters to be addressed at pre-commencement stage.

### *Trees*

Policy Env 12 seeks to protect trees or any other woodland worthy of retention from removal from a site unless necessary for good arboricultural reasons.

A tree survey has been undertaken by the applicant, which is supported by an additional appraisal of the existing trees on the site and their value to the character of the surrounding neighbourhood. The site has 50 trees on it at present, which are largely located around the perimeter of the site, with a cluster along the Niddrie Mains Road frontage of the site. The tree survey states that the site has one Category A tree, 14 Category B trees with the remaining trees of lesser quality.

The trees on site are a mix of species with some planted as part of the landscaping for previous uses on the site, and others self-seeded. The existing trees fronting onto Niddrie Mains Road were previously part of a longer tree belt which ran east from the site along the street frontage. This line of trees is now largely gone following the development of the adjacent sites to the east. It is proposed that all trees on site will be removed and replaced with tree planting selected specifically for the landscape strategy on the site and to fit with the changing townscape character of Niddrie Mains Road.

The character of Niddrie Mains Road of which the tree belt was once part of has now significantly changed, with the recent formation of a stronger built frontage onto the northern side of the street due to the development of the East Neighbourhood Centre and the ongoing development of Castlebrae High School. The area formerly occupied by the historic tree belt has been replaced in part with a high quality, connecting public realm, with new tree planting to mitigate the loss of the historic trees.

The proposed layout for the site seeks to continue this built frontage along to the northern edge of Niddrie Mains Road, and in order to achieve this, it is difficult to retain the existing trees on site. Furthermore, the applicant has identified that the majority of trees along the northern edge of Niddrie Mains Road are not an appropriate species mix to be integrated as street trees, due to the form of their roots beneath the ground. The viability of the existing trees as part of a future streetscape is therefore limited, and would impact adversely on the creation of a continued strong urban frontage along the northern side of Niddrie Mains Road.

The proposed development will provide new street trees along the frontage of Niddrie Mains Road which will tie in with existing street trees in place at the East Neighbourhood Centre and the proposals for Craigmillar Town Square, which is currently under construction as part of the Castlebrae High School public realm proposals. The detailed landscape specification for the site will be dealt with by condition, and the applicant will be required to demonstrate that a satisfactory mix of species in terms of mix and maturity will be provided in order to ensure that the emerging streetscape is of a high quality that reflects the surrounding changes of the local centre and the aspirations of the Craigmillar Urban Design Framework. Taking the above into consideration, the loss of existing trees on site is considered to be acceptable.

#### **e) Access, road safety and parking arrangements**

##### *Transport impacts*

Policy Tra 1 of the LDP aims to reduce travel demand and encourages accessibility to major development by modes alternative to the car. The site is located immediately adjacent to Niddrie Mains Road, which provides a frequent bus service with bus stops located within 100m of the site. A transport statement has been submitted in support of the application and has concluded that the amount of traffic generated will not impact adversely on the surrounding network. The Roads Authority has raised no objections to the application in this regard.

##### *Access and servicing*

Vehicular access to the site will be taken via the existing access point into Niddrie Mains Road. A service layby is proposed on Niddrie Mains Road.

Both of these aspects will require to be considered in further detail through the road construction consent process and a Section 56 Roads Opening Permit process. This process will ensure that the proposed access junction and the proposed servicing layby on Niddrie Mains Road are designed to allow for the appropriate level of pedestrian priority that is required, and to ensure that the existing bus stop on Niddrie Mains Road will not be adversely impacted.

It is also noted that the Council has longer term plans for Niddrie Mains Road in terms of active travel, and any infrastructure that forms part of the road could be altered or removed as part of any future project. An informative has been added to the consent to address the matters noted above.

The existing footpath to the west of the site will be retained. The proposed layout of the site makes an allowance for the footpath to be widened up to a minimum of 4m along the site boundary. The amenity and safety of this route will be improved by the location of the student accommodation, which will face onto this route, and the footpath lighting will be upgraded to current standards.

Improvements will be made to the public realm of the existing footpath along Niddrie Mains Road including the introduction of street trees. This will complement the existing public realm improvements that are planned at the east of the development site at the new Craigmillar public square and will contribute to the urban character of the townscape.

Internally, the scheme has been designed to be fully accessible. All main entrances will be at grade with the surrounding streets, and lifts are provided within the development to allow for access for all.

### *Parking*

Parking will be located in the central area of the site, adjacent to the student accommodation building and will not impact on the character of the streetscape along Niddrie Mains Road. The scheme includes provision for 28 car parking spaces and ten motorcycle spaces which falls significantly below the maximum permitted level of parking allowed for the proposed mix of uses.

Six car spaces will be for the student accommodation. Of these, four spaces will be for staff use and two spaces will be available for students for use on arrival/ departure dates. The two occasional use spaces will be secured by bollards to prevent uncontrolled use. There will be no day to day parking provision for students.

The remaining 22 car spaces will be allocated for use by the assisted living accommodation and dementia centre.

The parking provision includes four accessible spaces and five spaces fitted with electric vehicle charging facilities. The proposal complies with the guidance set out in the Edinburgh Design Guidance in this regard.

Cycle parking provision for the scheme meets the requirements of the Edinburgh Design Guidance. Provision is made for 168 cycle parking spaces for the student block, which will be located on the lower ground flood and is accessed via the existing footpath running along the west elevation. A further 14 secure internal cycle spaces will be provided for shared use by the supported living and dementia care centre. Visitor parking for 18 cycles will be provided in two locations within the car parking area by way of Sheffield type stands.

The proposed car and cycle parking strategy for the development meets the policy and guidance requirements. There are no Transport objections to the proposal subject to the recommended informatives. A contribution will be sought for footway and carriageway works and the provision of City Car Club vehicles as noted in the informatives attached to this application. The proposal complies with Local Development Plan Transport policies and is acceptable.

**f) the flooding and drainage arrangements are acceptable;**

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

The application is supported by a Flood Risk Assessment and a Drainage Impact Assessment. The flood risk assessment concludes that the development is at low risk of flooding from pluvial and fluvial sources. The applicant has agreed appropriate finished floor levels with CEC Flood Planning to ensure that these are satisfactory.

Policy Des 6 (Sustainable Buildings) requires that new development does not contribute to any flood risk on the site. The proposed underground storage SUDs strategy for the site has been reviewed by CEC Flood Planning and is deemed appropriate given the proposed end use of the site. CEC Flooding advise that they are satisfied with the proposed drainage and flood prevention strategies for the site. The proposal complies with LDP policy Env 21.

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

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

There are no existing residents surrounding the site boundary, with the surrounding land currently in use for a range of non-residential purposes.

*Daylight*

The building has been designed to incorporate full height windows on all elevations. The dementia care facility in the north of the site includes bay windows along the north and eastern elevations, and within the courtyard spaces. This allows each bedroom to receive the maximum possible amount of daylight.

The applicant has undertaken a daylight assessment to support the proposal. This applies the no skyline method to the proposal, as recommended in the Edinburgh Design Guidance. The assessment concludes that all accommodation will receive an adequate amount of daylight. The proposal is therefore acceptable in this regard.

*Sunlight*

The Edinburgh Design Guidance sets out guidance on the acceptable amount of sunlight that should be received within open spaces in new development. The Edinburgh Design Guidance notes that half the area of outdoor open spaces should be capable of receiving potential sunlight on the spring equinox (21st March) for three hours. The applicant has submitted a sunpath assessment of the open spaces which demonstrates that these standards are achieved across the site as a whole.

### *Privacy*

The layout allows for a reasonable distance to be provided between habitable rooms in buildings whilst achieving an appropriate density of development and is acceptable.

### *Open Space*

The total green space proposed on the site is approximately 26% of the total site area (excluding car parking areas which do not contribute to open space amenity). The provision of open space on the site is designed to accommodate the particular needs of future residents and provides a good mix of character areas. This is acceptable.

### **h) the proposal meets the sustainable standards in the Edinburgh Design Guidance;**

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

The proposal meets the essential criteria in terms of energy needs and satisfies policy Des 6 of the Local Development Plan.

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

No comments have been received for this application.

### **j) the proposals have any equalities or human rights impacts; and**

The application is not found to have any impacts on equalities or human rights. All users within the building will be provided with level access entrances and the development will be required to meet with current building standards.

### **k) there are any other material considerations.**

### *Environmental Protection*

#### Site Investigation

Environmental Protection has raised no objection to the application, subject to compliance with conditions relating to completion of a site survey prior to the commencement of development, and where necessary, the preparation of a detailed schedule of any remedial and/ or protective measures for the site.

## Noise

The applicant has submitted a Noise Impact Assessment to support the application. Environmental Protection has reviewed this report and note that it is satisfactory on the basis that a condition is attached to ensure that recommendations made in the report are met in relation to glazing requirements.

## Air Quality

The applicant has submitted an air quality assessment to support the application. Environmental Protection is satisfied within the report on the basis that conditions are met. These relate to the provision of electric vehicle charging points (six no. required) and the restriction of use on the proposed commercial units to Class 1, 2 or restricted Class 3 (i.e. no cooking on the premises) uses. A condition is attached to this effect.

## Archaeology

With regards to archaeology, the site occupies land formerly used as a brewery, and is therefore considered as an area of archaeological potential. It is essential that an archaeological mitigation strategy is undertaken in this area prior to development. Therefore, following the advice of the city archaeologist, a condition is recommended to ensure that a programme of archaeological works is carried out prior to the commencement of development. There is also a requirement noted within the attached landscape condition to explore a public realm strategy for the site which interprets the site's heritage as a brewery.

## Waste

The waste requirements of the development will be serviced by a private contractor. CEC Waste Services has been consulted on this application and had confirmed that this is acceptable. In the case that the applicant choses to amend their private waste uplift agreement and revert to CEC Waste Services then the development will be required to meet the CEC guidance at their own cost. An informative is added to the consent to this effect.

## Ecology

A preliminary Ecological Survey has been carried out for the site. The ecology survey identified the potential for bats within the trees on site, and therefore a supporting Bat Survey has been undertaken by the applicant. The bat survey has assessed the potential for buildings within the site to support bats and to identify the presence and location of any bat roosts on site. The bat study has found no bat activity on site and therefore these are not considered to be a constraint to development. The requirements of policy Env 16 Species Protection have therefore been met.



## Conclusion

The proposal will provide a mixed use development which is appropriate for the local centre setting. It will provide a range of care and supported residential accommodation which will meet the growing demands of the city's population in the future, alongside custom built student accommodation in a sustainable location which provides reasonable access to existing higher education facilities.

The layout and design of the building provides an appropriate response to the local context and will continue the regeneration of the Niddrie Mains Road corridor. The development will not impact adversely on the setting of nearby listed buildings and will provide a reasonable level of amenity to existing and future occupiers. Overall, the proposal complies with the Edinburgh Local Development Plan and there are no material considerations which outweigh this conclusion.

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

### 3.4 Conditions/reasons/informatives Conditions

1. 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 development, as defined in the Cundal 'Environmental Noise Assessment' report (Ref 1022791-RPT-AS-001), dated 9 December 2019:
  - Glazing units with a minimum insulation value of 4/16/4mm double glazing shall be installed for the external doors and windows of the 1F Bedroom E, 1F Day Lounge E and 2F Bedroom W with supporting trickle vents allowing for a minimum sound reduction of  $D_{n,e,w}$  27dB.
  - Glazing units with a minimum insulation value of 6/16/8.8mm double glazing shall be installed for the external doors and windows of the Ground Floor

Common Room SW, and 1F Studio S with supporting trickle vents allowing for a minimum sound reduction of  $D_{n,e,w}$  35dB.

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

3. Cooking, heating and reheating operations on the premises shall be restricted to the use of a Panini machine, toasty machine, baked potato oven, soup urn and one microwave only; no other forms of cooking, heating and reheating shall take place without prior written approval of the Head of Planning and no odours shall be exhausted into any neighbouring premises.
4. A minimum of Six parking space shall be served by 7Kw (32amp) Type 2 electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied.
5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. Full details of the proposed landscape maintenance plan should be included in this submission. This will include;
  - i) Provision of a hardworks plan including details and materials for all surfacing, walls, fences, gates, street furniture and any other boundary treatments. It is noted that all kerbs are required to have a minimum 50mm upstand to allow for equal access for all;
  - ii) The location of all new trees, shrubs and hedges within the residential area, including details of tree trenches, tree pits and raised planters;
  - iii) A schedule of plants to comprise species, plant size and proposed number/density;
  - iv) Details of a public realm strategy which provides interpretation of the site's brewing heritage. This should be designed to facilitate general interest, create a sense of place and help promote the wellbeing agenda by stimulating the care of dementia sufferers who will reside on site.
  - v) Programme of completion and subsequent maintenance of landscaping.

The approved landscaping scheme shall be fully implemented within 6 months of the completion of the development.

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

## **Reasons:-**

1. In order to ensure that the site is suitable for redevelopment.
2. In order to protect the amenity of the occupiers of the development.
3. In order to protect the amenity of the occupiers of the development.
4. In order to ensure that adequate provision for electric vehicle charging is provided on site.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to safeguard the interests of archaeological heritage.
7. In order to enable the planning authority to consider this/these matter/s in detail.

## **Informatives**

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 Head of planning and Building Standards.
5. A rapid taxi charger should be installed - 70 or 50kW (100 Amp) DC with 43kW (63 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.
6. A chimney height calculation will need to be submitted in accordance with the Clean Air Act if a gas boiler is being considered.
7. The applicant will be required to:
  - a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

- b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;

For avoidance of doubt the proposed access junction and layby on Niddrie Mains Road is not agreed at this stage (see note IV for further detail);

In support of the Council's LTS Cars1 policy, the applicant should consider contributing 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 applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;

In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

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

8. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.
9. The applicant is encouraged to provide details of tree-pits in both hard and soft landscape areas to control quality of implementation of new trees.
10. Tree guards or other suitable protection are recommended for trees in public open spaces to protect them from vandalism.
11. Swift bricks should be incorporated into the building. Proposed locations should be approved by the planning authority.
12. The applicant has agreed that waste uplift will be carried out by a private operator. Should the applicant wish to revert to waste uplift from CEC Waste Services they will be required to meet CEC guidance on this matter at their own cost.

## **Financial impact**

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### **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**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

#### Pre-Application Process

The application was subject to pre-application advice.

A Proposal of Application Notice was submitted and registered on 25th April 2019 (19/02043/PAN) and presented to Development Management Sub-Committee on 19 June 2019.

Public exhibition events were held on 18th June 2019 at Craigmillar Library. The event was advertised in the Edinburgh Evening News and via a poster/ leaflet drop campaign and other social media methods.

Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online services.

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

### **Public summary of representations and Community Council comments**

Neighbour notification was undertaken on 28 January 2020. No comments were received from members of the public regarding the application. No comments were made by Craigmillar Community Council.

## Background reading / external references

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- 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 in the urban area of the Local Development Plan. It is within the Craigmillar Local Centre. The provisions of the Craigmillar Urban Design Framework apply to the site.

### **Date registered**

24 January 2020

### **Drawing numbers/Scheme**

01, 02, 03A - 13A, 14, 15A, 16 - 19,

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Julie Ross, Planning Officer

E-mail: [julie.ross@edinburgh.gov.uk](mailto:julie.ross@edinburgh.gov.uk)

## **Links - Policies**

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### **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 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 16 (Species Protection) sets out species protection requirements for new development.

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

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

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

LDP Policy Tra 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 Hou 8 (Student Accommodation) sets out the criteria for assessing purpose-built student accommodation.

LDP Policy Ret 5 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

### **Relevant Non-Statutory Guidelines**



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

**Non-statutory guidelines** 'The Craigmillar Urban Design Framework' sets out a vision and principles for development of the Craigmillar area.

**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.

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.

# Appendix 1

**Application for Planning Permission 20/00292/FUL  
At Site 90 Metres South Of 2, Peffer Place, Edinburgh  
Mixed-use residential led development comprising of  
dementia care centre (Class 8), assisted living apartments  
(Class 8), student accommodation (Sui Generis) and  
commercial units (Class, 1, 2 or 3) with access, landscaping,  
SUDS and car parking.**

## Consultations

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### Urban Design Panel

*The Panel welcomed the opportunity to provide design advice for this proposal at an early stage in the design process and noted with interest the proposed concept to mix student housing, assisted living and dementia care within a local centre location. However, the Panel, felt strongly that the integration of much needed care facilities with each other and the local townscape presented a series of challenges to the site layout and design which had not yet been satisfactorily addressed.*

*In particular the Panel supported:*

- the site's potential for connections to Higher Education campuses and Edinburgh Royal Infirmary;*
- the opportunity for the mix of uses to support social and inter-generational relationships within the community and reduce isolation; and*
- the prospect of external courtyard spaces that could provide therapeutic benefits subject to design development.*

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

- ensure design principles from the Craigmillar Urban Design Framework are followed to make a positive contribution to the local townscape and public realm;*
- demonstrate that the proposed uses can be effectively integrated within the local centre, seeking advice in the fields of landscape architecture and design for older people and those with cognitive impairments; and*
- review the site layout concept to improve permeability, integration with boundaries and adjacent uses to create a cohesive layout of buildings, access and outdoor space to provide for social interaction and therapeutic benefits.*

### 2. Planning Context

*An application will be submitted for full planning permission.*

*The site is approximately 2.9ha hectares in area and lies to the north of Niddrie Mains Road in Craigmillar. The site was previously occupied by a retail warehouse and subsequently was granted planning permission for a temporary change in use of the vacant site to an overspill vehicle parking area for the neighbouring depot. The site currently comprises an area of open scrubland and hardstanding. The southern boundary of the site is formed by Niddrie Mains Road. To the west, adjoining land includes a residential caravan site and Craigmillar Police Station. A solid 2m boundary fence forms the southern and western boundary treatment. Land to the north of the site is occupied by the Castlebrae business and industry area. Land to the east is bounded in part by the Craigmillar East Neighbourhood Centre, and an area of open space, on which the future development of the relocated Castlebrae High School is planned.*

*Development is proposed on site for a mixed residential development. The uses are to comprise an assisted living facility, a dementia care unit and student accommodation. The proposal will also include access, landscaping and garden space, Sustainable Urban Drainage, car and cycle parking and associated infrastructure.*

*The proposal is located in the Craigmillar Local Centre area as set out in the Adopted Edinburgh Local Development Plan (2016). Any development proposal should comply with the relevant LDP policies. The site is also located within the area covered by the Craigmillar Urban Design Framework (2013). An application for a mixed use masterplan on land including the site and to the east of the existing East Neighbourhood Centre was granted in September 2015 (ref: 14/03416/PPP). Subsequent applications have been approved for individual plots within the wider masterplan area.*

*A temporary planning application (ref: 14/00091/FUL) for a change of use from the vacant site to an overspill parking area was granted in March 2014. This consent was effective for a three year period and has now expired.*

*In the surrounding area, an application for public realm works at Craigmillar town square on land between the immediate south of the site boundary and Niddrie Mains Road was approved in June 2016 (ref: 16/02697/AMC).*

*No declarations of interest were noted.*

*This report should be read in conjunction with the pre-meeting papers.*

*This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view at the proposals at a later stage.*

### **3. Panel Comments**

*The Panel had detailed comments as follows:*

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

#### **Land Use**

*The Panel noted with interest the intention to mix student accommodation, assisted living and dementia care within the local centre location. This brought with it opportunities for those residing within assisted living apartments to access vital services, maintain a degree of independence and reduce isolation, whilst for students it offered access by sustainable means of transport to Higher Education campuses and Edinburgh Royal Infirmary.*

*The Panel expressed concern, however, that levels of activity in the local centre and its environs could make it extremely challenging to create a calm environment for older people and those with dementia, given proximity to Niddrie Mains Road, Castlebrae High School site and business and industry use to the north. To ensure the proposed uses could be satisfactorily integrated in this location, the Panel expressed the need for specialist advice in landscape architecture and the clinical care and design for those with cognitive impairments. Dialogue with the design team for Castlebrae High School was also encouraged.*

### *Layout Concept*

*The Panel referred to the need to reflect the vision and planning principles for development set out in the Craigmillar Urban Design Framework. In particular, how the site's built form and landscape structure sit within the wider urban grain.*

*The circular design for the dementia unit was noted in terms of providing a self-explanatory layout. However, the Panel felt that this clarity was not reflected by the overall configuration of buildings on site, which appeared divided into three functions and did not express their inter-dependent relationship.*

*The Panel recommended further analysis of the local centre context, existing and committed developments (including Castlebrae High School) to ensure the layout, access arrangements and landscape structure respond positively to adjacent uses.*

*The Panel noted that the proposed student accommodation related in part to the scale of the East Neighbourhood Office and Craigmillar Library but felt it did not maximise the site's south facing aspect and could overshadow the dementia unit and gardens.*

*The Panel considered that other uses might lend themselves to the local centre location and street frontage. Bringing the assisted living apartments closer to community life on Niddrie Mains Road could enable a degree of independent living for less mobile residents. The design must also respect the setting of the category B Listed White House.*

*The Panel suggested that the arrangement of the accommodation blocks needed to be reviewed in terms of their relationship to the proposed Castlebrae High School and to play a mediating role between land uses. The link between the dementia care facility and assisted living apartments should be strengthened offering a more cohesive layout of buildings and external courtyard to support health and social interaction.*

### *Open Space and Public Realm*

*The Panel emphasised the importance of a providing an innovative landscape strategy to offer therapeutic benefits for residents and create an environment for young and old*

*to interact. The site layout should allow ease of access to outdoor spaces for both patients and staff.*

*The Panel considered that site layout should be informed by macro analysis of the wider landscape context, green and active travel networks and views to Arthur's Seat, alongside site specific evaluation of local character and opportunities.*

*The Panel were concerned that the proposed layout did not maximise the available land to provide useable open space and gardens, including private open space for those in assisted living apartments. This would be essential to deliver benefits in terms of health and social interaction. In particular, the open land to the north and car parking to the south were missed opportunities. Re-aligning buildings closer to the perimeter of the site might generate larger interior open spaces.*

*The Panel wished to see the landscape framework more fully integrated with the existing off-road path network to the west and better aligned with Castlebrae High School and its grounds, should this be accessible outwith teaching hours for community use.*

*The Panel emphasised the need for the layout to provide an active frontage to the public realm on Niddrie Mains Road and to consider the potential to retain some of the existing boundary trees.*

#### *Access and links*

*The site's potential for connectivity with public transport and wider green networks such as the Innocent Railway Core Path and Craigmillar Castle Park was noted as beneficial by the Panel. The Panel reflected on the relatively enclosed nature of the site due to the adjacent land uses and encouraged the layout to improve permeability and integration within the surrounding townscape. The proposed access road between the site and Castlebrae High School could also become a barrier in the townscape.*

*The Panel supported the need to provide a secure environment for those with dementia but considered that the main site access to the east did not provide direct pedestrian access from Niddrie Mains Road, could be unwelcoming and lack surveillance. Equally, it did not maximise links for older people from the site to public transport stops on Niddrie Mains Road.*

*Provision should be made for secure cycle storage within the buildings to enable active travel. The Panel questioned the quantity of parking, its location and allocation to provide dedicated access and servicing to the care facilities.*

#### *Community safety*

*The Panel noted that the proposals provided for a number of vulnerable groups and that a balance required to be struck between creating an accessible facility, integrated with the surrounding streets and community life and the need for secure boundaries and layout.*

## Archaeology

### *Site 90m South of 2 Peffer Place*

*Further to your consultation request, I would like to make the following comments and recommendations concerning the above planning application for mixed-use residential led development comprising of dementia care centre (Class 8), assisted living apartments (Class 8), student accommodation (Sui Generis) and commercial units (Class, 1, 2 or 3) with access, landscaping, SUDS and car parking.*

*The site comprises the site of the former Raeburn Brewery (1901-1975). The area also occurs to the west of the important Newcraighall Colliery. Recent archaeological evidence in the form of the remains of bell pits has shown that the Industrial coal mines of the 19th and 20th centuries were built at centre of a much wider area of mining activity stretching across Newcraighall, Brunstane, Niddrie and Edmonstone and going back to the 16th/17th centuries if not much earlier.*

*As stated, above development site has been identified as being of archaeological significance. This application must be considered therefore under terms the Historic Environment Scotland's Policy Statement (HESPS) & Archaeology Strategy, Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) Policies DES3 & 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.*

### *Buried Archaeology*

*The site has clearly been affected by modern development nevertheless there is a low-moderate potential for the survival of significant archaeological remains associated with Brewery and to a lesser extent the potentially early coal mining activities (e.g. post-medieval bell pits). Ground-breaking works associated with construction of the new development could therefore disturb significant remains. Accordingly, it is recommended that a programme of archaeological work is undertaken prior to development with any significant remains uncovered fully excavated and recorded.*

*The first phase of this programme of archaeological investigation will be the undertaking of an archaeological evaluation (max 10%) of the western extension site, the site associated with the Raeburn Brewery. The results of this work will inform what level of further archaeological excavation, recording and analysis and including Public engagement/open-days would be required to be carried out prior and/or during development and if applicable where preservation may be required.*

### *Public Realm Interpretation*

*In addition to archaeological open days and on site temporary historic interpretation recommended as part of the above excavations, given the nature of the project it is recommended that the public realm interprets the sites important brewing heritage. Such work including possible public art as well as tradition methods of interpretation of should be designed to facilitate not only general interest but also to aid and stimulate the care of dementia sufferers and create a Sense of Place and help promote the Well-Being Agenda.*

*It is recommended that the following condition is attached if consent is granted to ensure that this programme of archaeological works is undertaken.*

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

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

## **Environmental Protection**

*TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997*

*20/00292/FUL | Mixed-use residential led development comprising of dementia care centre (Class 8), assisted living apartments (Class 8), student accommodation (Sui Generis) and commercial units (Class, 1, 2 or 3) with access, landscaping, SUDS and car parking. | Site 90 Metres South Of 2 Peffer Place*

*The applicant proposes a mixed-use development including a care centre, assisted living apartments, student accommodation and some commercial uses including class 1,2, and 3 and 28 car parking spaces.*

*The site is located on Niddrie Mains Road with residential use and a Police Station located to the west. There is a similar existing use neighbouring to the north west corner of the site. Industrial/office units are located to the north, north east. To the east there is a new high school currenting being developed and the existing neighbourhood office is also to the east.*

*The applicant has submitted various supporting documents including a noise impact assessment and air quality impact assessment which we have assessed by Environmental Protection.*

*The noise impact assessment has investigated the main noise sources and including transport noise and noise from plant on the neighbouring buildings as well as proposed plant as part of this application. The noise impact assessment has highlighted that upgraded glazing units will be required to mitigate the transport noise. Conditions will be recommended to ensure this is addressed. Noise from the neighbouring units was not highlighted in the noise impact assessment as something that required any further mitigation. The noise report did state that any new plant installed by the proposed development will need to meet the noise criteria and may require further assessment as the details of this plant are not currently available. This is not unusual, and an informative will be required to ensure that any new plant will not adversely impact amenity.*

*Current proposals for the café/community shop unit to the east of the entrance from Niddrie Mains Road involve the potential provision of 2 units which could include hot*

food takeaway facilities. Odours produced through cooking processes in hot food takeaways can cause amenity problems, particularly in areas which are residential in character. As this is a detailed planning application Environmental Protection would require specific details on any commercial ventilation system that would need to terminate at roof level. Having looked at the drawing there is no mention of ducting on any of the drawings including the roof drawings. Without this level of detail Environmental Protection would not be able to support a full class 3 use in these units. If no cooking was being proposed, then a restricted class 3 use could be considered. This would mean no cooking on the premises and a list of standard café equipment being conditioned for use on the site.

The applicant has also submitted a supporting air quality impact assessment. It is noted that there is a significant amount of development in the local area which has already seen congestion on the Niddrie Mains Road increase. The cross junction to the west of the development site is a location where there is often queueing traffic. The area is not in an air quality management area, but we must ensure that the local air quality levels are not negatively impacted by developments such as this. The applicant is only proposing 28 car parking spaces which is welcomed. The applicant has advised that most journeys will be done in taxis.

The applicant must be made aware that they will need to provide at least 6 electric vehicle charging points as part of the developments. This is in line with the Edinburgh Design Standards minimum requirements. Any chargers installed must be a minimum of 7Kw (32amp) type 2 sockets. However, it is strongly recommended that the applicant installs a rapid 50Kw charger for taxi use. The taxi trade in Edinburgh is mainly converting over to electric vehicles and if this is going to be the main mode of transport used by occupiers of the development then they should make charging provisions for them.

At this stage the applicant does not have specific details on the proposed energy systems. If the applicant is proposing an energy centre or centralised boilers you will need to ensure that information is submitted and if required a supporting chimney height calculation as per the Clean Air Act which is anything above 366Kw. The Pollution Prevention and Control (Scotland) Regulations 2012 were amended in December 2017 to transpose the requirements of the Medium Combustion Plant Directive (MCPD -Directive (EU) 2015/2193 of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants). The purpose of the MCPD is to improve air quality. All combustion plant between 1 and 50 MW (net rated thermal input) will have to register or have a permit from SEPA. Environmental Protection will require that secondary abatement technology is incorporated into any plant above 1MW (accumulate assessment).

Environmental Protection would need the applicant to demonstrate that they have maximised the potential for onsite renewable energy production and storage before considering any fossil fuel even gas. The applicant must consider ground/air source heat pumps and photovoltaic/solar panels linked to energy storage and possibly the electric vehicle charging points.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any



remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable).

As the applicant is proposing student accommodation this may require an House of Multiple Occupation Licence. The applicant should ensure that any proposed HMO's will meet all the relevant Scottish standards. It is recommended that you contact our HMO team to ensure any proposals will comply.

Environmental Protection have concerns with the proposed class 3 unit and will not be able to support that aspect. We have made a suggestion of a condition to restrict the use of the class 3 unit. If this condition is accepted then we would offer no objections subject to the following conditions being attached to any consent;

### 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 development, as defined in the Cundal 'Environmental Noise Assessment' report (Ref 1022791-RPT-AS-001), dated 9 December 2019:

- Glazing units with a minimum insulation value of 4/16/4mm double glazing shall be installed for the external doors and windows of the 1F Bedroom E, 1F Day Lounge E and 2F Bedroom W with supporting trickle vents allowing for a minimum sound reduction of  $D_{n,e,w}$  27dB.

- Glazing units with a minimum insulation value of 6/16/8.8mm double glazing shall be installed for the external doors and windows of the Ground Floor Common Room SW, and 1F Studio S with supporting trickle vents allowing for a minimum sound reduction of  $D_{n,e,w}$  35dB.

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

3. *Cooking, heating and reheating operations on the premises shall be restricted to the use of a Panini machine, toasty machine, baked potato oven, soup urn and one microwave only; no other forms of cooking, heating and reheating shall take place without prior written approval of the Head of Planning and no odours shall be exhausted into any neighbouring premises.*

4. *A minimum of Six parking space shall be served by 7Kw (32amp) Type 2 electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied.*

#### *Informative*

I. *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.*

II. *A rapid taxi charger should be installed - 70 or 50kW (100 Amp) DC with 43kW (63 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.*

III. *A chimney height calculation will need to be submitted in accordance with the Clean Air Act if a gas boiler is being considered.*

#### **Transport**

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

1. *The applicant will be required to:*
  - a. *Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
  - b. *Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
2. *For avoidance of doubt the proposed access junction and layby on Niddrie Mains Road is not agreed at this stage (see note IV for further detail);*
3. *In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;*
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. *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:

I. The application has been assessed under the 2017 parking standards (updated January 2020). These permit the following:

a. A maximum of 61 car parking spaces. 1 space per 5 beds for residential institution (64 bed assisted living and 88 bed dementia care), 1 space per 6 bed for 164 bed student accommodation and 1 space per 50m<sup>2</sup> of retail use. 28 car parking spaces are proposed;

b. A minimum of 174 cycle parking spaces. 1 space per 15 beds for residential institution, 1 space per bed for the student accommodation and 1 space per 250m<sup>2</sup> of retail use. 200 cycle parking spaces are proposed;

c. A minimum of 12% of the car parking to be designated as accessible, this would result in a requirement for 3 spaces. 4 accessible spaces are proposed;

d. A minimum of 1 of every 6 car parking spaces should be equipped for electric vehicle (EV) charging. This would result in a requirement for 5 spaces. 5 EV spaces are proposed;

e. A minimum of 10 motorcycle parking spaces. 10 motorcycle spaces are proposed;

II. Whilst no definitive justification was provided for the proposed level of car parking, it is considered acceptable as it complies with current parking standards and based on the proposed uses and the sites accessibility to public transport and local services and amenities.

III. A transport statement 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 The submitted document is generally in line with the published guidelines on transport assessments and estimates that a development on this size and nature would generate 23 two-way vehicle trips in the AM peak and 31 two-way vehicle trips in the PM peak. A worst-case scenario has been assumed and a mode shared that favours a higher amount of vehicle use has been utilised. It should also be noted that no trip assessment of the previous use (large retail unit) has been provided, it would be expected that a comparison vehicle trip generation of the proposed development against the existing/previous use would likely lead to a net reduction in vehicle trips over the course of a day (24hrs).

IV. The applicant should be aware that planning permission does not absolve them from acquiring subsequent permissions from the Council as Roads Authority, this includes road construction consent and a Section 56 Road Opening Permit, which will be required for the access junction alterations and the proposed servicing layby on Niddrie Mains Road.

a. The proposed access junction design is not considered appropriate as it doesn't provide the appropriate level of pedestrian priority that is required. The applicant should note the Edinburgh Street Design Guidance Fact Sheet G7 - Priority Junctions when considering this junction design.

b. Currently Transport do not consider the proposed servicing layby appropriate due to the impact on the pedestrian environment and the nearby bus stop. Waiting and loading restrictions and a effective level of enforcement would be required to ensure that the layby is used appropriately which places an additional burden of resource on

the Council. It should also be noted that the Council has longer term plans for Niddrie Mains Road in terms of active travel, and any infrastructure that forms part of the road could be altered or removed as part of any project including this layby;

V. It is understood that the proposals make an allowance for the footpath on the western boundary of the site to be widened to a minimum of 4m (and potentially up to 5.6m) along the site boundary;

## **Flood Planning**

*Response 1 - 29 January 2020*

*Thank you for the consultation request. I have reviewed the documents on the portal and have the following comments to be addressed by the applicant:*

- 1. The SWMP recommends a minimum finished floor level (FFL) of 46.2m AOD - 600mm above the 1:200-year event. As the development is deemed Civil infrastructure, CEC request that the recommended FFL be 600mm above the 1:1000-year+40%CC event. If a 600mm freeboard above the 1:1000-year+40%CC event is not deemed technically feasible, then a freeboard assessment will be required to confirm that a lower freeboard is appropriate. CEC will not accept a freeboard of less than 300mm.*
- 2. It is proposed to discharge surface water to the proposed regional SuDS basin. Could the applicant please confirm where the regional SuDS basin will ultimately discharge to.*
- 3. Once received, could the applicant please provide written confirmation that Scottish Water agree with the proposed surface water discharge to the proposed surface water sewer and that you have permission to discharge to the proposed regional SuDS basin.*
- 4. 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.*
- 5. Drawing 4489 C3.02 notes that flooding from the 1:200-year event remains accommodated on site. Could the applicant please confirm whether the 'depression in soft landscaped area' will also accommodate the modelled 1:1000-year+40%CC flooding. Could you confirm that flooding in the 1:1000-year+40%CC event will be managed to not cause flooding to the proposed civil infrastructure.*

*Response 2 - 13th March 2020*

*Below are my remaining comments, in response to your clarifications.*

- 1. Your approach to determining the FFL for the development is acceptable. Can you confirm if the FFL recommendation will change.*
- 2. We believe the neighbouring SuDS system discharges to the Niddrie Burn. As you are attenuating your surface water within your site boundary, we have no concerns with your proposal.*
- 3. Once received, could you confirm that Scottish Water agree with your proposed surface water discharge to the surface water sewer and neighbouring SuDS.*
- 4. In this instance, underground storage feature is deemed appropriate.*

5. Could you provide a statement on the 1:1000-year+40%CC flood risk and provide a flow path drawing to confirm that water will be routed away from the 'civil infrastructure'.

Response 3 - 27th April 2020

We have only the following remaining comment to be addressed by the applicant:

1. Once received, could the applicant confirm that Scottish Water agree with the proposed discharge to the surface water sewer and neighbouring SuDS

Response 4 -6th August 2020

Scottish Water's response notes that it is proposed to connect to a private surface water sewer and SuDS pond. Is the applicant able to confirm they have approval to connect to the private system?

Response 5 - 14th August 2020

Thank you for the additional documents. This application can proceed to determination, with no further comments from our department.

## **Waste**

Response 1 - 30th January 2020

As this is to be a development with student accommodation and trade waste, waste and cleansing services would be expected to be the service provider for the collection of domestic waste (Only).

Waste strategy agreed at this stage - No

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 instruction for architects guidance to ensure waste and recycling requirements have been fully considered.

1. Confirmation of design, the bin store for the Student area would require some adjustments to conform and confirmation of numbers/units using the store to agree numbers of bins.
2. We would require to review any swept path analysis drawing for the vehicle manoeuvre around the site and to any bin store locations conforming to our guidance for a 12m vehicle.

In view of these factors and the size of this development I would ask that the Architect/developer contact myself directly Trevor.kelly@edinburgh.gov.uk or Waste Services on 0131 608 1100 at the earliest point to set up a meeting to agree their options so that all aspects of the waste & recycling service are considered.

Response 2 - 26th August 2020

*If all the waste is going to be uplifted by a private contractor we only need a note in the agreement you provide stating that this cannot be reversed without the development meeting our guidance at their cost.*

## **Coal Authority**

*Mixed-use residential led development comprising of dementia care centre (Class 8), assisted living apartments (Class 8), student accommodation (Sui Generis) and commercial units (Class, 1, 2 or 3) with access, landscaping, SUDS and car parking; SITE 90 METRES SOUTH OF, 2 PEFFER PLACE, EDINBURGH*

*Thank you for your consultation notification of the 28 January 2020 seeking the views of The Coal Authority on the above planning application.*

### *The Coal Authority Response: Material Consideration*

*I can confirm that the above planning application has been sent to us incorrectly for consultation.*

*The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.*

### *The Coal Authority Recommendation to the LPA*

*In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.*

## **Edinburgh Access Panel**

*1) we hope the corridor along the west side of the site, connecting Peffer Place to Niddrie Mains Rd, will be shared-use for cyclists and pedestrians, with barriers (if any) spacious enough to permit passage of long or unusual bikes;*

*2) since there is a large student accommodation component, we would like the developers to consider which colleges/universities the students are likely to be attending, and hence consider any contributions which would encourage the students to cycle there.*

*We imagine these might be Queen Margaret, to the east, and Edinburgh, to the west. The main arteries these students might use are the Innocent Path (off-road), and Niddrie Mains Rd (on-road). We believe the Active Travel Department might have some plans for the latter - in which case the developers of this site might make a contribution. For the former, some contribution towards better access to the Innocent Path would be in order.*

*We recognise these contributions would be outwith the site itself, but there is increasing recognition that developers need to take into account how future residents (etc) might travel to/from the site, and make efforts to ensure that sustainable transport receives the support it needs.*

## **Police Scotland**

*I write on behalf of Police Scotland regarding the above planning application. 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.*

## **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 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 <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-OurNetwork> 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 close to boundary*

*According to our records, the development proposals may impact on existing Scottish Water assets. The applicant should identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto: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*

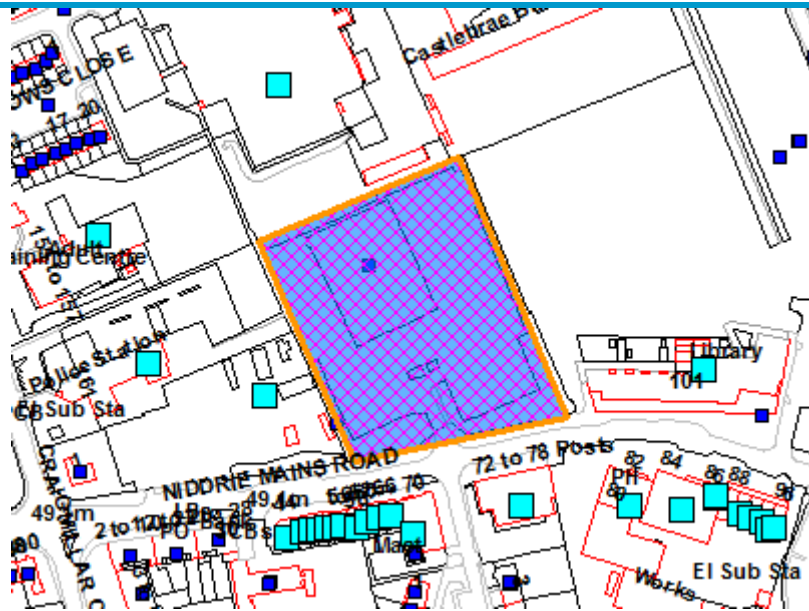
*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system. There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, 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.*



## Location Plan

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## Development Management Sub Committee

report returning to Committee - Wednesday 7 October 2020

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

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

**Item number**

**Report number**

**Wards**

B06 - Corstorphine/Murrayfield

### **Recommendations**

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

### **Background information**

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

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

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

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

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

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

## **Main report**

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

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

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

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

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

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

## **Links**

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### **Policies and guidance for this application**

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

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

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

Or Council Papers online

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

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## Development Management Sub Committee

report returning to Committee - Wednesday 7 October 2020

### **Application for Planning Permission in Principle 16/04122/PPP**

**At Land 445 Metres North Of 103, Newcraighall Road,  
Edinburgh**

**Proposed residential development (including class 8 residential institutions, class 9 houses and sui generis flats) primary school (class 10 non-residential institutions) local centre (including class 1 retail, class 2 financial services, class 3 food and drink, class 10 non residential institutions and class 11 assembly and leisure ), green network, access and transport links, infrastructure and associated ancillary works (as amended.)**

**Item number**

**Report number**

**Wards**

A17 - Portobello/Craigmillar (Pre May 2017)

### **Recommendations**

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

### **Background information**

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The Committee was minded to grant planning permission on 19 April 2017, subject to the conclusion of a legal agreement within six months of this date to ensure the delivery of financial contributions towards education infrastructure, healthcare, affordable housing, allotment provision and transport interventions.

Negotiations have been completed and the agreement is ready for signing.

Under the normal Scheme of Delegation, the Chief Planning Officer has delegated powers to extend the six-month period for concluding a legal agreement to nine months, provided meaningful progress is being achieved. This delegated power was used to extend the period for concluding the legal agreement in this case. The nine-month period was exceeded and therefore the matter was returned to Committee for a decision.

Following that initial return to Committee, and due to the Coronavirus emergency, the Council's Leadership Advisory Panel has agreed changes to the schemes of delegation in respect of planning applications. This gave the Chief Planning Officer extended delegated powers to make decisions on applications which would require a committee decision under the current schemes of delegation. The second report has been agreed under the extended scheme of delegation. This allowed the period for concluding the legal agreement to be extended until 8th September 2020. This period has now been exceeded and therefore the matter is now returned to Committee for a decision.

Due to the difficulties getting the actual agreement signed, this third report requires a return to Committee to request to extend the period for concluding the legal agreement by three months.

## Main report

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There are no new material planning considerations which affect the Development Management Sub-Committee original decision on 19 April 2017 that it was minded to grant this application subject to a legal agreement first being concluded to ensure the delivery of financial contributions towards education infrastructure, healthcare, affordable housing, allotment provision and transport interventions.

Meaningful progress has been achieved in negotiating the terms of the legal agreement and it is now ready for signing. The difficulties in actual signing of the document are due to the logistics involved in all parties signing the document under the current COVID restrictions on workplaces. It is considered that a further three month extension to 7th January 2021 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

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### Policies and guidance for this application

LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LEN03, LEN12, LEN07, LEN08, LEN09, LEN15, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA02, LTRA03, LTRA04, LTRA08, LTRA09, LTRA10, LRS06, NSDCAH, NSGD02, LTS1, NP01, NSMDV,

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



<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=OCGMEREW0GY00>

Or Council Papers online

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## Development Management Sub Committee

report returning to Committee - Wednesday 7 October 2020

**Application for Planning Permission 18/09642/FUL  
at 7 Redhall House Drive, Edinburgh, EH14 1JE.  
Alteration and conversion of existing building to form six  
duplex apartments, the erection of a detached garage block  
accommodating six garages and the erection of two  
detached dwelling houses with all associated site  
development works and landscaping.**

**Item number**

**Report number**

**Wards**

B09 - Fountainbridge/Craiglockhart

### Recommendations

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

### Background information

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The Development Management Sub-Committee determined that it was minded to grant this application on 20 November 2019, subject to the conclusion of a legal agreement within six months of this date to link and phase the implementation of the listed building consent 18/09641/LBC for the restoration of Redhall House with the new development proposed under application 18/06942/FUL.

Negotiations are continuing and nearing conclusion.

Under the Scheme of Delegation, the Chief Planning Officer has delegated powers to extend the six month period for concluding a legal agreement to nine months, provided meaningful progress is being achieved. This delegated power was used to extend the period for concluding the legal agreement in this case. An extension to this time period was agreed on the 13 May 2020.

However, this extended period has now been exceeded and therefore the matter requires to be returned to Committee for a decision.

## Main report

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There are no new material planning considerations which affect the Development Management Sub-Committee original decision on 20 November 2019 that it was minded to grant this application subject to a legal agreement first being concluded to link and phase the implementation of the listed building consent 18/09641/LBC for the restoration of Redhall House with the new development proposed under application 18/06942/FUL.

Conclusion of the legal agreement process has been signed by the owners but has been delayed as the bank is also required to sign the agreement.

These matters are being actively pursued between both parties.

If this application is approved, a 'Minded to Grant' letter will be sent to the agents setting out the amended informative deadline for conclusion of the legal agreement and including all of the original conditions and remaining informatives stated in the original 'Minded to Grant' letter of 22 November 2019.

It is recommended this application be approved to extend the deadline for concluding the legal agreement to enable planning permission thereafter to be released. A period until the end of November 2020 is requested.

## Links

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### Policies and guidance for this application

LPC, LEN03, LEN09, LEN12, LEN16, LDES01, LDES04, LEN21, LHOU01, LDES05, LEN18, LTRA02, LTRA03, NSG, 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=PHQBZHEWH8T00>

Or Council Papers online

### **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

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## Development Management Sub-Committee

**10.00am, Wednesday 7 October 2020**

### **Protocol Note for Virtual Hearing, via Microsoft Teams**

**Planning Application No 20/00618/AMC  
Meadowbank Stadium, 139 London Road, Edinburgh EH7 6AE**

**Report number**

**Ward Craigentiny/Duddingston**

#### **Laurence Rockey**

Head of Strategy and Communications

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Tel: 0131 529 4237

# Summary

## Protocol Note for Hearing

### Summary

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The Council is committed to extending public involvement in the planning process. Hearings allow members of the public to put their views on planning applications direct to the Councillors on the Development Management Sub-Committee.

The Sub-Committee members have a report on the planning application which contains a summary of the comments received from the public. Copies of the letters are available for Councillors to view online.

### Committee Protocol for Hearings

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The Planning Committee on 25 February 2016 agreed a revised general protocol within which to conduct hearings of planning applications as follows:

- Presentation by the Chief Planning Officer	20 minutes
- Questions by Members of the Sub-Committee	
- Presentation by Community Council	5 minutes
- Presentations by Other Parties	5 minutes, each party
- Questions by Members of the Sub-Committee	
- Presentation by Ward Councillors	5 minutes each member
- Questions by Members of the Sub-Committee	
- Presentation by Applicant	15 minutes
- Questions by Members of the Sub-Committee	
- Debate and decision by members of the Sub-Committee	

## Order of Speakers for this Hearing

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1	<b>Chief Planning Officer</b> - presentation of report	10.15 -10.35
2	<b>Representors or Consultees</b> Craigentiny and Duddingston Community Council Northfield and Willowbrae Community Council	10.40 -10.45 10.50 -10.55
3	<b>Ward Councillors</b> Councillor Alex Staniforth Councillor John McLellan	11.00 -11.05 11.10 -11.15
4	<b>Break</b>	11.20 -11.30
5	<b>Applicant and Applicant's Agent</b> Tricia Hill Jude Barber Jen Blacklaw	11.35 –11.50
6	<b>Debate and Decision on Application by Sub-Committee</b>	11.55
7	<b>Break for Lunch</b>	13.00

Scheduled times are approximate but within this the time limits for speakers will be enforced – speakers will be reminded when they have 1 minute remaining. Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. Decisions will generally be to approve or refuse. Conditions of approval or reasons for refusal may be considered at a subsequent meeting. If the application is continued for further information, the Hearing will not be re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can view the meeting via the webcast to observe the discussion.

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## Development Management Sub Committee

**Wednesday 7 October 2020**

**Application for Approval of Matters Specified in Conds 20/00618/AMC at Meadowbank Stadium, 139 London Road, Edinburgh. Application for approval of matters specified in condition 1 of 18/00154 PPP for the proposed redevelopment of surplus land at Meadowbank Sports Centre with mixed uses including residential and commercial, together with roads, landscaping, drainage and ancillary works.**

**Item number**

**Report number**

**Wards**

B14 - Craigentinny/Duddingston

### Summary

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The purpose of the masterplan is to provide guiding principles for forthcoming detailed applications.

It is recognised that the proposed development will alter the character of the wider area, changing the area from spectator and sports ground to residential and mixed-use development of medium/high density. The townscape character of neighbouring streets will be altered through the introduction of increased height and density of buildings onto areas of the site that have generally been open or low-density buildings. Incidental views towards Arthur's Seat will also be obscured, and local views will be changed.

However, the masterplan controls building heights, retains the important existing trees and includes new planting and landscaped spaces. This will help to mitigate potential impacts and create a townscape character that is complementary to the existing area. The proposals for the landscape are innovative and exemplary. Likewise, the emphasis on active travel and reducing car use is supported in this accessible location.

Impacts on residential amenity have been considered, and informatives are recommended to ensure privacy to existing properties is maintained.

On balance, the masterplan has sufficiently demonstrated compliance with the policies of the Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance, and it defines the parameters for forthcoming detailed applications.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN07, LEN08, LEN09, LEN12, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU04, LHOU06, LHOU07, LHOU10, LTRA01, LTRA02, LTRA03, LTRA09, OTH, NSGD02,
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# Report

## **Application for Approval of Matters Specified in Conds 20/00618/AMC at Meadowbank Stadium, 139 London Road, Edinburgh. Application for approval of matters specified in condition 1 of 18/00154 PPP for the proposed redevelopment of surplus land at Meadowbank Sports Centre with mixed uses including residential and commercial, together with roads, landscaping, drainage and ancillary works.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site of the proposed development covers an area of approximately 10 hectares and was formerly occupied by the multi-purpose Meadowbank sports complex, including a stadium, running track, velodrome, grass and synthetic pitches, and indoor sports and leisure facilities. Most of these facilities have been removed from the site, and the new sports centre is currently under construction.

The site is defined on its southern edge by London Road. The southeast of the site is defined by an existing railway line with two 7-10 storey office buildings beyond. To the west, the site is bounded by Wishaw Terrace, with 4-5 storey tenement housing on the west side of the road and a line of mature Elm trees on the west side. To the northwest, the site is bounded by Marionville Road with 4 storey tenements on the north side and mature trees on the south side. The northern edge of the site is defined by 1-2 storey semi-detached houses with rear gardens adjoining the railway line forming the site boundary.

The site is currently accessed off London Road. At present there are no formal pedestrian routes through the site. There are a number of large mature trees along the western, southern and northern boundaries. This includes a number of mature Wheatley Elm trees.

The levels of the site are such that the site sits at lower levels than the railway lines, and slopes upwards from east to west.

To the south of the site lies Holyrood Abbey, Palace Gardens and Park, which are Scheduled Ancient Monuments, within a conservation area and form part of Historic Gardens.

## 2.2 Site History

11 December 2018 -Full planning permission granted for the proposed redevelopment of existing Sports Centre site to provide new Sports Centre facilities and ancillary works (application reference: 18/00181/FUL).

11 December 2018 - Planning permission in principle granted for proposed redevelopment of existing Sports Centre site to provide new Sports Centre facilities and redevelopment of surplus land for mixed uses including residential, student accommodation, hotel and commercial uses, together with car parking, landscaping, drainage and ancillary works (application reference: 18/00154/FUL).

11 November 2016 - Proposal of Application Notice submitted for proposed redevelopment of existing sports centre site to provide new sports centre facilities and redevelopment of surplus land for mixed uses including residential, student accommodation, hotel and commercial uses, together with car parking, landscaping drainage and ancillary works. (application reference: 16/05747/PAN).

### Relevant Adjacent Developments

12 August 2020 - Application for Matters Specified in Conditions application was granted for condition 2 (Reserved Matters) a) no. of residential units to be developed, b) no. of student housing bedrooms to be developed, f) location & extent of uses, g) layout design & heights, h) sustainability measures, i) drainage, j) waste management & recycling, k) noise protection measures, l) air quality mitigation, n) floor levels, o) lighting, p) landscaping q) masterplan framework and Condition 4 (Surface Water Management & Flood Risk Assessment) (application reference: 19/04557/AMC)

10 November 2016 - Planning Permission in Principle was granted for the redevelopment of the adjacent St Margaret's House for up to 21,500 square metres of mixed use development including residential, retail/commercial, hotel and student accommodation (application reference: 14/05174/PPP).

### Other Relevant History

A full history of previous committee decisions by various committees is available in the Finance section at the end of this report.

## Main report

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### 3.1 Description of the Proposal

This is an application for approval of matters specified in condition 1 of 18/00154/PPP. It refers to the redevelopment of the land at Meadowbank Sports Centre with mixed uses including residential and commercial, together with roads, landscaping, drainage and ancillary works.

Condition 1 of planning permission 18/00154/PPP states that:

*Prior to the submission of any applications for the approval of matters specified in conditions (as required by condition 2), a Masterplan for the entire site shall be submitted for the approval by the Planning Authority.*

*The Masterplan shall include a plan identifying individual sub-sites and phasing, including the site for the sports centre. Hereafter, reference to sub-sites in subsequent conditions relates to the identified sub-sites within this phasing plan.*

*The Masterplan shall include the following details:*

- evidence that it has been prepared with: (a) substantial consultation with the local community and relevant stakeholders; and (b) the input from a working group comprising of representatives from the local community and other relevant stakeholders and chaired by a ward councillor or alternative party, as agreed by the Planning Authority.*
- all details relevant pertaining to the sports centre site;*
- the total number of residential units;*
- the location of individual plots or development phases;*
- the location and size of retail/health/community facilities;*
- existing and proposed site levels;*
- details of scale, density, massing, heights, built form, frontages;*
- open space, landscaping and SUDS;*
- connectivity and access, including the link from the site to Restalrig Road South;*
- pedestrian, cycle and vehicular links, including works to facilitate active travel;*
- works relating to the relocation of pedestrian crossings and installation of new crossings;*
- details of the implementation of a programme of archaeological and historic interpretation for St Margaret's Well and St Margaret's Locomotive Works and Locomotive Turntable;*
- Location of recycling facilities;*
- standards for car parking and cycle parking and*
- a phasing plan for the delivery of open space and pedestrian/cycle routes.*

*The Masterplan shall be accompanied by the following supporting information:*

- If more than 700 units are proposed, an updated Transport Assessment, the scope of which will be agreed with Planning and Transport prior to the submission of the Masterplan;*
- a Design and Access statement, detailing the layout, streets and spaces, accessibility, safety and security, sustainability and energy efficiency;*
- an updated Landscape and Visual Impact statement;*
- details of management and maintenance of the landscaping, SUDS and open space;*
- an Energy Statement (as per SEPA's letter of 28 February 2018);*
- surface water management strategy; and*
- a layout plan which identifies the location of the combined heat and power building.*

To support the application, and to satisfy this condition, a design and access statement and masterplan document was submitted. This outlined the approach that was taken to community consultation, as well as the masterplan details.

The documents to be approved under this AMC comprise the submitted plans, cross-referenced with the document titled 'Masterplan and Design and Access Statement'. These documents are intended to set the parameters for the submission of future detailed applications, and these future applications will be expected to conform to these plans and the document.

The detailed elements of the masterplan within the context of condition 1 of the planning permission in principle are:

### **All details relevant pertaining to the sports centre site**

The plans that were granted under the previous planning permission (18/00181/FUL) were submitted for the sports centre for this part of the condition. This part of the development is currently under construction as per the details of the previous planning permission.

### **The total number of residential units and the development plots**

It is proposed that the total number of units across the site is 596. These are all residential units, as following community consultation, no students housing is proposed. This is split up across three sub-sites;

Site A is located to the immediate west and north of the sports centre ground and is proposed to contain 128 units.

Site B forms the largest sub-site in terms of area. It is located to the east of the sports centre ground and is proposed to contain 226 units.

Site C is the site around the entrance from London Road and is proposed to contain 242 units.

In addition, there are eight units/areas identified for potential non-residential uses including retail/health/community facilities.

### **The Location and Size of Retail/Health/Community Facilities**

The retail/health/community facilities are located primarily in site C, around the frontage with London Road. Here, there is 1670 square metres and it is anticipated that it may include health facilities. On Site A, there is a small unit of 146 square metres. Site B contains 1176 square metres of commercial floorspace.

### **Existing and Proposed Site Levels**

The existing site levels vary across the site from approximately 24.9m AOD to 29.5m AOD. Due to previous uses of the site, there is a soil heap at the eastern end, which means that the site sits approximately seven metres higher than Restalrig Road. Similarly, the railway embankment on the northern part of the site is approximately 10 metres above the houses on Marionville Avenue.

The proposed site levels will not be altered to a great extent. However, there is a new connection proposed between the site and the roundabout at Restalrig Road/Marionville Avenue. Due to the ground level difference, a new footpath will require to be cut into the existing ground.

### **Details of Scale, Density, Massing, Heights, Built form, Frontages**

In order to provide flexibility within the masterplan area for any forthcoming detailed applications, the masterplan outlines a range of heights for each block within each sub-site. This roughly translates to storey heights, and across the site there is a range of 2-7 storeys.

The masterplan is supported by a massing strategy, which outlines that on Site A, the massing relates to the existing tenements and new-build developments to the west of the site and is proposed to be between four and six storeys. It is proposed that there is a frontage along Marionville Road and Wishaw Terrace, although the blocks are broken into a series of five separate blocks. A small commercial unit is proposed on the ground floor at the corner of London Road and Wishaw Terrace.

On Site B, the massing is reduced to two and three storeys along the boundary with the railway, rising to seven storeys on the southern part of the site. There are residential frontages proposed along the key pedestrian/cycle route through the site.

Site C is the highest part of the site and the development proposed in this location is broken up to create a series of fingers along London Road. It is proposed that the buildings could be between four and seven storeys. Active frontages are proposed at the ground floor units along London Road, as well as within the site where there is a residential active frontage.

### **Open Space, Landscaping and SUDS**

The proposals include a landscape strategy, focussing on the open space provision, landscaping and SUDS. As a first principle, the proposals seek to retain as many of the existing trees and vegetation around the site as possible. This includes the Wheatly Elm trees.

The key landscape elements include the formation of an urban parklet around and beneath the Wheatly Elms (along Wishaw Terrace); the creation of a new Turntable Park (0.2 hectares), and the London Road Frontage; the retention and addition to the planting along Piershill railway edge as a wildlife corridor; active travel links to Lochend Park, Holyrood Park and Restalrig, and; opportunities for informal play, edible plants and rain gardens.

To enable the development, a number of trees are proposed to be removed. This includes a group of Leylandii along Wishaw Terrace, a group of sycamores within the site near London Road, and four rowan trees to enable the delivery of Turntable Park. There is also a group of self-seeded scrubs, four sycamores and a willow proposed to be removed at the far eastern part of the site.

## **Connectivity and Access (including the link from the site to Restalrig Road South)**

To support the proposals, an access strategy was included within the design and access statement. This set a fundamental principle of allowing the site to be designed as a people-priority development where vehicle movement is kept to a minimum. The masterplan is proposing new pedestrian/cycle access from Restalrig Road into the site, as well as pedestrian/cycle access from Marionville Road. The strategy also set out that the main vehicle access is taken from London Road, for use by both the sports centre and the rest of the masterplan area. In addition, a new turning/drop-off area is proposed within Site C for the commercial units. A narrow gateway feature is proposed to discourage car users into the masterplan area, however there are 22 accessible spaces proposed throughout the site to allow for this parking. Generally, vehicle access is limited to accessible users, delivery drivers, refuse and emergency vehicles.

There is also parking provision afforded to the proposed healthcare unit, where four drop-off spaces are indicated. There is also capacity for undercroft parking of up to 18 spaces to the lower ground floor of Site C for patient and staff parking.

It is proposed that cycle storage is set at 200% or greater, within a range of different bike stores to accommodate the various vehicle types. This will be a mix of storage within apartment blocks, as well as integrated and free-standing external stores.

The design of individual homes would also consider cycle use in order to make sure there is adequate storage for all items including cycle helmets and carriers.

In relation to pedestrian crossings, there are a number of areas where improvements have been identified. On London Road, the new access will include a dedicated cycle way and a new 4-way traffic light system with a push-button for cyclists. Restalrig roundabout is also identified for improvements including a new toucan crossing, the delineation of cycle lanes and landscaping improvements.

It is anticipated that the phasing of these works will coincide with the development of the relevant phase.

## **Details of the Archaeological and Historic Interpretation for St Margaret's Well and St Margaret's Locomotive Works and Locomotive Turntable**

It is proposed that a new park is formed around the locomotive turntable, and that information boards across the site provide public information on the locomotive works and St Margaret's Well.

## **Location of recycling facilities**

It is proposed that a communal storage strategy will serve the different elements of the proposals. Sites A and B will be provided with large communal bin stores for both domestic and commercial waste and recycling. Refuse storage within Site C is proposed to be integrated into the lower ground floor layouts.



## Supporting Statements

The following documents have been submitted in support of this application;

- Design and Access Statement;
- Transport Assessment;
- Drainage and Flood Risk Assessment;
- Energy Strategy Report;
- S1 Sustainability Statement;
- Landscape Masterplan, and;
- Landscape and Visual Impact Assessment;

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 matters proposed are compliant with the planning permission in principle
- b) the design, scale and layout are acceptable;
- c) the proposal is detrimental to the amenity of neighbours or occupiers of the new development;
- d) the proposed landscape arrangements are appropriate;
- e) access arrangements are acceptable in terms of road safety and public transport accessibility;
- f) the flooding and drainage arrangements are acceptable;
- g) the proposal is sustainable;
- h) there are any other material considerations and
- i) there are material representations to be addressed.

### **a) Compliance with Planning Permission in Principle**

The masterplan document sets out the framework for the proposals. It reflects the technical requirements of condition 1 of the planning permission in principle.

Further to the technical requirements of condition 1, there was also a requirement to evidence that the masterplan has been prepared with: (a) substantial consultation with the local community and relevant stakeholders; and (b) the input from a working group comprising of representatives from the local community and other relevant stakeholders and chaired by a ward councillor or alternative party, as agreed by the Planning Authority.

With regards to this part of the condition, there has been a number of consultation events held since the granting of the planning permission in principle. This comprised a total of 15 events, including six workshops and nine drop-in events over four locations. Over 600 questionnaires were returned, and 70 Place Standard forms were completed. A sounding board was also formed. This included residents and representatives from the local community, elected members, church representatives and community councillors. The board met six times over the past year and was chaired by an independent chairman.

With regards to condition 1, the supporting technical and consultation information submitted with the application is acceptable insofar as the information satisfies the requirements of the condition. An analysis of the technical information is made later in this section.

### **b) Design, Scale and Layout**

The design policies (Des 1 - Des 8) in the LDP sets the framework for assessing the design of planning applications.

Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design, or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

Policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise the effective development of adjacent land, or the comprehensive development and regeneration of a wider area.

Policy Des 4 (Development Design: Impact on Setting) states that development will be permitted where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to height and form; scale and proportions; position of buildings; materials and detailing.

LDP Policy Des 7 (Layout Design) states that planning permission will be granted for development where it meets a number of criteria relating to issues of the layouts of buildings, streets, footpaths and taking an integrated approach to new streets, and whether the development will encourage walking, cycling and the use of public transport.

LDP Policy Hou 4 (Housing Density) is also relevant in this instance. This policy states that the Council will seek an appropriate density of development on each site, having regard to a number of criteria. These criteria relate to the characteristics of those of the surrounding area; the need to create an attractive residential environment and safeguard living conditions within the development; the accessibility of the site to public transport; and the need to encourage and support the provision of local facilities necessary to high quality urban living. Similarly, in established residential areas, proposals will not be permitted which would result in unacceptable damage to local character, environmental quality or residential amenity.

In assessing the design proposals of this masterplan against the policies, the site has been split into the three sub-sites for ease of reference.

### **Site A - Wishaw Terrace and Marionville Road**

The proposals for Site A are intended to relate to the existing tenements and new-build developments to the west of the site. The built form is a series of blocks, each with a frontage along Wishaw Terrace and Marionville Road, set behind the existing trees, and wrapping around the sport centre track.

The masterplan indicates that the eaves height on Site A can range from four storeys (at the northern part of this site) to six storeys along Wishaw Terrace and onto London Road.

These heights are commensurate with the tenements opposite on Wishaw Terrace. While buildings of six storeys would be higher than the tenements, the proposed buildings will be set behind the existing trees. This provides opportunities for areas of public realm fronting Wishaw terrace, and this gives additional space to allow buildings to sit comfortably at up to six storeys. The blocks are also proposed to be broken up into five separate blocks, and this helps to reduce the overall massing and visual impact.

The incorporation of the existing trees on the site, coupled with the new areas of public realm, results in this part of the development creating a positive new sense of place along Wishaw Terrace and Marionville Road, in accordance with the design policies.

While this proposal will create a new residential frontage along Wishaw Terrace and Marionville Road with a direct relationship to existing residential properties, the set-back of the proposals behind the trees, and the distance between the existing and new properties, means that the layout and density of Site A is appropriate.

## **Site B - Internal to the Site between the Railway Lines**

The topography of the site, and the heights of surrounding buildings (both existing and proposed under the adjacent planning permission for St Margaret's House - 19/04557/AMC) means that this part of the site has landscape and visual capacity for taller buildings along the southern boundary. Conversely, the level differences along the railway line to the north, and the presence of the bungalows along Marionville Avenue to the north, means that there is less capacity for higher buildings along this boundary.

This is reflected in the proposals, where the new buildings on the northern boundary are within the range of two to five storeys. It is shown that the building form would be two storey gables facing the northern boundary, rising higher towards the central road. Along the southern boundary (to the rear of Meadowbank House and St Margaret's House), it is proposed that the buildings could be between three storeys (at the far eastern end) to seven storeys along the southern boundary.

As noted above, there is capacity within the site to have taller buildings. This is due to the topography of the site and the presence of existing tall buildings. It has been demonstrated, through the submission of proposed sections, that the development would sit comfortably at this scale within the site. The sections show that the relationship between the houses on Marionville Avenue and the proposed buildings on the site is not incongruous within an urban context. While new buildings on the site would sit at a higher level than those on Marionville Avenue, the intervening gardens, landscaping, railway line and tree planting, along with the gable-end orientation of the new buildings, means that the development is appropriate in terms of scale and massing in this location.

In relation to LDP Policy Hou 4 (Housing Density), this part of the site achieves approximately 110 units per hectare. This is commensurate with the existing tenements, as well as the planning permission at St Margaret's House. Although the density is higher than the more suburban-scale properties to the north on Marionville Avenue, the design, layout and general accessibility of the site means that the increased density is not inappropriate within this site.

As noted above, LDP Policy Des 7 (Layout Design), states that planning permission will be granted for development where it meets a number of criteria relating to issues of the layouts of buildings, streets, footpaths and taking an integrated approach to new streets, and whether the development will encourage walking, cycling and the use of public transport.

Within Site B, the layout has been considered in terms of the existing constraints on movement and permeability, as well as physical constraints of the site. In terms of permeability, a new pedestrian/cyclist-only connection is proposed from the site to Restalrig Road. This would change the character of this section of road in a positive way. At present, it is not a welcoming or safe environment for pedestrians or cyclists, being a narrow road with a narrow pedestrian footway under a railway bridge. However, opening up a new access would create opportunities for pedestrians and cyclists to traverse the site, connecting to London Road and the cycle networks beyond. This would be a benefit to this part of the city in terms of active travel.

Therefore, the general layout within the site, coupled with the benefits that this proposal would bring to this part of the city, means that it is in accordance with the design policies, and specifically LDP Policy Des 7.

### **Site C - Entrance Frontage onto London Road**

The heights in this part of the site are proposed to range between four and seven storeys. The form of the development shown is a series of linked fingers, perpendicular to London Road, and will include a mix of commercial and residential developments.

The section diagrams show that the buildings along this frontage would sit within the context of the new sports centre building, as well as being viewed along London Road towards the new development at St Margaret's House. Here, there is capacity to have higher buildings, and this would be appropriate in urban design terms along the key frontage. The frontage is broken by a series of south-facing landscape courtyards, and this would add new landscaping along this road, which would tie in with the new landscaping associated with the sports centre.

The buildings in Site C are particularly important as they are required to have several frontages: the London Road frontage; the new access frontage; and the frontage into the site and towards the new internal park. The plans show how this could be achieved, and what uses could inhabit the ground floors in order to provide active frontage on all sides.

The layout and massing of the buildings on Site C are therefore acceptable in principle.

### **Landscape Impact**

As well as analysis provided in the design and access statement, a Landscape and Visual Impact Assessment (LVIA) has been submitted to assess the impact of the proposed development on city and local views, as per the requirements of LDP Policy Des 4 (Development Design - Impact on Setting). This LVIA considers potential cumulative views from many points across this development.

The Edinburgh Design Guidance identifies a series of key views across the city. This helps assess the impact of proposals on the skyline and is supported by LDP Policy Des 11 (Tall Buildings - Skyline and Key Views).

In this instance, the site is within viewcones of views E8 (London Road, Meadowbank - Calton Hill) and E9a (Lochend Park, upper level and Lochend Road South to Arthur's Seat).

It is therefore important to assess the proposals against the impact on these views, as well as local views and city views.

The LVIA contains a series of viewpoints, showing images of the existing site and images of the proposed massing of the new buildings.

In the long views, the site is visible from a number of locations, including Arthur's Seat, Calton Hill and Lochend Park. In most of these views, the site is visible, but the development does not have a significant adverse impact on the views.

However, there are two viewpoints where the impact of the development is greatest from a landscape impact viewpoint. These are Viewpoint 3: Holyrood Park, Duke's Walk and Viewpoint 7: Marionville Avenue at Marionville Crescent.

Viewpoint 3 shows that the development site is a visual endpoint in the view from Duke's Walk down Meadowbank Terrace. At present, there are views northwards towards the Firth of Forth and the foreground is currently trees and landscaping. The development (particularly the proposed frontage along London Road at Site C) will prevent this view from being maintained. The development will introduce a different view from this location, however if the buildings are sensitively designed and finished in appropriate material, this view would not be adversely affected; it would just be altered. Furthermore, the character of the new buildings will be consistent with the local built environment and while there is an impact in terms of the open nature of the site, there is not a strong landscape connection between the application site and Holyrood Park from this view, so the overall landscape impact would be minimal.

On balance, it is recognised that this viewpoint will be changed, and the buildings will need to be designed to a high quality in order to be an appropriate visual endpoint.

Viewpoint 7 shows the view from Marionville Avenue from the junction with Marionville Crescent. This view shows the proposals and the units along the northern boundary of the site are prominent from this viewpoint. The perspective given in the LVIA are of grey blocks without any articulation, so it is a crude representation of the possible appearance of the buildings. While there is little doubt that buildings will appear prominent in these views, the landscaping on the site and sensitive design of the buildings in further detailed applications, will demonstrate how the buildings could sit within the context.

It is recognised that the proposed development will alter the character of parts of Meadowbank, changing the area from spectator and sports ground to residential and mixed-use development of medium/high density. The townscape character of neighbouring streets will be altered through the introduction of increased height and density of buildings onto areas of the site that have generally been open or low-density buildings. Incidental views towards Arthur's Seat will also be obscured. However, the masterplan controls building heights, retains existing trees and includes new planting and landscaped spaces. This will help to mitigate potential impacts and create a townscape character that is complementary to the existing area.

## **Design Conclusion**

The scale and massing of the proposal have been carefully considered. At present, the scale and massing and urban grain of the site and in the surrounding area is somewhat varied. There is a predominance of four storey traditional tenemental form along the southern edge of London Road and Wishaw Terrace, along with the nearby single storey properties of Marionville Avenue, contrasting with the significant massing of St Margaret's House and Meadowbank House, which sit at nine storeys and eight storeys in height.

The LVIA undertaken for the site concludes that the scheme will have no adverse impacts on key city views. It is noted that the development will have some impacts on local views. At this stage, however, it should be noted that there has been no formal submission of the elevational treatments of the proposed development, and this can have a significant impact on how the development could sit within the streetscape. The LVIA has been carried out to industry standards, but this can often be a crude representation of how a building might appear, as opposed to seeing the design of a detailed scheme. It is considered that appropriately designed elevations can help to mitigate the impact on sensitive views.

At a local level, it is recognised that the proposals will change the character of the site, creating a more urban character. However, this change will enable the site to be developed in the most efficient way, providing a sustainable reuse of the site. The creation of a stronger street frontage, and the opportunity for new areas of public realm to be created will have a positive impact on this part of the city and will be an improvement on the current relationship between the site and London Road.

Furthermore, the proposed buildings will provide a reasonable stepping down of height when viewed in the context of the proposed development at St Margaret's House, and will act as a stepping stone between London Road and the lower density development along Marionville Avenue to the north of the site.

On balance, it is considered that the building height and massing as proposed will not have an adverse impact on the existing tenements to the west or south, or the houses to the north. The planning permission in principle supports a level of density and building height on this site which responds effectively to the surrounding context and it is considered that this scheme achieves this objective. The proposed height and massing are therefore considered to be appropriate for the setting and are acceptable in terms of LDP policies and Edinburgh Design Guidance.

### **c) Amenity of Neighbours and Future Occupiers**

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

#### **Existing Neighbours**

The properties which will be impacted most by the development are located to the immediate west of the site on Wishaw Terrace/Marionville Road, and those to the north on Marionville Avenue. The properties to the west (particularly those in upper flats) enjoy uninterrupted views across the site towards Arthur's Seat, and similarly, the houses to the north benefit from an open aspect. These outlooks and levels of amenity will be altered as a result of the development. Therefore, the scale of the impact requires careful consideration.

## Sunlight and daylight

As part of the proposals, a daylighting analysis, as outlined in the Edinburgh Design Guidance for Daylighting, Sunlight and Privacy, has been conducted. Sections following the 25-degree method of protecting sunlight to existing buildings has been drawn to ensure that the development will not adversely impact the daylight afforded to existing properties. Sunpath diagrams have also been submitted and illustrate a minimal impact on any existing residential property. The most affected properties are those on Wishaw Terrace and Marionville Road due to the proximity of the site. However, the distance between properties, the existing tall trees and the orientation of the properties along Wishaw Terrace or Marionville Road means that there will be no adverse impact on the sunlight or daylight levels to these properties.

## Privacy

The distance between the closest proposed block of houses (block A3) and existing properties on Marionville Road is approximately 18 metres. Block A3 comes closer to the footway on Marionville Road than the rest of the blocks due to a pinch-point on the running track behind, but this block benefits from having an area of defensible space between the building and the footway. This distance of 18 metres is acceptable in terms of affording adequate privacy to existing properties, however an informative is recommended to ensure that this distance is not compromised in further detailed applications.

In addition to Marionville Road, representations have been received from residents at Marionville Avenue, to the north of the site over the railway line. There is concern that the new units will affect levels of privacy, particularly from the taller blocks. The distance from the closest houses to the new properties is almost 60 metres, and the new blocks have been orientated in order to have gable ends facing the northern boundary. Impacts on privacy will therefore be minimal.

## Immediate Outlook

As part of the LVIA, a Residential Visual Amenity Assessment (RVAA) was carried out. The purpose of an RVAA is to provide an informed, well-reasoned answer as to whether the effect of the proposed development on residential visual amenity is of such a nature and/or magnitude that it potentially might affect living conditions or residential amenity.

The LVIA and RVAA examined the impact of the proposal on the privacy and outlook of the existing residents. Images were taken from inside properties/gardens along Wishaw Terrace and Marionville Avenue in order to assess the magnitude of the impact.

The RVAA that was carried out for the proposed development focused on the neighbouring residential properties and concluded that, while the LVIA has identified some localised visual prominence of the proposed development, this does not give rise to adverse effects of a scale as to be sufficiently adverse or out of scale as to affect the habitability of a property. The design mitigation measures will mean that the relative building height, the retention of existing trees and the designed planting of landscape areas will minimise adverse visual impacts.



To conclude, although there is a change in character of the site, and inevitably a change in the outlook, it is not inappropriate in terms of the context of the urban area, and the privacy levels are maintained.

## **Future Occupiers**

### **Sunlight and Daylight**

The sun path analysis shows that consideration has been given to the orientation of the new buildings. Further detailed analysis will be required for the individual blocks within the sub-sites, however at this stage, the sun path analysis shows adequate space between buildings to allow for sunlight and daylight penetration.

### **Privacy**

Similarly, the development of the site shows areas where there are buildings closer than 18 metres. The detailed design stage will be required to show that there is no impact on privacy of future occupiers. This can be done through design measures such as offset windows.

### **Noise and Immediate Outlook**

#### **Blocks A1 - A5 (as indicated on the masterplan)**

Due to potential noise and floodlighting issues, the proposed flats would have only closed plan kitchens, bathrooms or utility rooms facing the Sports Centre and running track/football pitch. This is to ensure that no habitable rooms would have a line of sight, thus mitigating against light glare and noise from the Sports Centre. This has been considered provisionally at this stage, however it is a matter for the future detailed applications which will be required to comply with this.

#### **Blocks C1, B1 and B2**

Based on the masterplan drawing, only non-habitable rooms such as closed plan kitchens, bathrooms and utility rooms should have a line of sight towards the Sports Centre site, as this is the only mitigation measure likely to ensure a reasonable standard of residential amenity for some of the properties. As above, this has been considered provisionally at this stage, but will be a matter for future phases of the design development. A design solution could be that the lift shaft and common stair could also be moved from central parts of the building to the facade overlooking the Sports Centre and facilities.

#### **Cafe at Block A1 and C1 - Noise and Odour**

It is recommended that a suitably sized void space is incorporated into the design of blocks A1 and C1 that will permit the installation of a kitchen ventilation extraction duct for the cafes; if required at any point in the future. In order to prevent cooking odour issues, the duct exhaust point must be 1 metre above eaves height within a 30-metre radius of the residential properties. Alternatively, it could be recommended that the cafes have a restricted cooking equipment condition.

This will be a constraint to any business using the space, especially if there is no option available to install a full height kitchen ventilation extraction system.

A Noise Impact Assessment (NIA) for the cafés and how they will impact on neighbouring residential accommodation will also be required with any detailed planning application for this part of the site.

#### Events Space, Block C1

Further information required on planning classification for this space, as depending on potential uses, there may be noise issues and therefore a NIA would be required.

#### Electrical Sub-Station Noise

The Electrical Sub-Station is positioned between blocks A2 and A3, but very close to A2 as well as at block B1 and B9. Due to the tonal nature of this noise, it requires to be controlled to ensure noise levels are no higher than the NR20 criterion inside residential accommodation, through a slightly open window. It is recommended that consideration is given to relocating the substations elsewhere on the site, further away from properties. A Noise Impact Assessment (NIA) will be required to be submitted with the full application specifying any mitigation measures required to achieve compliance with NR20 inside the most affected properties.

#### **Conclusion**

Due to the change in the character of the site, there will be impacts on the perceptions of existing residents. However, the proposal accords with LDP Policy Des 5 in relation to amenity.

#### **d) Landscape Arrangements**

LDP Policy Env 20 (Open Space in New Development) seeks to provide new publicly accessible and useable open space in new development. Policy Des 8 (Public Realm and Landscape Design) seeks that planning permission will be granted for development where all external spaces, features, civic spaces, footpaths, green spaces and boundary treatments have been designed as an integral part of the scheme as a whole. Policy Hou 3 (Private Green Space in Housing Development) requires that a minimum of 20% of the site area should be useable greenspace.

The landscape arrangements on this site comprise private spaces that will be required to serve the new developments, and new areas of publicly accessible open space in key locations.

The site is of archaeological significance containing two potential sites of national importance; St Margaret's Well and the Turntable for the former St Margaret's Locomotive Works. Accordingly, several of the PPP conditions refer to and deal with archaeology and heritage matters, and how to best interpret and include these sites within the proposals. Further to discussions over the potential protection of the locomotive turntable, detailed drawings and an Archaeology and Heritage Interpretation section of the Masterplan and Design and Access Statement have been submitted.

The statement and drawings show that the archaeological and heritage assets have been incorporated into the design of the new public open spaces within the site. This includes the creation of the new Turntable Park on the site of the former locomotive works turntable.

Similarly, the site benefits from large areas of existing landscaping and trees, particularly along the northern and western boundaries.

The heritage assets, coupled with the existing landscaping, as well as community consultation, has helped shaped the proposed landscape strategy for the site. It is proposed that there are seven key landscape areas; each with individual characters.

Historic Clockmill Lane is proposed to be reinstated through the site as an area of public realm and connectivity; Restalrig Raingarden at the far eastern end addresses the challenge of reducing ground levels by 7 metres to Restalrig Roundabout by having terraced gardens. The location here coincides with a surface water connection outlet point, and this has evolved into a sustainable and attractive strategy of addressing both surface water attenuation and creating a solution for ground level differences; Turntable Park is centred on the actual location of the railway turntable when the site was a significant railway yard in the 19th Century. It is the key open space serving the development; Lochend Link signifies the proposed connection on a north/south axis through the site, linking London Road to Lochend Park to the north; the Piershill edge along the northern boundary is an area of existing planting, and it is proposed that this planting will be supplemented to provide a robust and managed boundary and wildlife corridor; and lastly, the Wheatley Elms urban parklet is proposed to run along Wishaw Terrace and Marionville Road in the form of a linear park and improve ground conditions along the base of the trees as many of these trees are currently encased in asphalt.

Part of the landscape strategy also includes areas of an integrated playful landscape strategy, including waymarked routes for running, walking and non-traditional structures for multi-generational play.

These measures help to contribute towards making the site attractive and accessible. It should be noted that the North East Edinburgh Locality Open Space Action Plan (March 2017) identified a deficiency in homes with access to a good quality local greenspace (of over 500 square metres) to the immediate west of the site. There is also a small area within the site which has been identified as having no access to greenspace.

This proposal will help address this deficiency by providing new opportunities for accessible greenspace within the site.

In terms of the requirements of LDP Policy Hou 3, at least 20% of the site is useable green space.

## **Trees**

As a first principle, LDP Policy Env 12 (Trees) seeks to retain trees on site, unless their removal is for arboricultural reasons. Where loss is required, replacement planting will be sought.

Within Site A, the 31 Wheatley Elms will be retained. In addition, 11 sycamore, eight poplars, four willows and three lime trees will be retained. Along the boundary with Marionville Road, it is proposed that the tree groups of *Leylandii* are removed. In addition, around 25 sycamore trees are proposed to be removed.

In Site B, it is proposed that four rowan trees are removed in order to accommodate Turntable Park.

As part of policy Env 12, the loss of trees is offset by the planting of new biodiverse native species, including birch, elm, apple, plum and whitebeam. These trees will be planted in various locations throughout the site, including along boundaries, along the London Road frontage and within the new streets within the development.

Therefore, the development is acceptable in terms of LDP Policy Env 12 (Trees).

## **Landscape Conclusion**

These measures not only provide a high-quality landscape within the site, but also address concerns and requirements regarding the retention and conservation of the site's archaeological heritage. The landscape strategy is innovative and will provide large areas of new amenity for the existing and new communities. New areas of tree planting will benefit the biodiversity of the site and will offset the loss of tree groups requiring removal.

In terms of phasing of the landscape elements, it is recommended that these measures are implemented prior to the occupation of the properties in the relevant phase.

Accordingly, the proposal is acceptable on basis of LDP policies Env 20 and Des 8 and the Edinburgh Design Guidance.

## **e) Access Arrangements - Road Safety and Public Transport**

To support the proposals, an access strategy was included within the design and access statement. This set a fundamental principle of allowing the site to be designed as a people-priority development where vehicle movement is kept to a minimum.

The masterplan is proposing new pedestrian/cycle access from Restalrig Road into the site, as well as pedestrian/cycle access from Marionville Road. The Restalrig access would be beneficial in allowing pedestrian/cycle movement through the site, avoiding Smokey Brae/Restalrig Road. The new access from Marionville Road allows for additional pedestrian/cycle access and has been designed in order to maximise passive surveillance with overlooking by properties and good lighting.

The strategy also sets out that the main vehicle access is taken from London Road, for use by both the sports centre and the rest of the masterplan area. In addition, a new turning/drop-off area is proposed within Site C for the commercial units. A narrow gateway feature is proposed to discourage car users into the masterplan area, however there are 22 accessible spaces proposed throughout the site to allow for this parking. Generally, vehicle access is limited to accessible users, delivery drivers, refuse and emergency vehicles.

There is also parking provision afforded to the proposed healthcare unit, where four drop-off spaces are indicated. There is also capacity for undercroft parking of up to 18 spaces to the lower ground floor of Site C for patient and staff parking.

It is proposed that cycle storage is set at 200% or greater, within a range of different bike stores to accommodate the various vehicle types. This will be a mix of storage within apartment blocks, as well as integrated and free-standing external stores.

The design of individual homes would also consider cycle use in order to make sure there is adequate storage for all items including cycle helmets and carriers. There is also a proposed active travel hub in the corner unit of the block in Site C. The ambition is to provide bike service stations, communal bike pumps and repair stations, as well as e-bike charging stations.

In relation to pedestrian crossings, there are a number of areas where improvements have been identified. On London Road, the new access will include a dedicated cycle way and a new 4-way traffic light system with a push-button for cyclists. Restalrig roundabout is also identified for improvements including a new toucan crossing, the delineation of cycle lanes and landscaping improvements.

It is anticipated that the phasing of these works will coincide with the development of the relevant phase.

The Roads Authority has no objections subject to informatives relating to access and details for roads construction consent (RCC). These have been addressed in the informatives for the planning permission in principle and will be taken forward in detailed applications.

Notwithstanding, the Roads Authority has stated that the proposed zero level of parking may lead to overspill parking on surrounding roads. The Council is currently pursuing the introduction of parking controls as part of the first phase of a phased extension to the existing city centre controlled parking zone. Such controls are considered an important element in supporting the aspirations for a 'car free' development.

Therefore, the proposals are acceptable in terms of parking and access at this stage.

## **f) Flooding and Drainage**

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

In this instance, SEPA have indicated that there is no risk from fluvial flooding on the site. Areas of pluvial flooding (surface water) is the responsibility of the local authority.

Within Site A, the SEPA 1:200-year flood map shows that this parcel of land within the overall site boundary is at no risk of surface water flooding. It is proposed to fall levels on this area of the site from north to south with the western edge of this site following the steep gradient profile of Wishaw Terrace. The northern boundary looks onto Marionville Road where all surface water run-off from the road and footpaths is captured in road gullies, where it then discharges to the public sewer. Therefore there is no risk of flooding considered from this boundary.

The southern boundary will be bounded by a retaining wall to the sports centre (approximately 6-7 metres in height) where the site is at a higher level, therefore there is no risk of flooding from this boundary.

With regards to Sites B and C, the SEPA 1:200-year flood map identifies a medium risk of surface water flooding from the railway to the south and Marionville Avenue to the north.

This area of flooding centrally occurs due to a low point of land within the existing development boundary. It is proposed to raise levels within the development and maintain a fairly constant level centrally before gradually beginning fall towards the east corner.

Any flood risk from off-site flows from London Road is considered negligible due to the location of the existing stone boundary wall to the south. Any potential overland flow that enters the new access road from London Road will be collected by the access road gullies and discharged back into the drainage network.

In addition to the technical methods of dealing with surface water, it is proposed that it is supplemented by the use of swales, rain gardens and blue/green roofs in order to slow surface water run-off. The location of these are shown on the Rainwater Management Strategy which forms part of the Masterplan document.

Flood Planning are satisfied that development on this site would be acceptable on the basis that modelling outputs and overland flow paths are submitted as part of the future planning stages. This would be in addition to outputs from a Microdrainage (or equivalent) model.

Scottish Water have stated that it has no objection to the proposals, subject to further exploratory work on the underground assets (the pipeline). It is the responsibility of the developer to ensure that they can connect to the water and foul system.

At this stage, the proposal is acceptable in terms of Policy Env 21.

## **g) Sustainability**

LDP Policy Des 6 (Sustainable Buildings) requires the incorporation of features that will reduce or minimise environmental resource use and impact.

A district heating scheme is shown for the site at the northern part of the site between the sports pitch and the proposed housing. This is intended to serve all the uses on the site and will also allow the sports centre to connect in and be used as a top up for the sports centre's system. An options appraisal is currently underway to determine the most efficient renewable energy source for the district heating system. It will also consider opportunities for the district heating network to serve other new developments in the area.

This would be in accordance with policy Des 6, and would be an example of good practice. A condition is therefore recommended in order to secure a site within the masterplan for the future use as an energy centre.

As this application is for a masterplan, no details have been submitted regarding the sustainability performance of individual buildings. This will be required in the submission of further applications. However, at this stage, it can be concluded that the principles of the district heating site is acceptable,

In addition, the site is well connected by public transport and is in a sustainable location. Further to the inclusion of a district heating scheme, a wider ethos has been presented by the applicant in terms of sustainable travel and minimising car use for the site. This means that the site will only have accessible parking spaces, and that a greater emphasis on cycling and walking is proposed. This is evident through the new pedestrian/cyclist-only access being created through to Restalrig Road, improvements for pedestrians and cyclists on Restalrig Road, and the emphasis on creating streets for people.

At this stage, the masterplan is in accordance with LDP Policy Des 6.

## **h) Other Material Considerations**

### **The Impact on Network Rail's Infrastructure**

Network Rail was consulted on the application and assessed the masterplan in relation to the existing railway infrastructure.

Network Rail raised concerns regarding the existing lineside access points, and the need for the developer to agree with Network Rail any proposed changes to this access.

Network Rail has a prescriptive right of access to the three lineside access points which provide maintenance and engineering teams safe and essential access to the East Coast Mainline to carry out critical maintenance and enhancement works. Any loss or change to this lineside access could have major impacts on the maintenance and enhancement of the infrastructure and in turn impact on the safe and reliable operation of local and long-distance train services on the wider rail network.

Any relocation or changes to this access must be fully agreed with Network Rail and the details of the agreed access must be shown on a plan.

Network Rail has also requested that additional information should be provided to understand the impacts of the development on the operational railway. To allow Network Rail's Asset Protection Engineers to fully assess that the proposed ground works for the Restalrig Rain Gardens area will not adversely affect the stability of the adjacent railway lines, detailed existing and proposed sectional plans showing the proposed levels in relation to the railway line must also be submitted.

Network Rail's Telecoms Engineers also have concerns that the proximity of the closest proposed residential blocks to the existing telecoms mast may have an impact on the operation of this infrastructure. Further assessment will have to be carried out by Engineers to determine what the impacts are and if any mitigation will be required.

All or part of this land was previously owned by Network Rail, or its predecessors and title obligations may exist that require development consent to be obtained from Network Rail. No building works may commence until such consent has been confirmed. This must be obtained by the applicant outwith the planning process. The developer must contact Network Rail's Asset Protection Engineers regarding this matter.

In addressing these issues, the applicant has been liaising with Network Rail and three meetings have taken place, alongside ongoing correspondence replying to any queries as they have arisen. With regards to the specific concerns, diagrams have been provided to Network Rail indicating line access points. Both the East Coast mainline and Powderhall lines are served by secure gates. Network Rail may wish to agree operational matters direct with the Council (e.g. how often they wish to use the gates), and a condition is recommended to address this issue.

With regards to the works at boundaries and the retaining walls, the first stage of investigations has taken place. Sample cores have been drilled into the Smokey Brae retaining walls and Network Rail have facilitated this process by providing permissions. A further stage of investigation is planned and the project engineer (Will Rudd Davidson) continues to liaise with Network Rail. Although it has since been confirmed that Network Rail do not own the walls on Restalrig Road/Smokey Brae, the applicants continue to seek their permission as other Network Rail infrastructure is in close proximity.

With regards to the antennae operation, there is a large Network Rail owned antenna close to the south east boundary and this has been investigated. Network Rail have carried out their own engineering analysis of signal strength and whether the masterplan design would interfere. Network Rail concluded that the proposal would not interfere.

There is a Basic Asset Protection Agreement (BAPA) between Network Rail and the applicants, and this continues to be in place and is allowing the investigation works at the retaining walls to move forward.



Nevertheless, conditions are recommended in order that further details are submitted with regards to the Restalrig Raingardens and the engineering solutions. Similarly, a condition is recommended to address the lineside access points. With regards to the telecomms apparatus, it will be monitored, and remedial action can be taken in the future if required.

## **The Energy Centre**

An Energy Strategy Report has been submitted. It outlines the three options currently being considered: Ground Source Heat Pumps (GSHP), Wastewater Heat Recovery (WWHR) or a combination of both may also be suitable. The third option being considered is an Air Source Heat Pump (ASHP) system.

However, whatever option is chosen, the report advises that a suitable top-up and back-up systems will also be required. These would consist of Combined Heating and Power Units (CHP) and more traditional high efficiency gas fired boilers.

If a combustion plant is selected and the capacity is above 366kW, a chimney height calculation as per the Clean Air Act will be required. However, if the combustion plant is rated between 1 and 50 MW (net rated thermal input) the plant will require to be registered with or have a permit from SEPA. This is required under the The Pollution Prevention and Control (Scotland) Regulations 2012 which 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. Environmental Protection will require that secondary abatement technology is incorporated into any plant above 1MW (accumulative assessment).

Whichever system is selected, a NIA will be required that demonstrates (with or without mitigation measures) compliance with the NR25 criterion inside residential accommodation through an open window. The NIA should be based on worst case scenario operating conditions when the top-up CHP is required to operate. An assessment of the back-up system under worst case scenario operating conditions will also be required.

This issue can be addressed in any relevant detailed application, and an informative is recommended on this basis.

## **Air Quality**

As part of the Planning Permission in Principle, it was advised that the developer should produce an up-to-date Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impacts;

- Keep car parking levels to minimum;
- Car Club facilities (electric and/or low emission vehicles);
- Provision of rapid electric vehicle charging facilities;
- Public transport incentives for residents, and;
- Improved cycle/pedestrian facilities and links.

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

Edinburgh has made progress in encouraging the adoption of electric/hybrid plug-in vehicles, through deployment of extensive charging infrastructure. As plug-in vehicles make up an increasing percentage of the vehicles on the roads, their lack of emissions will contribute to improving air quality especially as this site is located near an Air Quality Management Area (AQMA).

The proposal aims to limit the car use and the ethos of the development of the site is to promote active travel. Environmental Protection is satisfied that the air quality impacts of this proposed development will be limited.

The proposal is therefore in accordance with LDP Policy Env 22 (Pollution and Air, Water and Soil Quality).

## **i) Representations**

### **Material Objections**

- General non-support for buildings on the site (addressed in 3.3a);
- Cumulative impact with other developments in the area (addressed in 3.3b);
- Too many units, too dense (addressed in 3.3b);
- Too high (particularly along Wishaw Terrace, as well as the northern boundary) (addressed in 3.3b);
- Noise from railway line (addressed in 3.3c);
- Impact on sunlight/daylight (addressed in 3.3c);
- Impact on privacy (addressed in 3.3c);
- Loss of trees and landscaping (addressed in 3.3d);
- Traffic problems, and the need to reduce the speed limit on Restalrig Road (addressed in 3.3e);
- Active travel connectivity unclear between Holyrood Park and Lochend Park (addressed in 3.3e);
- Impact on existing parking, and parking pressures generally within the site (addressed in 3.3e);
- Flooding issues (addressed in 3.3f), and;
- Impact on air quality (addressed in 3.3i).

## **Non-material comments**

- Loss of stadium;
- Loss of view to Arthur's Seat from property on Marionville Road;
- Impact on property values;
- There should be more affordable housing;
- Student accommodation should not be on the site;
- Inappropriate location for affordable housing.

## **Conclusion**

The purpose of the masterplan is to provide guiding principles for forthcoming detailed applications.

It is recognised that the proposed development will alter the character of the wider area, changing the area from spectator and sports ground to residential and mixed-use development of medium/high density. The townscape character of neighbouring streets will be altered through the introduction of increased height and density of buildings onto areas of the site that have generally been open or low-density buildings. Incidental views towards Arthur's Seat will also be obscured, and local views will be changed.

However, the masterplan controls building heights, retains the important existing trees and includes new planting and landscaped spaces. This will help to mitigate potential impacts and create a townscape character that is complementary to the existing area. The proposals for the landscape are innovative and exemplary. Likewise, the emphasis on active travel and reducing car use is supported in this accessible location.

Impacts on amenity have been considered and informatives are recommended to ensure privacy is maintained.

On balance, the masterplan has sufficiently demonstrated compliance with the policies of the Edinburgh Local Development Plan (LDP) and the Edinburgh Design Guidance, and it defines the parameters for forthcoming detailed applications.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions: -**

1. Network Rail have a prescriptive right of access to the three lineside access points. Any relocation or changes to this access must be fully agreed with Network Rail and the details of the agreed access must be shown on an amended plan to be submitted for approval prior to the commencement of works on that phase of the site.

2. To allow Network Rail's Asset Protection Engineers to fully assess that the proposed ground works for the Restalrig Rain Gardens area will not adversely affect the stability of the adjacent railway lines, the applicant shall provide detailed existing and proposed sectional plans showing the proposed levels in relation to the railway line, to be submitted for approval prior to the commencement of any works on that phase of the site (Site B).
3. For each phase of the development, as shown within the Masterplan and Design and Access Statement, the delivery of the infrastructure and landscaping shall be installed prior to the occupation of that phase.

**Reasons: -**

1. In the interests of railway safety and maintenance.
2. In the interests of railway safety and maintenance.
3. To ensure the delivery of the landscaping and infrastructure.

**Informatives**

It should be noted that:

1. Blocks A1 - A5

It is understood from discussions with the developer at the Landscape and Constraints meeting that the proposed dwellings would have only closed plan kitchens, bathrooms or utility rooms on the façades facing the Sports Centre and running track / football pitch. This is to ensure that no habitable rooms would have a line of sight, thus mitigating against light glare and noise from the Sports Centre.

Blocks C1, B1 and B2

It is unknown what mitigation measures, are proposed to protect the amenity of residents in these blocks from both light glare from the Sports Centre, football pitches / running track and car park, as well as noise.

Based on the masterplan drawing, it is considered that only non-habitable rooms such as closed plan kitchens, bathrooms and utility rooms shall have a line of sight towards the Sports Centre site. As this is the only mitigation measure likely to ensure a reasonable standard of residential amenity for some of the properties. The lift shaft and common stair could also be moved from central parts of the building to the façade overlooking the Sports Centre and facilities.

For Blocks B1 and B2, the position and design of the Energy Centre in terms of height and width, could be optimised to provide a barrier for both noise and light glare. This could form the mitigation to protect amenity for some of the properties that would otherwise be affected by noise and light glare.

There was also discussion at the Landscape and Constraints meeting about the use of a bund and barrier to assist in mitigating noise and light issues from the Sports Centre and football pitch. However, this does not appear on the masterplan drawing.

#### Café at Block A1 and C1 - Noise and Odour

It is recommended that a suitably sized void space is incorporated into the design of blocks A1 and C1 that will permit the installation of a kitchen ventilation extraction duct for the cafés; if required at any point in the future. In order to prevent cooking odour issues, the duct exhaust point must be 1m above eaves height within a 30m radius of the residential properties. Alternatively, it shall be recommended that the cafés have a restricted cooking equipment condition. This will be a constraint to any business using the space, especially if there is no option available to install a full height kitchen ventilation extraction system.

A Noise Impact Assessment (NIA) for the cafés and how they will impact on neighbouring residential accommodation will also be required with the full planning application.

#### Events Space, Block C1

Further information required on planning classification for this space, as depending on potential uses, there may be noise issues and therefore a NIA would be required.

#### Energy Centre

An Energy Strategy Report has been submitted. It outlines the three options currently being considered: Ground Source Heat Pumps (GSHP), Wastewater Heat Recovery (WWHR) or a combination of both may also be suitable. The third option being considered is an Air Source Heat Pump (ASHP) system.

However, whatever option is chosen, the report advises that a suitable top-up and back-up systems will also be required. These would consist of Combined Heating and Power Units (CHP) and more traditional high efficiency gas fired boilers. However, a Climate Emergency has been declared by the Scottish Government and they have amended the Climate Change Bill to set a 2045 target for net zero emissions. The City of Edinburgh Council has recently set an even more ambitious target for the city to become carbon neutral by 2030.

Therefore, this development represents an opportunity for a zero carbon rather than low carbon-based energy system for the development.

I recommend that the Energy Strategy Report be updated to present zero carbon back up and top up options. Biomass should not be considered due to the impact on local air quality.

If a combustion plant is selected and the capacity is above 366kW, a chimney height calculation as per the Clean Air Act will be required. However, if the combustion plant is rated between 1 and 50 MW (net rated thermal input) the plant will require to be registered with or have a permit from SEPA. This is required under the The Pollution Prevention and Control (Scotland) Regulations 2012 which 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. Environmental Protection will require that secondary abatement technology is incorporated into any plant above 1MW (accumulative assessment).

Whichever system is selected, a NIA will be required that demonstrates (with or without mitigation measures) compliance with the NR25 criterion inside residential accommodation through an open window. The NIA should be based on worst case scenario operating conditions when the top-up CHP is required to operate. An assessment of the back-up system under worst case scenario operating conditions will also be required.

### Electrical Sub-Station Noise

An Electrical Sub-Station is positioned between blocks A2 and A3, but very close to A2 as well as at block B1 and B9. Due to the tonal nature of this noise it requires to be controlled to ensure noise levels are no higher than the NR20 criterion inside residential accommodation, through a slightly open window. It is recommended that consideration is given to relocating the substations elsewhere on the site, further away from properties. A Noise Impact Assessment (NIA) will be required to be submitted with the full application specifying any mitigation measures required to achieve compliance with NR20 inside the most affected properties.

2. Due to the tonal nature of the noise from the electrical sub-station, it requires to be controlled to ensure noise levels are no higher than the NR20 criterion inside residential accommodation, through a slightly open window. It is recommended that consideration is given to relocating the substations elsewhere on the site, further away from properties. A Noise Impact Assessment (NIA) will be required to be submitted with the detailed application specifying any mitigation measures required to achieve compliance with NR20 inside the most affected properties.
3. For the avoidance of doubt, the distance between the proposed properties at block A3 as shown on the masterplan and the existing properties on Marionville Road will be a minimum distance of 18 metres.

## Financial impact

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### 4.1 The financial impact has been assessed as follows:

At a Full Council meeting in March 2008, it was agreed that new build at Meadowbank was the best option for the future of this sport centre and stadium, and agreed to commission an appraisal for a new facility (found in the Minutes here: [http://www.edinburgh.gov.uk/meetings/meeting/792/city\\_of\\_edinburgh\\_council](http://www.edinburgh.gov.uk/meetings/meeting/792/city_of_edinburgh_council))

These option appraisals were advanced, and in January 2015 the Council's Corporate Policy and Strategy Committee agreed feasibility studies, funding options and design studies for the demolition of the existing centre and its replacement with a new facility meeting current standards. A detailed business case, funding options and technical reviews were also undertaken along with extensive consultation with the existing users of the facility, and related sports bodies and organisations (minute found here: [http://www.edinburgh.gov.uk/meetings/meeting/3585/corporate\\_policy\\_and\\_strategy\\_committee](http://www.edinburgh.gov.uk/meetings/meeting/3585/corporate_policy_and_strategy_committee)).

A report to the City of Edinburgh Council in March 2016 confirmed and agreed the strategy for the redevelopment of the existing Meadowbank complex which included a commitment to the provision of a new sports centre and associated facilities and the release of three sites for other development to generate funding for the new sports centre. The Council agreed that two of the sites released would be for future residential development and the third site for commercial development. (minute at: [http://www.edinburgh.gov.uk/meetings/meeting/3894/city\\_of\\_edinburgh\\_council](http://www.edinburgh.gov.uk/meetings/meeting/3894/city_of_edinburgh_council)).

A subsequent update on the project was provided to the Council's Culture and Sports Committee on 14 December 2016 and this was referred to the meeting of the full Council on 9 February 2017. These update Reports were agreed, and it was noted that the funding package for the replacement sports centre relies on cross-funding and capital receipts from the proposed housing and commercial development on the surplus sites ([http://www.edinburgh.gov.uk/meetings/meeting/4094/culture\\_and\\_sport\\_committee](http://www.edinburgh.gov.uk/meetings/meeting/4094/culture_and_sport_committee) and [http://www.edinburgh.gov.uk/meetings/meeting/4124/city\\_of\\_edinburgh\\_council](http://www.edinburgh.gov.uk/meetings/meeting/4124/city_of_edinburgh_council)).

## Risk, Policy, compliance and governance impact

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

## Equalities impact

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### 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

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### 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

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### 8.1 Pre-Application Process

Pre-application discussions took place on this application.

### 8.2 Publicity summary of representations and Community Council comments

The application was advertised on 18 February 2020 and 51 comments were received. This comprised 50 letter of objection and 1 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

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



## **Statutory Development**

### **Plan Provision**

The site is within the Urban Area in the Local Development Plan (LDP). Parts of the site are also designated open space.

The railway line running along the site's northern boundary is safeguarded for potential future passenger services with an associated potential rail halt.

### **Date registered**

10 February 2020

### **Drawing numbers/Scheme**

01-12, and the document titled 'Masterplan and Design, and Access Statement, January 2020'.,

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lesley Carus, Team Leader

E-mail:lesley.carus@edinburgh.gov.uk

## **Links - Policies**

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

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy 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 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.

### **Other Relevant policy guidance**

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

# Appendix 1

## **Application for Approval of Matters Specified in Conds 20/00618/AMC**

**At Meadowbank Stadium, 139 London Road, Edinburgh  
Application for approval of matters specified in condition 1 of 18/00154 PPP for the proposed redevelopment of surplus land at Meadowbank Sports Centre with mixed uses including residential and commercial, together with roads, landscaping, drainage and ancillary works.**

### **Consultations**

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#### **SEPA 5 March 2020**

*We have no objection to this planning application. Please note the advice provided below.*

#### *1. Flood risk*

*1.1 As the flood risk assessment (FRA) relates to surface water and not fluvial flooding we have no comments to make, as the responsibility for surface waste flooding lies with the planning authority. Please refer to the guidance in our website.*

#### *2. Energy Statement*

*2.1 We acknowledge the receipt of the Energy Statement. We will not audit Energy Statements or Feasibility Studies (the responsibility for this lies with the planning authority) but expect them to be undertaken to demonstrate full consideration of how the proposed development can contribute towards Scotland's climate change targets in line with our Public Body Duties under the Climate Change (Scotland) Act 2009 to act "in the way best calculated to help deliver the emissions reduction targets and the statutory Adaptation Programme" and in a way we consider is most sustainable."*

#### *3. Water environment*

*3.1 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*

*3.1 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.

3.2 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.

3.3 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).

3.4 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*

3.5 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.

3.6 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.

3.7 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.

#### *4. Construction site licence*

4.1 The development however require a Construction Site Licence as the site is 4ha. See further details in the regulatory requirements section below.

#### *5. Sustainable waste management*

5.1 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.

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.*

*5.2 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.*

## *6. Contaminated land*

*6.1 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.*

## *7. Air quality*

*7.1 The local authority is the responsible authority for local air quality management under the Environment Act 1995, however we recommend that this development proposal is assessed alongside other developments that are also likely to contribute to an increase in road traffic. This increase will exacerbate local air pollution and noise issues, particularly at busy junctions and controlled crossing points. Consideration should therefore be given to the cumulative impact of all development in the local area in the ES or planning submission. Further guidance regarding these issues is provided in NSCA guidance (2006) entitled Development Control: Planning for Air Quality.*

*7.2 If the proposed development is in close proximity to or within an Air Quality Management Area, an air quality assessment should also be included to ensure compliance with the appropriate air quality standards. Air Quality Management Areas are designated for areas which have levels of air pollution that exceed recommended exposure limits that have been set to protect human health.*

## *Caveats and detailed advice for the applicant*

## *8. Flood risk*

*8.1 We refer the applicant to the Planning Authority as this case is related to surface water flooding.*

## *9. Energy Statement*

*9.1 Set out in the paragraphs below, for the applicant, are links to relevant sources of information and guidance with regards feasibility assessments and energy statements.*

*9.2 Our Development Management Guidance and associated Background Paper can be found on our website. The Background Paper sets out why SEPA comments on this matter and adds background to our position for both development plan and development management stages of planning. On page 28/ paragraph DM.13 there are links to example approaches in English Local Authorities on District Heating, feasibility assessments and energy statements.*

*9.3 The Scotland Heat Map is available and includes information on heat demand and potential heat supply, as well as existing and in-development heat networks.*

*9.4 Through Stratego, Scottish Futures Trust have been providing information on funding models for developing district heating networks. Information on the relevant presentation can be found here.*

9.5 *Scottish Enterprise may also have useful information or contacts on this matter which can be viewed [here](#) and [here](#).*

9.6 *The Chartered Institute of Building Services Engineers (CIBSE) published a Code of Practice document which outlines essentially a project management approach towards developing a district heating network. It details every stage from design and layout of the network, product and material choice to ongoing maintenance and management of an operational network.*

## 10. *Other*

10.1 *Please note the other advice provided in the sections for the Planning Authority. Regulatory advice for the applicant*

## 11. *Regulatory requirements*

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

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

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

*is more than 4 hectares,*

*is in excess of 5km, or*

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

*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.*

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

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

## **Police Scotland 5 March 2020**

*I write on behalf of Police Scotland regarding the above planning application.*

*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.*

## **Network Rail 30 March 2020**

*In regard to this Approval Of Matters Application, we have assessed the Masterplan and other documentation which has been submitted in support of this application and must object on a number of points which are detailed below:*

*Network Rail have a prescriptive right of access to the three lineside access points which provide our maintenance and engineering teams safe and essential access to the East Coast Mainline to carry out critical maintenance and enhancement works. Any loss or change to this lineside access could have major impacts on the maintenance and enhancement of our infrastructure and in turn impact on the safe and reliable operation of local and long-distance train services on the wider rail network. Any relocation or changes to this access must be fully agreed with Network Rail and the details of the agreed access must be shown on an amended Masterplan.*

*We have also identified that insufficient information has been provided to understand the impacts of the development on the operational railway. To allow our Asset Protection Engineers to fully assess that the proposed ground works for the Restalrig Rain Gardens area will not adversely affect the stability of the adjacent railway lines, detailed existing and proposed sectional plans showing the proposed levels in relation to the railway line must also be submitted.*

*The developer should also be aware that Network Rail's Telecoms Engineers have concerns that the proximity of the closest proposed residential blocks to our existing telecoms mast may have an impact on the operation of this infrastructure. Further assessment will have to be carried out by our Engineers to determine what the impacts are and if any mitigation will be required.*

*If the above issues are not addressed, they could have an impact on the safe and reliable operation of the railway. We strongly recommend that the processing of the application is halted until this information is provided. If the information is not provided Network Rail must object to the application.*

*The following matter should also be noted by the developer:*

*All or part of this land was previously owned by Network Rail, or its predecessors and title obligations may exist that require development consent to be obtained from Network Rail. No building works may commence until such consent has been confirmed. This must be obtained by the applicant outwith the planning process. The developer must contact our Asset Protection Engineers regarding this matter.*

## **Network Rail further response 17 September 20**

*As discussed, we would be happy to remove our objection to this application if the previous issues raised regarding the lineside access points and the ground works for the Restalrig Rain Gardens could be addressed by the way of conditions for the approval of these matters.*

## **Scottish Water 25 February 20**



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

#### *Water*

*This proposed development will be fed from GLENCORSE Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Waters website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application)*

#### *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-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application)*

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

#### *Infrastructure within boundary*

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

#### *Drinking Water Protected Areas*

*A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water*

*Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.*

#### *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](mailto:sw@sisplan.co.uk)*

*[www.sisplan.co.uk](http://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](http://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](mailto: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.*

## **Roads Authority 22 September 2020**

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

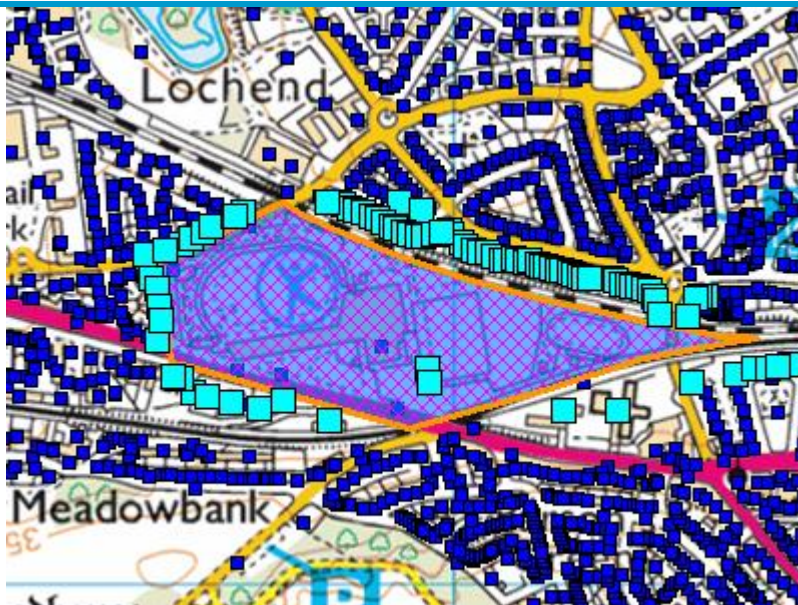
- 1. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that the proposed road layout is not agreed at this stage and a number of elements of the layout will require detailed design and drawings to be submitted in relation to Road Construction Consent, including details of proposed works outside the site boundary;*
- 2. Traffic orders relating to access, parking, cycle tracks, redetermination and other traffic management will be required prior to implementation on site. The applicant should note that these orders require statutory process and are open to objection. Their implementation cannot, therefore, be guaranteed;*
- 3. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
- 4. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*
- 5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), 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. Electric vehicle charging outlets for the disabled parking and car club spaces to be provided at a rate of 1 in 6 spaces.*

Note:

- a) The development does not propose to provide car parking for general use. A total of 22 disabled parking spaces and 6 car club spaces are to be provided within the development. A further 18 spaces are proposed for surgery staff and visitors;
- b) The proposed zero level of parking may lead to overspill parking on surrounding roads. The Council is currently pursuing the introduction of parking controls as part of the first phase of a phased extension to the existing city centre controlled parking zone. Such controls are considered an important element in supporting the aspirations for a 'car free' development;
- c) Cycle parking is proposed to be provided within the development at a level of approximately 2 spaces per property. These are proposed within secure and under cover locations.

## Location Plan

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**END**

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