

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 11th November, 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.

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1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 9 November 2020** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

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

3. Minutes

- 3.1 Minute of the Development Management Sub-Committee of the 28 October 2020 – submitted for approval as a correct record 9 - 12

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

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

Pre-Applications

- 4.1 Report for forthcoming application by CCG (Scotland) Ltd. for Proposal of Application Notice at 25, Marine Drive, Edinburgh (Land 220 Metres North East Of) - Residential development comprising circa 450 flats with associated roads, parking and landscaping works - application no 20/01068/PAN – Report by the Chief Planning Officer 13 - 18

Applications

- 4.2 165 Broughton Road, Edinburgh, EH7 4LG - Proposals are to extensively repair and refurbish the existing stables building, including demolition of some internal elements, renewal of all services, replacement of windows and rooflights, stone and roof repairs. Current use is office and workshop. Proposed use is office, artist studios and function/cafe space - application no 20/03162/FUL – Report by the Chief Planning Officer 19 - 40

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

- 4.3 165 Broughton Road, Edinburgh, EH7 4LG - Proposals are to extensively repair and refurbish the existing stables building, including demolition of some internal elements, renewal of all services, replacement of windows and rooflights, stone and roof repairs - application no 20/03161/LBC – Report by the Chief Planning Officer 41 - 54

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

- 4.4 137 Curriehill Castle Drive, Balerno, EH14 5TB - Single storey side and rear extension - 20/03302/FUL – Report by the Chief Planning Officer 55 - 62

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

- 4.5** 12 Dean Bank Lane, Edinburgh, EH3 5BY - Alteration and extension of detached house. Proposed separation of one wing as a self-contained studio apartment. Demolition of 3 non-original lean-to extensions and erection of new side extension - application no 20/01244/FUL – Report by the Chief Planning Officer 63 - 80

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

- 4.6** 12 Dean Bank Lane, Edinburgh, EH3 5BY - Alteration and extension of detached house. Proposed separation of one wing as a self-contained studio apartment. Demolition of 3 non-original lean-to extensions and erection of new side extension - application no 20/01245/LBC – Report by the Chief Planning Officer 81 - 98

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

- 4.7** Meldrum House, 15 Drumsheugh Gardens, Edinburgh - Change of Use from Office to Hotel (Class 7), alteration and extension to rooftop and external alterations to elevations, with associated works (as amended) - application no 20/01960/FUL – Report by the Chief Planning Officer 99 - 122

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

5. Returning Applications

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

- 5.1** None.

6. Applications for Hearing

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

6.1 None.

7. Applications for Detailed Presentation

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

7.1 East Princes Street Gardens and Land at The Mound, Princes Street, Edinburgh - Erection of Edinburgh's Christmas at East Princes Street Gardens including Christmas Market Stalls, Fairground rides, Box Offices, Associated Site Offices, Stores and Ancillary Facilities (amended application to cover the festive period for 2021- 2022) - application no 20/03707/FUL – Report by the Chief Planning Officer 123 - 150

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

7.2 Christmas Market, George Street, Edinburgh - Erection of Edinburgh's Christmas at George Street and Castle Street, including Christmas Market Stalls, Ice Rink, Plant and Boot Room, Around the Corner Bar, Box Office, Associated Site Offices, Stores and Ancillary Facilities (amended application for festive period 2021- 2022) - application no 20/03708/FUL – Report by the Chief Planning Officer 151 - 174

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

7.3 High Street and Parliament Square, Edinburgh - Full planning permission for Edinburgh's Christmas including Christmas market stalls, tree, associated site offices, stores and ancillary facilities (as amended to cover the festive period for 2021-2022) - application no 20/03728/FUL – Report by the Chief Planning Officer 175 - 198

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

8. Returning Applications Following Site Visit

These applications have been discussed at a previous meeting of

the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

8.1 None.

Andrew Kerr

Chief Executive

Committee Members

Councillor Neil Gardiner (Convener), Councillor Maureen Child (Vice-Convener), Councillor Chas Booth, Councillor Mary Campbell, Councillor George Gordon, Councillor Joan Griffiths, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Rob Munn, Councillor Hal Osler and Councillor Cameron Rose

Information about the Development Management Sub-Committee

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

Further information

If you have any questions about the agenda or meeting arrangements, please contact 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 / 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 28 October 2020

Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Mary Campbell, Gordon, Griffiths, Mitchell (agenda items 4.5 and 5.1-7.3), Mowat, Osler, Rose and Ross (substituting for Councillor Munn).

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of 7 October 2020 as a correct record, subject to the following correction: at item 4.8 - Peffer Place, Edinburgh (Site 90 Metres South Of), the removal of the words "and a legal agreement" as this was not required.

2. General Applications and Miscellaneous Business

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 – 1 Waverley Bridge, Edinburgh – requested by Councillor Booth.

Declaration of Interests

Councillor Mary Campbell declared a non-financial interest in Item 5.1 – Bangholm Outdoor Centre, Craighall Gardens, Edinburgh - as she did not participate in the original consideration of this item and did not take part in the discussion and decision on this item.

Decision

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

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – Report for forthcoming application by Smart and Co. (Cont.) Plc and Pitt Street Properties Ltd for Proposal of Application Notice at 117-145 Pitt Street and 9 Trafalgar Lane, Edinburgh</p>	<p>For a residential development with associated landscaping, car parking, and infrastructure - application no 20/03430/PAN</p>	<p>1) To note the key issues at this stage.</p> <p>2) To take account of the following additional issues:</p> <ul style="list-style-type: none"> • Explore the possibility of a mixed use, housing led development. • Ensure this would be a low carbon development, with minimal car use. • Ensure good quality amenity space. • If there was to be car parking, to ensure there would be electric charging points and city car club spaces.
<p>4.2 – Flat 3, 4 Dewar Place Lane, Edinburgh</p>	<p>Change of use from residential flat to holiday let - application no 20/03037/FUL</p>	<p>To REFUSE planning permission for the reasons set out in report by the Chief Planning Officer.</p>
<p>4.3 – 23-24 Greenside Place, Edinburgh</p>	<p>Change of use from offices to serviced apartments with associated upgrading and refurbishment works with replacement dormers and rooflights (as amended) - application no 20/02211/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer, and an additional informative that the rosette from the old tram line should be preserved on the building.</p>
<p>4.4 – 23-24 Greenside Place, Edinburgh</p>	<p>Internal reconfiguration of existing floorspace to create serviced apartments with new, refurbished and replacement dormer windows (as amended) - application no 20/02212/LBC</p>	<p>To GRANT listed building consent subject to the informatives as set out in section 3 of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.5 – 1 Waverley Bridge, Edinburgh</p>	<p>Pop-up event on mall roof, consisting of canvas tipi bar and food truck. Decorated with festoon lighting (as amended) - application no - 20/03336/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.</p>
<p>5.1 – Bangholm Outdoor Centre, Craighall Gardens, Edinburgh</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 GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report of Committee of 23 September 2020 by the Chief Planning Officer and an additional informative to consider expanding disabled parking provision.</p> <p>Dissent</p> <p>Councillor Booth requested that his dissent be recorded in respect of this item.</p>
<p>5.2 – Corstorphine Hospital, 136 Corstorphine Road, Edinburgh</p>	<p>Redevelopment 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</p>	<p>To GRANT the discharge of condition 10 of planning application 17/01437/FUL</p>
<p>5.3 – West Bonnington Farm, Kirknewton</p>	<p>Erection of farmhouse in connection with agricultural use (as amended) - application no 18/10372/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report to Committee of 31 July 2019 by the Chief Planning Officer and to agree to a further three-month extension to the period to conclude the legal agreement which will enable the planning permission to be released for this application.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><u>7.1 – 1-5 Baltic Street and 7-27 Constitution Street, Edinburgh</u></p>	<p>Proposed mixed use development comprising partial demolition of existing buildings, purpose-built student accommodation, affordable housing, office units, cafe and public digital co-working space with associated landscape, drainage and infrastructure (as amended) - application no 20/00465/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer and an additional informative that officers in the roads authority should liaise with the tram team to consider provision for disabled parking.</p>
<p><u>7.2 – 1-5 Baltic Street and 7-27 Constitution Street, Edinburgh</u></p>	<p>Internal and external alterations to Category B- listed gas works buildings and conversion to mixed use development, partial demolition including removal of remnants of gasometer building and northern extension to retort house, removal of other 20th century extensions and formation of new openings with associated fabric repairs. Reinstatement and alteration to boundary walls (as amended) - application no 20/00466/LBC</p>	<p>To GRANT listed building consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.</p>
<p><u>7.3 – 1-5 Baltic Street and 7-27 Constitution Street, Edinburgh</u></p>	<p>Proposed demolition of buildings and structures (as amended) - application no 20/00463/CON</p>	<p>To GRANT conservation area consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.</p>

Development Management Sub Committee

Wednesday 11 November 2020

Report for forthcoming application by

CCG (Scotland) Ltd. for Proposal of Application Notice

20/01068/PAN

**at Land 220 Metres North East Of 25, Marine Drive,
Edinburgh'**

**Residential development comprising circa 450 flats with
associated roads, parking and landscaping works.**

Item number

Report number

Wards

B04 - Forth

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for full planning permission for a residential development comprising circa 450 flats with associated roads, parking and landscaping works at Land 220 metres north east of 25 Marine Drive, Edinburgh, on a site known as the Western Villages.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, the applicants submitted a Proposal of Application Notice 20/01068/PAN on 3 March 2020.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The site, covering an area of approximately 8 hectares, lies in the north of Edinburgh and forms part of the Granton Waterfront area (Forth Quarter).

The majority of the existing site comprises an area of brownfield land, bound by Colonsay View, Marine Drive and West Shore Road, and an area of designated open space which forms part of the existing Forth Quarter Park and an additional area of ground to the north of Colonsay View. There are a number of existing trees on site within the open space and along the northern boundary of the site.

2.2 Site History

28 February 2001 - Outline planning permission granted for mixed use development (including retail, food and drink, public house, residential, education, business, leisure/assembly/hotel, open space, and associated landscaping)(as amended) This included the Fosters Masterplan, at 4 Marine Drive/11 West Shore Rd (Application reference: 00/01169/OUT).

30 April 2009 - Planning permission granted for the formation of parkland area - landscaping, footpaths, swales and ancillary works at 4 Marine Drive/11 West Shore Road (Application reference: 02/04578/FUL). Implemented.

Main report

3.1 Description of the Proposal

An application for full planning permission will be submitted for residential development and ancillary works. No details have been submitted regarding the type of housing, access or design.

3.2 Key Issues

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

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

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

The site is within the Edinburgh Waterfront: Forth Quarter (EW 2a) in the Edinburgh Local Development Plan (LDP). This is part of an identified housing proposal site for a major housing-led mixed use regeneration opportunity. Proposals should accord with the approved Granton Waterfront Development Framework principles (February 2020), which state that the site is identified for housing-led mixed use development. An approved master plan has been partly implemented, with several housing blocks, a major office development, a college and a new large park.

Proposals will be expected to:

- complete the approved street layout and perimeter block urban form
- provide housing-led development on sites formerly identified for major business-led development
- provide a housing mix that is appropriate to the site in terms of placemaking and would maximise completions within this urban regeneration proposal within the plan period
- deliver school provision as specified in the Action Programme
- provide a strategic flood risk assessment.

As this forms part of the wider waterfront area, LDP Policy Del 3 (Edinburgh Waterfront) will be of relevance to the assessment of the site. This policy states that planning permission will be granted for development which maximises the development potential of the area, creates a series of mixed use sustainable neighbourhoods, provide a mix of house types, sizes and affordability, and provides open space to meet the needs of the local community.

LDP Policy Hou 2 (Housing Mix) will apply in relation to assessing the mix of house types and sizes.

b) Design, Scale and Layout

The site is covered by the approved Granton Waterfront Development Framework, which sets out a number of design principles applicable to the site. The framework states that this site should form active 'living' streets, linking home, work and learning, which open up views and access to the park, the city and the waterfront. There should also be a pedestrian-focused public realm, with an emphasis on reducing dominance of the car.

Development should promote:

- Robust 'living street' network with pedestrian focus and activity;
- Clearly defined public transport route linking east and west;
- Dense, medium-low rise housing with clearly defined frontages;
- New neighbourhood centre along park with active ground floor uses;
- Strong green-blue links and views to the gas holder, park and West Shore;
- Residential flatted development / perimeter blocks, and;
- Residential colonies or townhouses to key areas.

Design development will need to take cognisance of relevant LDP design and environment policies and the Edinburgh Design Guidance.

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

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

d) Other Environmental Factors

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having an unacceptable detrimental impact on the environment. Part of the application site is designated open space, including part of the Forth Quarter Park, and these areas should be protected. There are a number of mature trees across the open space and northern site boundary which contribute to the character, biodiversity, amenity and green networks in the area.

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

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

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

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference: 20/01068/PAN) outlined a public exhibition to be held on 6 May 2020 at Edinburgh College, Granton Campus. Due to Covid-19 restrictions, this event did not take place. The City of Edinburgh Council consultation hub is to be used to engage stakeholders, share information and collect feedback with a questionnaire to be used from 26 October 2020. A live digital presentation will be held on 3 November between 3pm and 6pm.

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

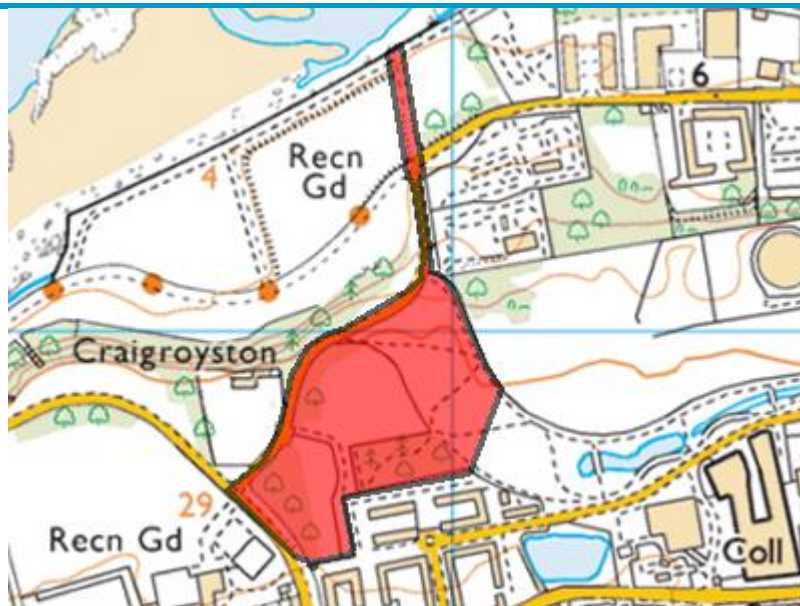
Background reading/external references

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

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

Contact: Kenneth Bowes, Senior Planning officer
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Location Plan



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END

Development Management Sub Committee

Wednesday 11 November 2020

**Application for Planning Permission 20/03162/FUL
at 165 Broughton Road, Edinburgh, EH7 4LG.**

Proposals are to extensively repair and refurbish the existing stables building, including demolition of some internal elements, renewal of all services, replacement of windows and rooflights, stone and roof repairs. Current use is office and workshop. Proposed use is office, artist studios and function/cafe space.

Item number

Report number

Wards

B12 - Leith Walk

Summary

The proposal conflicts with the existing Local Development Plan waste management safeguard. However, the site has now been deemed surplus for requirements for waste management purposes and the principle of development as part of the wider regeneration of the area has been established through the approved Powderhall Place Brief.

The proposals will bring a vacant listed building back into use whilst preserving the main features of architectural and historic interest and therefore as whole will comply with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Any potential impact on residential amenity needs to be balanced against the re-use of the listed building, otherwise the application complies with the policies of the Local Development Plan and associated guidance.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES12, LEN03, LEN04, LEN09, LEN16, LEMP09, LHOU07, LTRA02, LTRA03, LTRA09, LRS02, NSG, NSGD02, NSLBCA, HES, HEPS, HESUSE,

Report

Application for Planning Permission 20/03162/FUL at 165 Broughton Road, Edinburgh, EH7 4LG.

Proposals are to extensively repair and refurbish the existing stables building, including demolition of some internal elements, renewal of all services, replacement of windows and rooflights, stone and roof repairs. Current use is office and workshop. Proposed use is office, artist studios and function/cafe space.

Recommendations

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

Background

2.1 Site description

The application relates to the vacant category B listed stable block (reference LB30290, listed 23 July 1993) that fronts onto Broughton Road. The site covers 0.17 hectares.

The building is associated with the now demolished former waste transfer site. It was originally built as stables to house horses that pulled carts around the city collecting waste for incineration. Once that function ceased, it was used as office and welfare facilities for the refuse depot.

The stable block is built in Baronial style with a symmetrical design with single storey wings with two central and terminal pavilions. The exterior architectural details contain crowstepped gables, pepper pot roofs, decorative slate and lead work and multiple chimneys, in a distinctive red sandstone.

The site is bounded by the former goods railway line to the northeast with Redbraes Park beyond. There are existing residential flats to the southeast. To the northwest is the wider Powderhall site that has now been cleared. To the southwest is the access to the site, St Marks Path and the bowling green site.

2.2 Site History

6 April 2018 - Listed building consent granted for a modern lean-to shed attached to NE elevation of original listed stable block to be demolished, stable block to be retained and any remedial work undertaken on removal of shed (application number 18/00217/LBC)

12 December 2018 - Powderhall Place Brief approved by Planning Committee. This provides a set of high-level principles which shape the future development of the site. The stable block forms Area 3 where consideration should be given to its future use as workspace/event space with potential community uses.

13 August 2020 - Parallel listed building consent application to extensively repair and refurbish the existing stables building, including demolition of some internal elements, renewal of all services, replacement of windows and rooflights, stone and roof repairs (application number 20/03161/LBC). Pending consideration.

Main report

3.1 Description of the Proposal

The proposed uses are office, artist studios and function/café space. The proposal will create 919 sqm of Class 4 Office / Light Industry and 309 sqm of Class 10 Non-residential institution use (rather than the Class 11 Assembly & Leisure use stated on the application form). This consists of:

- Basement: 55 sqm flexible function space and associated facilities.
- Ground floor (former stables): ten studios ranging from 13 sqm to 40 sqm and a 70 sqm function room alongside ancillary space.
- First floor (former hay loft): two workspace areas covering 173 sqm, two studios (both approx. 40 sqm), a meeting room and ancillary space.
- Second floor: a 32 sqm workspace.
- The ancillary spaces consist of kitchen areas, toilets and a new lift/stairs.

The main components of the refurbishment are:

- rooflights to the rear elevation
- re-instatement of windows, replacement/repair windows and an additional window to the ground floor function space.
- reinstatement of external stair connecting the courtyard and basement level.
- relay stone setts in rear courtyard.
- opening and repairing the existing pend and
- carry out stone and roof repairs.

Vehicular access is taken from the existing opening on Broughton Road, a temporary bin store is to be provided and removed in later phases. Zero car parking spaces are proposed, and the proposal contains ten cycle spaces in the courtyard area.

A Design and Access Statement and a Conservation Statement have been provided in support of the application. These are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

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

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 development is acceptable;
- b) the proposals preserve the character and setting of the listed building;
- c) the design and layout are appropriate to the site;
- d) there are any other material considerations and
- e) any comments have been addressed.

a) Principle

The building forms part of a site safeguarded in the Local Development Plan (LDP) for waste management purposes.

LDP Policy RS 2 (Safeguarding of Existing Waste Management Facilities) states that development in the area immediately surrounding an existing or safeguarded waste management facility will only be allowed if it is demonstrated that there will be no adverse implications for the approved waste handling operations.

The waste transfer station was closed in late 2016 and the site has now been cleared. The 12 December 2018 Planning Committee Report, that recommends that the Powderhall Place Brief is approved, sets out the background to the proposed redevelopment of the site. It explains that the redundant site was transferred to the Council's Housing Revenue Account to accelerate housing led regeneration.

Consequently, the site has become surplus and is no longer required for its previous operational use with its functions moved to other locations and the new waste treatment plant at Millerhill. This is a material consideration when considering the proposal against the Policy RS2 and therefore the proposal is acceptable against the now redundant safeguard.

The Powderhall Place Brief sets out that the listed former stable block is important to the heritage of the area and consideration should be given to its future use as workspace/event space with potential community uses.

LDP Policy Emp 9 (Employment Sites and Premises) is supportive of development for employment purposes of business premises within the urban area. This proposal will create a number of studios, workspace areas and function spaces which will comply with this policy and the place brief.

The proposed functions rooms with potential café use are ancillary to the main use as studio and workspace areas. These are acceptable uses that complement the re-purposing of the building. The café as part of a wider range of use would be compatible with Policy Ret 11 (Food and Drink Establishments).

The proposal conflicts with the LDP waste management safeguard, but this safeguard is no longer required. The proposal forms part of a wider site that has been identified for regeneration through the approved place brief. The proposal will create an important community facility that will complement the existing mix of uses in the area and regenerate this building. The proposal accords with the Place Brief and is acceptable in principle.

b) Setting and 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.

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

The Local Development Plan (LDP) also includes policies to aid in the assessment.

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

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

Setting:

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would harm a listed building or its setting. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

In terms of setting, there will be limited changes to the envelope of the building.

Until recently the setting of the building was dominated by the large industrial buildings in the wider site. Now that these are demolished it has left a large vacant area.

The setting of the building will be enhanced by the proposed improvements to the rear courtyard area. Further development adjacent to the stables will be guided by the place brief and emerging masterplan.

External alterations:

Externally, the main changes are in relation to the windows along the Broughton Road elevation, where the original boarded up elements are to be removed. Although the boarded elements contribute to the character and appearance of the listed building, the inclusion of glazing here will still preserve the rhythm of the spaces along the elevation. The additional glazing will allow light into the building and aid in repurposing a vacant listed building.

A number of rooflights are proposed on the rear elevation. These have been amended to align with the windows below and are of a conservation style. These will not impact on the overall character of the listed building and are limited to the rear of the building.

A new external stair is proposed to link the rear of the courtyard and basement level. This is at a rear part of the site and is located in an inobtrusive area.

Other matters such as stone repairs, opening of infilled doors and the addition of windows will aid in enhancing and breathing new life into the listed building.

The external alterations are required to aid in repurposing the building for a new use and will preserve the special interest of the building. The changes such as the removal of the boardings and rooflights are considered to be relatively minor when considering the proposal as a whole and weight that should be given to the positive re-use of the building in line with HES Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings.

Internal works

The internal works are considered in more detail in the parallel application for listed building consent. The interior of the building has been previously altered in the 1970s and a number of original features have been lost. The proposals bring a new use to a redundant listed building with minimal intervention to its special interest.

The Archaeology Officer does not object to the application subject to a condition securing a historic building survey and a programme of archaeological work.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals generally preserve the setting and character of the listed building and will bring a vacant listed building back into use.

Summary:

The former stable block is a striking building in this part of the city, even more so given its original intended use as a stable. It has been vacant for a number of years and it is an important building in the context of the redevelopment of the wider Powderhall site.

The setting of the building will be improved by enhancements to the courtyard area.

The external alterations are minor and will preserve the character of the building, with alterations such as the removal of the boarding at the lower level and inclusion of conversation rooflights aiding in finding a use for a redundant building.

The interior the building has been heavily altered in the 1970s and the proposals will not diminish the special interest of the building.

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

c) Design

LDP Policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

The place brief states bringing the stable block back into use should be an integral part of the development. The brief requires an indicative masterplan to be submitted alongside the application.

The brief identifies the stable block for retention with the potential to enhance the character of Broughton Road and a vehicular access to the west of the building.

A masterplan/site strategy has been provided in support of the application. This shows the site adjacent to a proposed square, the proposed area for the external courtyard area to the rear of the stable block and a pedestrian route through the central pend. It also shows the areas for potential future development.

These elements are followed through to the application which proposes to re-instate the central pend as a pedestrian route through the building. This will lead through to the existing courtyard which is to be re-sett.

The proposal complies with LDP Policy Des 2. The approach to the layout and how the proposal will integrate with the wider site in later stages has also been taken account of in line Policy Des 7 (Layout Design), such as showing the pedestrian links and approach to future phases of the courtyard area.

Policy Des 12 (Alterations and Extensions) sets out that planning permission will be granted for alterations and extensions to existing buildings which, amongst other matters, in their design and form, choice of materials and positioning are compatible with the character of the existing building.

The proposals are sympathetic to the existing building and are based on the submitted Conservation Statement. The proposals seek to limit the interventions and are considered in the above section alongside the associated listed building consent application.

Overall, the proposals will be in keeping with the character of the building. The supporting information has demonstrated how this proposal will be a positive contribution to the coordinated regeneration of the area as identified in the place brief.

d) Other Material Consideration

Transport:

An existing vehicular access to the site is to be retained to the south of the building. The route through the central archway will be dedicated for pedestrian and cycle movement.

The Roads Authority does not object to the application. It notes that the level of car parking proposed (zero) is in line with the current guidance and that the ten cycle parking spaces meets the Council's standard of nine spaces.

The Roads Authority recommends a travel plan should be developed by the applicant and a traffic regulation order of £2000 will be required to introduce waiting and loading restrictions as necessary. These have been added as informatives.

Amenity:

The nearest existing residential development is approximately 20 metres way. As a change of use the proposed development will not have any additional amenity issues in relation to matters such as overlooking and daylighting.

The proposal seeks to use the existing chimneys for extract purposes. Environmental Protection has raised some concerns in relation to the potential for the height of the chimney to potentially cause odour issues for some of the adjacent residential blocks.

If the flue was moved to the exterior of the building and further away it would potentially be detrimental to the external facades and appearance of this Category B listed building. The submitted conservation statement highlighted that the facades have the greatest level of significance for this building, as they remain largely intact to the original design. Therefore, a balanced view should be taken where the benefits of re-purposing a listed building and retaining the historical fabric take precedence over the potential amenity concerns.

Environmental Protection do not object to the application subject to conditions in relation to the ventilation system.

The proposed air source heat pumps (ASHP) are to be located with the gated enclosure to the north of the building, alongside the substation and adjacent to the retaining wall. The data provided shows that they ASHP will comply with NR25 for the nearest residential blocks on Broughton Road. Both the substation and ASHP are both located in a concealed part of the site located next to a busy road which will mitigate any noise. Environmental Protection do not object to the application on noise grounds.

The proposals are acceptable in terms of LDP Policy Des 5 (Development Design - Amenity).

Ecology:

A bat survey has been provided in support of the application. No bats were found to be roosting and only a low level of bat activity was recorded across the site. Due to a lack of summer roosts identified during surveys undertaken in 2018 and 2020, it is concluded that there is a decreased risk of winter bat roosts and so further surveys are not required at this time. The proposals comply with LDP Policy Env 16 (Species Protection).

e) Public Comments

No representations received.

Conclusion

The proposal conflicts with the existing Local Development Plan waste management safeguard. However, the site has now been deemed surplus for requirements for waste management purposes and the principle of development as part of the wider regeneration of the area has been established through the approved Powderhall Place Brief.

The proposals will bring a vacant listed building back into use whilst preserving the main features of architectural and historic interest and therefore as whole will comply with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Any potential impact on residential amenity needs to be balanced against the re-use of the listed building, otherwise the application complies with the policies of the Local Development Plan and associated guidance.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition/ development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, interpretation, recording and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. The ground floor and basement function rooms are for Class 10 and Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

3. The chimney to be used for the kitchen ventilation extract duct shall be inspected by a ventilation specialist to confirm that the chimney is in a suitable condition to accept the required flue liner and if not, shall be repaired.
4. The kitchen ventilation system shall be capable of achieving a minimum of 30 air changes per hour by volume of the kitchen and operate at a minimum efflux velocity of 15m/s at the flue termination point.

Reasons: -

1. In order to safeguard the interests of archaeological heritage.
2. To define the permission.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant will be required to contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary.
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. Network Rail requests that the following matters are brought to the attention of the applicant:

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures.

The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.

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

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

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

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

7. For the avoidance of doubt, the function rooms are for Class 10 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

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

Statutory Development

Plan Provision

The site is located within the Urban Area as shown on the Local Development Plan Proposals Map. The site is part of a Safeguarded Waste Management Facility designation.

To the east of east of the site is a railway line which is a cycle/footpath safeguard (T7).

Date registered

13 August 2020

Drawing numbers/Scheme

01-13, 14A, 15-21,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning officer

E-mail: kenneth.bowes@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy RS 2 (Safeguarding of Existing Waste Management Facilities) outlines the circumstances development surrounding an existing or safeguarded waste management facility will be permitted.

Relevant Non-Statutory Guidelines

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

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

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.

Appendix 1

Application for Planning Permission 20/03162/FUL

At 165 Broughton Road, Edinburgh, EH7 4LG

Proposals are to extensively repair and refurbish the existing stables building, including demolition of some internal elements, renewal of all services, replacement of windows and rooflights, stone and roof repairs. Current use is office and workshop. Proposed use is office, artist studios and function/cafe space.

Consultations

Archaeology Officer response - dated 17 August 2020

Further to your consultation request I would like to make the following comments and recommendations regarding this application to extensively repair and refurbish the existing stables building, including demolition of some internal elements, renewal of all services, replacement of windows and rooflights, stone and roof repairs. Current use is office and workshop. Proposed use is office, artist studios and function/cafe space.

The application concerns the refurbishment of the surviving B-listed southern range for the Powderhall Depot, designed by John Cooper (Edinburgh's City Engineer) in 1893. The original Edinburgh Corporation's 'Powderhall Destructor' comprised a rectangular courtyard of buildings with a chimney and well added to the NW corner. The site however has a longer industrial heritage being associated with a possible late-17th century gun-powder factory and post-medieval mill lades.

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

The proposed scheme will require alterations and downtakings to this B-listed building. However, it has been concluded that although though they may have locally adverse impacts, overall, they are acceptable given that the proposals will see the welcome retention and reuse of this important historic building.

It is recommended, however that a programme archaeological works is undertaken. Firstly, this will require the undertaking of an historic building survey (level 2 annotated plans/elevations, photographic and written survey) of the existing building undertaken

prior to and during any alterations to provide a permanent record of this important historic structure. Secondly a programme of archaeological work is undertaken during any ground works (both internal and external) to record any surviving archaeological remains and lastly the building's heritage is commemorated and interpreted within the final scheme.

It is recommended that the following condition is attached, in order fully record and interpret this important industrial building and also record any associated buried remains;

'No demolition/ development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, interpretation, recording and analysis) 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.

Network Rail response - dated 2 September 2020

Thank you for consulting Network Rail regarding the above development.

Whilst Network Rail has no objections in principle to the development, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as advisory notes, if granting the application:

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.

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

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

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

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

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

Roads Authority Issues - dated 14 September 2020

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

- 1. The applicant will be required to contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
- 2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*

Note:

I. The application has been assessed under the current parking standards. Based on 345m² of art studios (non resi institution), 193m² of food/drink and 241m² of office in zone 2, permits the following:

- a. A maximum of 21 car parking spaces (1 space per 50m² of art studio, 1 space per 14m² of food/drink and 1 space per 385m² of office). 0 car parking is proposed.*
- b. A minimum of 9 cycle parking spaces (1 space per 67m² of art studio, 1 space per 75m² of food/drink and 1 space per 150m² of office). 10 cycle parking spaces are proposed;*
- c. No requirement for EV or accessible car parking as 0 car parking is proposed.*

II. Proposed level of parking complies with current parking standards and justification of proposed car parking provision is related to sites accessibility to public transport and active travel routes and the proposals relate to a community use. Based on this the level of car parking proposed is considered acceptable;

III. The site is sits in zone 3 of the tram contribution zone where a net contribution that takes the contribution generated by the existing use into consideration. The existing use of 779m² gross floor area of office use generates a contribution of £33,978 and the proposed use of 345m² of art studios (non resi institution), 193m² of food/drink and 241m² of office generates a contribution of £18,273. Net Contribution = proposed use - existing use = £18,273 - £33,978 = Neutral contribution. No tram contribution is required.

Environmental Protection response - dated 21 October 2020

Environmental Protection has no objection to this application subject to the attached conditions.

Conditions

1. The chimney to be used for the kitchen ventilation extract duct shall be inspected by a ventilation specialist to confirm that the chimney is in a suitable condition to accept the required flue liner and if not, shall be repaired.
2. The kitchen ventilation system shall be capable of achieving a minimum of 30 air changes per hour by volume of the kitchen and operate at a minimum efflux velocity of 15m/s at the flue termination point.

Assessment

The application concerns a former stables building, previously used as offices, workshop and storage and formed part of the Council's Powderhall Waste Transfer Station. The application is to refurbish and change the use of the building to artist studios with a café and event space. The Powderhall site which is located behind the application site and positioned to the north-west of the site, up to the boundary with the Water of Leith. Plans for the remainder of the Powderhall site are still being developed but may include mixed commercial uses as well as residential use. The wider re-development will include the bowling greens to the south-west of the site.

The stables building fronts on to Broughton Road, which is a relatively busy thoroughfare. To the north-east is located Redbraes Park. The surrounding area on the other side of Broughton Road is primarily residential. To the east is located a modern 7 storey residential development and to the south-east a 5-storey apartment development. Further west are semi-detached properties, a 3-storey residential development and Broughton Primary School.

The initial proposal included the possibility of the event space being used for Weddings and there were concerns of noise complaints from nearby residents concerning music noise, late into the evening and night. However, subsequent discussions between the Planning Officer and the agent confirmed that Weddings would not take place within the event space and that consent was for Class 4 & 10 only.

The application includes Air Source Heat Pumps (ASHP) as well as an Electrical Sub-station, both to be positioned at the far east of the site, behind a retaining wall. Information was provided on noise levels from the ASHP units and it was concluded that a Noise Impact Assessment (NIA) would not be required. The position of the Electrical Sub-station and distance to the nearest residential accommodation was such that there are no concerns that noise from it would be a problem. There is already an existing electrical substation between the two nearest residential apartment buildings.

The proposal includes a café and there are concerns regarding the position of the kitchen extract duct and cooking odour complaints. The plans include using the existing chimney, however the chimney is an insufficient height to ensure it's a minimum of 1m plus above the window height of residential accommodation, within a 30m radius. It's almost level with the top window height of the residential block directly opposite, which is 18.8m away and around 6.5m below the top window height of the block to the east, around 25.5m away.

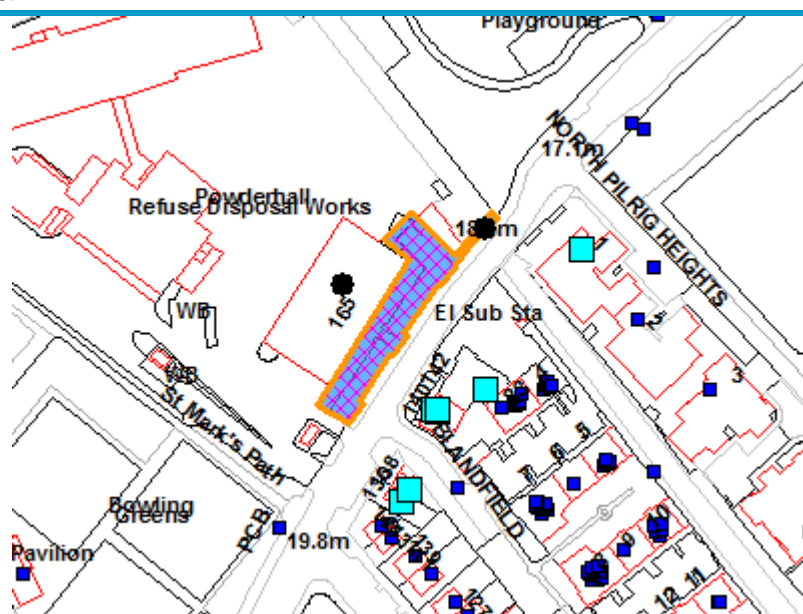
A 30m radius has been shown to work well in Edinburgh and minimise cooking odour complaints. The applicant does not wish to relocate the extract duct to the rear of the building due to its impact on the aesthetics of the rear facade. However, if the extract

system is designed such that the efflux velocity at the flue termination point is a minimum of 15m/s, then the radius can be dropped to 25m and it would satisfy our requirements. A condition has been recommended concerning the chimney flue and the minimum efflux velocity required.

A NIA for noise from the kitchen extract system was not considered necessary as the flue is internal, the distance to the nearest residential apartment and the masking effect of road traffic noise during the times the extract is likely to operate at.

In conclusion, Environmental Protection has no objections to this application subject to the attached conditions.

Location Plan



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Development Management Sub Committee

Wednesday 11 November 2020

**Application for Listed Building Consent 20/03161/LBC
at 165 Broughton Road, Edinburgh, EH7 4LG.**

Proposals are to extensively repair and refurbish the existing stables building, including demolition of some internal elements, renewal of all services, replacement of windows and rooflights, stone and roof repairs.

Item number

Report number

Wards

B12 - Leith Walk

Summary

This proposal will facilitate the new use for this significant listed building whilst preserving its main features of architectural and historic interest and therefore as a whole will comply with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The interior of the building has been largely altered over time and the proposals will not involve the loss of any significant features which contribute to the special interest of the listed building. The external works will alter some features of the external elevations but overall, these are acceptable changes that will preserve the vacant listed building.

Links

[Policies and guidance for this application](#)

LDPP, LEN03, LEN04, NSG, NSLBCA, HES, HEPS, HESINT, HESUSE,

Report

Application for Listed Building Consent 20/03161/LBC at 165 Broughton Road, Edinburgh, EH7 4LG. Proposals are to extensively repair and refurbish the existing stables building, including demolition of some internal elements, renewal of all services, replacement of windows and rooflights, stone and roof repairs.

Recommendations

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

Background

2.1 Site description

The application relates to the vacant category B listed stable block (reference LB30290, listed 23 July 1993) that fronts onto Broughton Road. The site covers 0.17 hectares.

The building is associated with the now demolished former waste transfer site. It was originally built as stables to house horses that pulled carts around the city collecting waste for incineration. Once that function ceased, it was used as office and welfare facilities for the refuse depot.

The stable block is built in Baronial style with a symmetrical design with single storey wings with two central and terminal pavilions. The exterior architectural details contain crowstepped gables, pepper pot roofs, decorative slate and lead work and multiple chimneys, in a distinctive red sandstone.

The site is bounded by the former goods railway line to the northeast with Redbraes Park beyond. There are existing residential flats to the southeast. To the northwest is the wider Powderhall site that has now been cleared. To the southwest is the access to the site, St Marks Path and the bowling green site.

2.2 Site History

6 April 2018 - Listed building consent granted for a modern lean-to shed attached to NE elevation of original listed stable block to be demolished, stable block to be retained and any remedial work undertaken on removal of shed (application number 18/00217/LBC)

12 December 2018 - Powderhall Place Brief approved by Planning Committee. This provides a set of high-level principles which shape the future development of the site. The stable block forms Area 3 where consideration should be given to its future use as workspace/event space with potential community uses.

13 August 2020 - Parallel planning application submitted to extensively repair and refurbish the existing stables building, including demolition of some internal elements, renewal of all services, replacement of windows and rooflights, stone and roof repairs. Current use is office and workshop. Proposed use is office, artist studios and function/cafe space (application number 20/03162/FUL). Pending consideration.

Main report

3.1 Description of the Proposal

The proposed uses are office, artist studios and function/café space. The principle of the change of use is considered in the parallel planning application. The main components of the refurbishment are:

- Internal alterations to subdivide the floor areas to provide for the above uses and ancillary spaces such as kitchen areas, toilets and a new lift/stair.
- rooflights to the rear elevation
- re-instatement of windows, replacement/repair windows and an additional window to the ground floor function space.
- reinstatement of external stair connecting the courtyard and basement level.
- relay stone setts in rear courtyard.
- opening and repairing the existing pend and
- carry out stone and roof repairs.

Vehicular access is taken from the existing opening on Broughton Road, a temporary bin store is to be provided and removed in later phases. Zero car parking spaces are proposed, and the proposal contains ten cycle spaces in the courtyard area.

A Design and Access Statement and a Conservation Statement have been provided in support of the application. These are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

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

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

3.3 Assessment

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

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

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

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

Historic Environment Scotland's guidance document entitled Managing Change in the Historic Environment: Interiors states the interior of a historic building is important in defining its character and special interest.

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

The Local Development Plan (LDP) also includes policies to aid in the assessment.

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

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) 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.

Setting:

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would harm a listed building or its setting. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

In terms of setting, there will be limited changes to the envelope of the building.

Until recently the setting of the building was dominated by the large industrial buildings in the wider site. Now that these are demolished it has left a large vacant area.

The setting of the building will be enhanced by the proposed improvements to the rear courtyard area. Further development adjacent to the stables will be guided by the place brief and emerging masterplan.

External alterations:

Externally, the main changes are in relation to the windows along the Broughton Road elevation, where the original boarded up elements are to be removed. Although the boarded elements contribute to the character and appearance of the listed building, the inclusion of glazing here will still preserve the rhythm of the spaces along the elevation. The additional glazing will allow light into the building and aid in repurposing a vacant listed building.

A number of rooflights are proposed on the rear elevation. These have been amended to align with the windows below and are of a conservation style. These will not impact on the overall character of the listed building and are limited to the rear of the building.

A new external stair is proposed to link the rear of the courtyard and basement level. This is at a rear part of the site and is located in an inobtrusive area.

Other matters such as stone repairs, opening of infilled doors and the addition of windows will aid in enhancing and breathing new life into the listed building.

The external alterations are required to aid in repurposing the building for a new use and will preserve the special interest of the building. The changes such as the removal of the boarding's and rooflights are considered to be relatively minor when considering the proposal as a whole and weight that should be given to the positive re-use of the building in line with HES Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings.

Internal Alterations:

Internally, there are a number of alterations proposed. However, during the 1970s a number of internal interventions took place which significantly modified the spaces resulting in limited internal features remaining.

At the basement level the existing arches are retained and the space re-repurposed. This will not be detrimental to the character of the listed building.

The ground floor has limited historical features with the original stable stalls no longer intact, leaving the area open to be re-used, with the proposed use of individual studios necessitating the division of the space.

HES has commented on a partition within the ground floor which is to be removed. This is a non-loading bearing wall which appears to have been altered in the 1970's. At this section it is proposed to open up the space to the roof section, meaning that the suggestion by HES of leaving nibs may not sit very well in the proposed space.

The first floor level was originally an open hayloft. Previous alterations have heavily modified and subdivided the space. The proposed workspace at this area will provide a more open aspect. The proposals also seek to reinstate the pencheck stair and propose a new lift. Given the previous 1970s modifications, these proposals will not be detrimental to the character of the building. The proposals also seek to retain original features at the second floor level.

Given the previous internal modifications to the building the development will have limited impact on the special interest of the building.

Historic Environment Scotland does not object to the application but does provide commentary on some aspects of the proposal. These matters include the boarded up areas, rooflights, external staircase and ground floor partition. These aspects have been considered in the assessment.

The Archaeology Officer does not object to the application subject to a condition securing a historic building survey and a programme of archaeological work.

Summary:

The former stable block is a striking building in this part of the city, even more so given its original intended use as a stable. It has been vacant for a number of years and it is an important building in the context of the redevelopment of the wider Powderhall site.

The setting of the building will be improved by enhancements to the courtyard area.

The external alterations are minor and will preserve the character of the building, with alterations such as the removal of the boarding at the lower level and inclusion of conversation rooflights aiding in finding a use for a redundant building.

The interior the building has been heavily altered in the 1970s and the proposals will not diminish the special interest of the building.

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

b) Public Comments

No representations received.

Conclusion

This proposal will facilitate the new use for this significant listed building whilst preserving its main features of architectural and historic interest and therefore as a whole will comply with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The interior of the building has been largely altered over time and the proposals will not involve the loss of any significant features which contribute to the special interest of the listed building. The external works will alter some features of the external elevations but overall, these are acceptable changes that will preserve the vacant listed building.

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

3.4 Conditions/reasons/informatives

Conditions:-

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

Reasons: -

1. In order to safeguard the interests of archaeological heritage.

Informatives:-

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

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

Statutory Development

Plan Provision

The site is located within the Urban Area as shown on the Local Development Plan Proposals Map. The site is part of a Safeguarded Waste Management Facility designation.

To the east of east of the site is a railway line which is a cycle/footpath safeguard (T7).

Date registered

13 August 2020

Drawing numbers/Scheme

01-13,14A,15-22,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning officer

E-mail:kenneth.bowes@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

Relevant Non-Statutory Guidelines

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

Relevant Government Guidance on Historic Environment.

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

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

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

Appendix 1

**Application for Listed Building Consent 20/03161/LBC
At 165 Broughton Road, Edinburgh, EH7 4LG
Proposals are to extensively repair and refurbish the
existing stables building, including demolition of some
internal elements, renewal of all services, replacement of
windows and rooflights, stone and roof repairs.**

Consultations

Archaeology Officer response - dated 17 August 2020

Further to your consultation request I would like to make the following comments and recommendations regarding this application to extensively repair and refurbish the existing stables building, including demolition of some internal elements, renewal of all services, replacement of windows and rooflights, stone and roof repairs.

The application concerns the refurbishment of the surviving B-listed southern range for the Powderhall Depot, designed by John Cooper (Edinburgh's City Engineer) in 1893. The original Edinburgh Corporation's 'Powderhall Destructor' comprised a rectangular courtyard of buildings with a chimney and well added to the NW corner. The site however has a longer industrial heritage being associated with a possible late-17th century gun-powder factory and post-medieval mill lades.

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

The proposed scheme will require alterations and downtakings to this B-listed building. However, it has been concluded that although they may have locally adverse impacts to the fabric of the building, overall, they are acceptable given that the proposals will see the welcome retention and reuse of this important historic building.

It is recommended, however that a programme archaeological works is undertaken. Firstly, this will require the undertaking of an historic building survey (level 2 annotated plans/elevations, photographic and written survey) of the existing building undertaken prior to and during any alterations to provide a permanent record of this important historic structure. Secondly a programme of archaeological work is undertaken during any ground works (both internal and external) to record any surviving archaeological

remains and lastly the building's heritage is commemorated and interpreted within the final scheme.

It is recommended that the following condition is attached, in order fully record and interpret this important industrial building and to record any associated buried remains;

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

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

Historic Environment Scotland response - dated 27 August 2020

Our Advice

165 Broughton Road is category B listed and was designed in the Baronial style by City Engineer, John Cooper, as the Powderhall Refuse Depot. Dating from 1893, the building is currently a single storey, symmetrical range of derelict offices with a central and two terminal, two-storey pavilions, as well as a gabled wing projecting at the rear, from the North West. Segmental-arched windows punctuate the full length of the ground floor's principal elevation and are set high above street level, denoting the stables historically located within. These windows therefore contribute significantly to the character and special interest of the listed building. Crowstepped gables, bartizans and alternating bands of fish-scale, diamond and standard slates identify a highly detailed exterior design that are also significant to the building's historic appearance.

Windows

Original or historic windows and their associated features make a substantial contribution to the character and appearance of a listed building. This listed building appears to retain many of its historic/original windows and associated features, including distinctive vertical boarding on many of the lower sashes of the segmental-arched windows.

We note the intention to insert glazing into these boarded lower sashes sited along the walls between the central and terminal pavilions, on the principal, street-facing elevation. Our preference is that this element of the proposals is resisted, to preserve this original or historic boarding that forms an important part of the building's architectural composition and our understanding of its historic use. Glazing the upper sashes should be sufficient for lighting the proposed corridor that forms the majority of the interior space behind these windows.

Roof

Alterations and repairs to roofs and their associated features should protect the character of the historic building. New rooflights should be appropriately designed and located with care. We recommend the proposed velux rooflights for the rear-facing roof slope are of the conservation style and should be as flush with the existing roof as possible, to protect its historic character and appearance, allowing the traditional slate covering to retain its visual prominence.

Historic Plan Form

The plan form, or arrangement and division of internal spaces into rooms and circulation spaces such as halls and corridors, is a key part of a listed building's character and special interest. While this building's floor plan is mostly lost, an original or historic partition wall appears to still exist in the rear (North) wing, which spans the full width of the ground floor. We note this partition is proposed for removal. If it is historic, we suggest retaining nibs to preserve a greater visual reference to the building's historic layout.

Rear External Stair

Under the current scheme, a pigmented concrete stair would connect the basement level and courtyard at the rear of the building. The information supplied with this application explains this concrete stair would 'have minimum connection to the stables and its stonework'. For the avoidance of doubt, we recommend assurances are sought that the proposed use of concrete would not impact detrimentally on the stonework's performance.

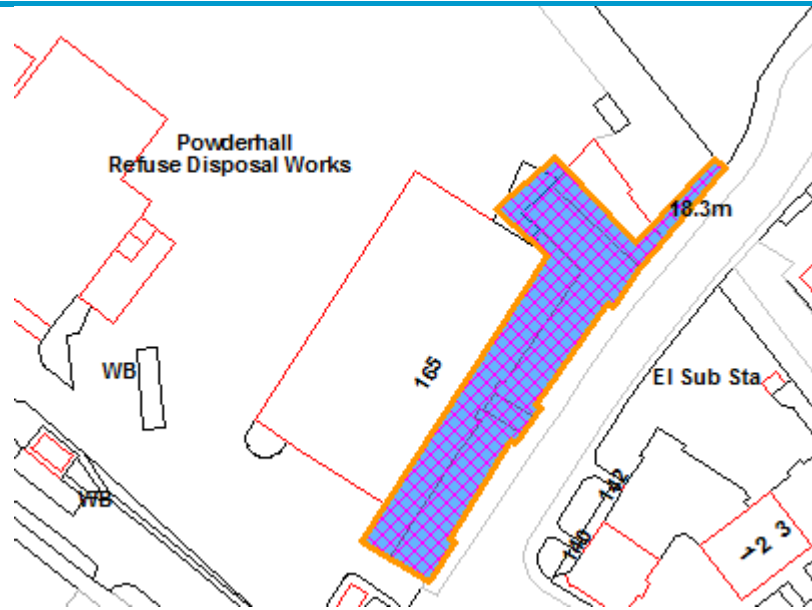
Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision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

Further Information

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

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Location Plan



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Development Management Sub Committee

Wednesday 11 November 2020

**Application for Planning Permission 20/03302/FUL
at 137 Curriehill Castle Drive, Balerno, EH14 5TB
Single storey side and rear extension.**

Item number

Report number

Wards

B02 - Pentland Hills

Summary

The application for development is in accordance with the Edinburgh Local Development Plan as it complies with policy Des 12 (Alterations and Extensions) and the non-statutory Guidance for Householders. It is compatible with the existing building and the character of the area and has no adverse impact on neighbouring residential amenity. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES12, NSG, NSHOU,

Report

Application for Planning Permission 20/03302/FUL at 137 Curriehill Castle Drive, Balerno, EH14 5TB. Single storey side and rear extension.

Recommendations

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

Background

2.1 Site description

The property is a semi-detached residential dwelling with front and rear gardens.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The proposal is for a single storey wrap around extension to the side and rear elevations of the property.

Committee consideration is required for the aforementioned proposal as the applicant is a Council officer within Planning.

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 proposal is of an acceptable scale, form and design and accords with neighbourhood character;
- (b) The proposal will result in an unreasonable loss of neighbouring amenity;
- (c) Any impacts on equalities or human rights are acceptable and
- (d) Any public comments raised have been addressed.

(a) Scale, form and design and neighbourhood character

The proposed single storey rear extension is of a simple design that will sit comfortably within that elevation of the building. The layout and scale of this proposal is in keeping with the spatial pattern of the area and does not represent overdevelopment on the site. The proposal would have a subservient and subordinate relationship with the host property. The proposed materials and fenestration design provide a suitable contrast to the original building and are acceptable in this location.

The proposal complies with Edinburgh Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

(b) Neighbouring amenity

The proposal was assessed in terms of neighbouring amenity, specifically the impact upon privacy, daylighting and overshadowing. No unacceptable impacts were identified.

The proposal would not result in an unreasonable loss of neighbouring residential amenity. The proposal complies with the non-statutory Guidance for Householders with respect to daylight, sunlight and privacy and Local Plan Policy Des 12.

(c) Equalities and human rights

No impacts were identified.

(d) Public Comments

Two representations were received from one member of the public.

The initial representation objected to the application and queried the measurements and the second representation withdrew the original objection.

Conclusion

The application for development is in accordance with the Edinburgh Local Development Plan as it complies with policy Des 12 (Alterations and Extensions) and the non-statutory Guidance for Householders.

It is compatible with the existing building and the character of the area and has no adverse impact on neighbouring residential amenity. There are no material considerations which outweigh this conclusion.

Committee consideration is required as the applicant is a Council officer within Planning.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 21 August 2020 and two letters of representation were received from the same member of the public.

These are addressed in section 3.3 (d).

Background reading/external references

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

Statutory Development Plan Provision	Edinburgh Local Development Plan.
Date registered	12 August 2020
Drawing numbers/Scheme	01-04, Scheme 1

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

Contact: Conor MacGreevy, Planning Officer
 E-mail: conor.macgreevy@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

Relevant Non-Statutory Guidelines

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

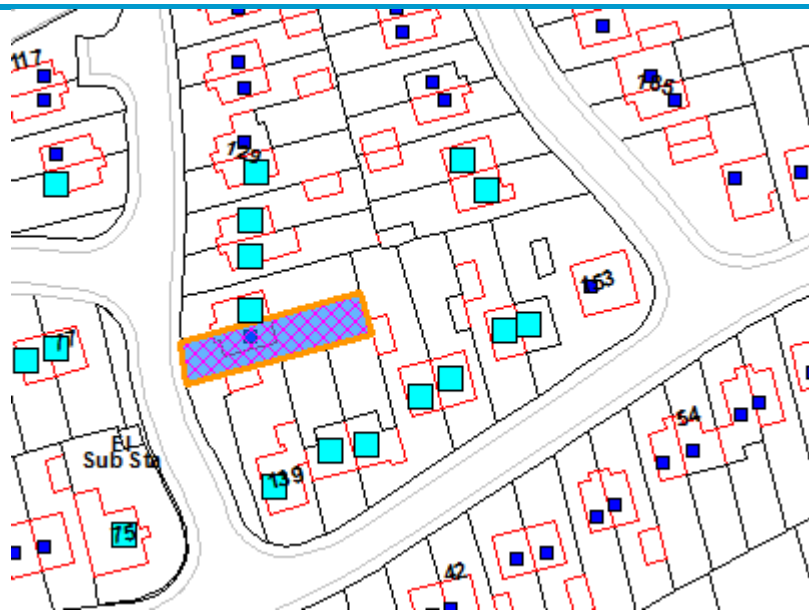
Appendix 1

Application for Planning Permission 20/03302/FUL At 137 Curriehill Castle Drive, Balerno, EH14 5TB Single storey side and rear extension.

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 11 November 2020

Application for Planning Permission 20/01244/FUL at 12 Dean Bank Lane, Edinburgh, EH3 5BY. Alteration and extension of detached house. Proposed separation of one wing as a self-contained studio apartment. Demolition of 3 non-original lean-to extensions and erection of new side extension.

Item number

Report number

Wards

B05 - Inverleith

Summary

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 comply with the Edinburgh Local Development Plan and will not have an adverse impact upon neighbouring amenity, trees or road safety. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

CRPNEW, HES, HEPS, HESEXT, HESINT, LDPP, LDES12, LEN04, LEN06, LEN12, LEN03, NSG, NSLBCA,

Report

**Application for Planning Permission 20/01244/FUL
at 12 Dean Bank Lane, Edinburgh, EH3 5BY.
Alteration and extension of detached house. Proposed
separation of one wing as a self-contained studio apartment.
Demolition of 3 non-original lean-to extensions and erection
of new side extension.**

Recommendations

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

Background

2.1 Site description

The application site is Dean Park House, a Georgian villa constructed during the 18th century and subsumed by the creation of Saxe-Coburg Street and Place in the early 19th century. It is category B listed (listed on 14 December 1970 Ref: 29771). Further extensions were added in the late 60s/70s.

The original central hipped-roof villa has later two-storey pavilion wings extending to the rear and lean-to single storey extensions to the outer left and right concealed by tall flanking fin walls with ball finials. Subsequent extensions have been added in the 19th and 20th centuries to the side and rear courtyard.

The principal two storey elevation is mostly hidden from the street, facing a private garden, which is enclosed by a high, ashlar-coped sandstone rubble boundary wall and gates.

The plainer rubble sandstone rear elevation faces the street.

The building is in use as a private residence.

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

2.2 Site History

5 June 2008 - listed building consent granted for repair works to external envelope of existing house and boundary wall including roof, gutter, chimney and masonry repairs, removal of current mortar and re-pointing in suitable lime mortar, rationalisation of internal spaces to rear, removal of 1960s flat roof, boiler room extension and replacement with slate pitched lean-to extension (planning reference: 08/00821/LBC).

11 December 2008 - planning permission granted for repair works to external envelope of existing house and part of boundary wall including roof, gutter, chimney and masonry repairs, removal of current cement mortar and re-pointing in suitable lime mortar, removal of 1960's flat roof, boiler room extension and replacement with new slate pitched lean-to extension, based on earlier photographic evidence (planning reference 08/00821/FUL).

3 June 2020 - tree works agreed without a requirement for a Tree Preservation Order (planning reference: 20/01787/TCO)

Main report

3.1 Description of the Proposal

It is proposed to carry out various alterations and additions to the detached property. This includes the demolition of non-original lean-to extensions and the erection of a single storey extension to the north eastern elevation and the separation of the western wing to create a self-contained studio apartment.

External alterations to the front principal (non-street facing) elevation include: -

- modern timber doors and screen to the existing west extension are replaced with more contemporary aluminium glazing. The adjacent study door and window on the side elevation of the existing single storey lean-to would be replaced with the same;
- natural low stone wall built with stone from down taking and matching stone in front of new extension and
- new automated timber gates on existing access.

External alterations to the rear (street facing) elevation include: -

- non-original 20th century extension removed;
- timber framed window in existing opening;
- new timber window/door in existing opening;
- new timber gate;
- new glazed lead low pitched roof over the existing courtyard and
- new monopitch aluminium/steel framed rooflights

External alterations to south western elevation

- new aluminium/steel framed rooflight, low profile to match slate roof;
- replacement of three existing fixed rooflights with openable aluminium/steel framed rooflights;
- patio and path reinforced using existing and new stone paviours.
- new glazed timber window/door.

External alterations to the north eastern elevation include: -

- single storey glazed extension with flat lead roof and fascia and slimline aluminium sliding doors;
- patio area to rear of new extension; and
- slimline rooflight over side roof.

Internal alterations include rationalisation of the interior by the removal of internal walls and forming new partitions, installation of a new spiral staircase and mezzanine floor in the studio, new fitted wardrobes, removal of existing kitchen and utility cabinets and the installation of a new kitchen , pantry and laundry room in the main house as well as the self-contained unit. The principal rooms will be retained in their current form and the main staircase will also be unaltered.

Previous Scheme

Following a site visit, the scheme was amended, and revised plans submitted to reflect the proposed changes as follows: -

Proposed extension

- reduced the overall scale of the extension, easing the facade further back and reducing the height and pulling in the length;
- extension has also been made more lightweight in appearance by replacing the stone gable end with a glass corner.
- reduced the extent of hardstanding and low walls in front of the extension to make the extension more subservient to the main facade and
- original slate roof on the upper pitch over the kitchen area has been retained.

Ground Floor

- Existing stone secondary stair is retained and will be used as a store;
- Stone range has been retained in the large west bedroom and
- Openings retained with new glazed timber window/door in the west bathroom.

Rear yard area

- Clearer layout to reflect the original plan form;
- Lean-to slate roofs and walls retained where they abut the boundary wall and
- Slot windows openings omitted from the boundary wall;

Upper floor

- Stair wall nib has been retained at half height.

Supporting Documents

The following supporting documents were submitted as part of the application: -

- Design and Access Statement and
- Arboricultural Impact 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.

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 sub-division is acceptable;
- b) the proposed works preserve the character of the listed building and its setting;
- c) the proposals preserve the special character and appearance of the conservation area;
- d) the proposals will have an adverse effect on neighbouring amenity;
- e) the proposal will impact upon trees;
- f) the proposal has any implications on road or pedestrian safety and
- g) public comments have been addressed.

a) Principle of sub-division

There are no policies in the Edinburgh Local Development Plan (LDP) relating specifically to the sub-division of dwellings although policy Hou 1d) is generally supportive of new housing subject to compliance with other policies of the LDP. In this case, a small studio flat will be formed with a living room, kitchen and shower room with a spiral stair leading up to bedroom accommodation. It will be accessed direct from Dean Bank Lane. It meets the space standards in the Edinburgh Design Guidance (EDG) and the remaining house will be large.

There is also access from the front garden area where there is a large garden and existing parking area. The principle of forming a self-contained dwelling unit in the western wing of the property is acceptable as long as the proposal is compatible with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and policies in the LDP.

Any other use, including short term commercial let, will require further planning permission.

b) Listed Building and Setting

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

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

Historic Environment Scotland (HES) guidance note Managing Change: Extensions, sets out the principles that apply to adding extensions to listed buildings. Other HES Managing Change guidance which applies to this case includes Interiors and Setting.

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

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

Minimal alterations are being carried out to the principal (garden) elevation and the symmetrical frontage will be largely retained. The main change in viewing this elevation will be the introduction of the new glazed extension on the east elevation but this is set back from the frontage and its lightweight design means it will not compete with the solid stone facade of the listed building. It will appear as a clear modern intervention to a building that has undergone significant change through the years and will add a positive architectural statement to the timeline of the building.

Historic Environment Scotland (HES) has raised concerns about this extension and suggests it should be set further back, but this would affect the tree roots of a very significant ash tree at the back of the site. So, although in the revised scheme the extension has been reduced and set further back, it cannot fully meet the concerns of HES. However, the extension is compatible with the principles set out in HES Managing Change guidance on Extensions and is considered acceptable.

The various alterations to the rear street elevation have been designed sympathetically. This is an elevation that is random in appearance with some very fine features, but the alterations will not diminish this character. Again, HES has raised concerns about the level of intervention here but the alterations largely preserve this elevation and are acceptable.

The 20th century lean-to extensions are not original, and their removal is acceptable. The infilling of the rear courtyard by placing a new roof over the area will have minimal impact on a space that has already been largely infilled with a 1960's extension. Although HES has raised concerns about fully infilling this courtyard and suggests a vestige should be retained, this purist approach is not considered necessary in this case. Apart from a few internal walls, the original courtyard cannot be discerned and there is nothing of special interest to be preserved in this area.

The proposed fenestration, along with new doors and windows throughout are appropriate in proportions, style and materiality and will not have an adverse impact upon building. The proposal ensures a balance of traditional timber windows and the introduction of contemporary aluminium and steel rooflights and patio doors in contrast. The introduction of these contemporary materials will therefore not diminish the historical character of the building, but rather complement it.

In terms of boundary walls, the loss of original stonework will be minimal and the proposed traditional design of gates is in keeping with the appearance of other pedestrian openings in the lane. The proposed gates are acceptable in terms of proposed materials, proportions and opening method.

The internal alterations are covered in more detail in the listed building consent application, but the principal rooms are maintained and alterations do not affect areas of special interest.

A condition is recommended requiring details of the proposed flue to be submitted and approved prior to commencement of works, to ensure the proposed flue will have no visual impact upon the elevation.

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."

Policy ENV 6 Conservation Areas- Development states that development within the conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The New Town Conservation Area Character Appraisal stresses the uniformity of buildings and materials and overall consistency of form. Visual homogeneity was also created by the use of a limited range of supporting materials: natural slate on roofs; cast and wrought iron for railings, balconies and streetlamps; fine joinery and glazing at doors and windows; and stone for footpath paving, kerbs and roadway setts.

This particular building is quite unusual in that it was built before the expansion of the second New Town and has a more rustic appearance which reflects the fact it was a standalone building before development surrounded it. Changes therefore have less impact than they would on a typical Georgian townhouse. The elevation to Dean Park Lane in particular has none of the elegance of the New Town although it has several fine details.

In this instance, the extension and proposed alterations are sympathetic and will preserve the character and appearance of the conservation area. Whilst the extension will be visible from high level windows of neighbouring properties, the majority of the works will not be visible from the public realm and therefore will have no impact upon the appearance of the New Town Conservation Area. The visible works to Dean Bank Lane are well designed and in harmony with the form and design of this elevation.

The application does not propose to sub divide the garden ground. This ensures the original characteristic of a traditional villa situated within a sizeable plot with large garden will remain; having no impact upon the character of the site and the surrounding conservation area.

In terms of character, as stated above this is an early standalone building. The alterations and extensions, including new gates to the boundary walls, are sensitively designed and will read as high-quality modern interventions to bring the building up to modern day requirements. They will not have an adverse impact upon the overall character of the conservation area.

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

d) Amenity

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) considers whether proposed new uses would harm existing residential amenity. In addition, policy Des 12 (Alterations and Extensions) states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The proposal does not raise any amenity concerns. There will be no privacy or overlooking issues as a result of the proposal. The proposal provides for alterations to the existing house, and the proposed extension is single storey, ensuring there will be no overshadowing upon neighbouring properties, nor any impact upon the availability of daylight into neighbouring windows.

The sub-division into two separate units does not raise any amenity concerns. Both units will have access to the existing large garden. Both the original house and self-contained unit will have their own patios. The self-contained unit will have direct access to the garden via new patio doors on the western side of the site. As such, adequate amenity space is achieved for both the existing house and the new self-contained unit.

A public representation raised concern that the proposed glazed conservatory would result in light pollution and disturb neighbouring residents in the neighbouring tenements. A domestic extension of this scale, in an urban setting, will not result in light pollution to the detriment of neighbouring residents' amenity.

e) Trees

There are three existing trees on site.

The application refers to crown works to an existing mature ash tree which is situated close to the stone boundary wall which defines the curtilage of the property. An Arboricultural Implication Assessment was submitted as part of the application. The submitted assessment concluded that the tree is in satisfactory health and condition, and that crown reduction is recommended to retain the tree at a suitable size. Management and maintenance of the tree is required if it is to be safely retained and avoid future conflict with the enjoyment and structural integrity of the property. The detailed crown works have been assessed under application reference 20/01787/TCO.

The tree is a natural feature in the locality and important to the character of the conservation area, and therefore the proposed works should not be to detriment of the tree. The proposed extension has been sited and designed to avoid any interference with the tree roots.

It is recommended that a Tree Protection Plan be submitted and approved by the Planning Authority, prior to commencement of development, to ensure the works do not cause harm to any trees on site during the construction process.

The proposals do not propose the removal of any trees on site and should not be detriment of any trees on site and comply with LDP Policy Env12.

f) Road and Pedestrian Safety

The application does not propose alterations to existing access or parking arrangements, apart from the new automated timber gate. The existing driveway has ample turning space and car parking space. The application does not propose any additional parking associated with the self-contained unit. This is acceptable given the site's central location, good public transport links and walkable distance to the city centre.

The Roads Authority was consulted on the proposal and have raised no concern with regards to road or pedestrian safety.

g) Public Comments

Material Comments - Objections

- impact upon setting. Addressed in Section 3.3b;
- impact upon Conservation Area. Addressed in Section 3.3c;
- principle of sub- division. Addressed in Section 3.3a;
- concern relating to self-contained unit being short term let. Addressed in Section 3.3a;
- loss of internal layout and symmetry. Addressed in Section 3.3b;
- loss of staircase. Addressed in Section 3.3b;
- loss of principal rooms. Addressed in Section 3.3b;
- loss of historical features. Addressed in Section 3.3b;
- loss of symmetry of main elevation. Addressed in Section 3.3b;
- impact of raising wall and flat roof across courtyard will impact upon appearance from street. Addressed in Section 3.3b and 3.3c;
- removal of existing slate roof extension. Addressed in Section 3.3b;
- modern extension not in keeping. Addressed in Section 3.3b;
- glazed door not in keeping. Addressed in Section 3.3b;
- visibility of glazed extension from neighbouring tenements and impact of light pollution. Addressed in Section 3.3d;
- concern relating to loss of trees. Addressed in Section 3.3e;
- visual impact of rooflights and light pollution. Addressed in Section 3.3b and 3.3d;
- introduction of glimpse windows not in keeping. Omitted from proposal in Scheme 2.
- impact of proposed new openings in existing wall upon conservations area. Addressed in Section 3.3b and 3.3c;
- impact of proposed new openings in existing wall upon pedestrian safety. Addressed in 3.3f;
- impact of additional parking. No additional parking arrangements are proposed;
- visual impact of flue. Addressed in Section 3.3b;
- concerns raised that no site visit had been carried out by Planning Officer. Site visit delayed due to Covid-19 restrictions, but site visit was carried out when restrictions were lifted;
- concern raised regarding site notices and Covid-19 restriction related delays. Public comment time period was extended to address delay in issuing site notice and neighbour notification due to Covid-19 lockdown;
- impact upon wildlife. The proposal raises no issues with regards to protected species or wildlife; and
- Crown works to Ash carried out before decision issued. Addressed in Section 3.3e.

Material Comments - Neutral

- Suggestion that site visit is carried out to assess full impact of works. Site visit carried out as per the Development Management Procedures and adhering to Covid-19 requirements.

Non-material comments

- impact of drilling upon structural integrity of the building. Not controlled through the planning process;
- noise disturbance during construction. Not controlled through the planning process;
- request to remove ash tree due to its size. Crown works to be carried out to address trees size.
- concerns raised that no site visit had been carried out by Historic Environment Scotland. Addressed in Section 3.3. HES advised comments are based on a desk study. As far as the Council is aware no site visit has been carried out by HES and the comments based on the desk study still stand.

Conclusion

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 comply with the Edinburgh Local Development Plan and will not have an adverse impact upon neighbouring amenity, trees or road safety. 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. All original windows, doors and fireplaces (unless identified to be altered on the submitted plans) shall be retained. Any alteration or modification to any such features shall be approved in writing by the Planning Authority prior to commencement those works.
2. Details of new flue shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".

Reasons:-

1. In the interest of preserving the historical integrity of the building.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard protected trees.

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. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. 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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

There has been 31 objection comments and 1 neutral representation received in relation to the proposal.

Background reading/external references

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

Statutory Development

Plan Provision

Adopted Edinburgh Local Development Plan

Date registered

12 March 2020

Drawing numbers/Scheme

1, 2A - 6A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Sonia Macdonald, Planning Officer

E-mail:sonia.macdonald@edinburgh.gov.uk

Links - Policies

Relevant Policies:

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone-built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four-storey corner and central pavilions.

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: Extensions sets out Government guidance on the principles that apply to extending listed buildings.

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

Relevant policies of the Local Development Plan.

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

Appendix 1

**Application for Planning Permission 20/01244/FUL
At 12 Dean Bank Lane, Edinburgh, EH3 5BY
Alteration and extension of detached house. Proposed
separation of one wing as a self-contained studio apartment.
Demolition of 3 non-original lean-to extensions and erection
of new side extension.**

Consultations

Archaeology

These linked applications concern the A-listed Dean Park House, a Georgian villa constructed during the 18th century and subsumed by creation of Saxe-Coburg Street and Place in the early 19th century. The proposals will see the removal of modern extensions and limited new construction. Based upon this and having assessed the likely impact minimal archaeological impact upon the fabric of this historic building, it has been concluded that there are no significant archaeological implications.

Roads Authority

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

1. *An electric vehicle charging outlet should be considered for this development*

Location Plan



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Development Management Sub Committee

Wednesday 11 November 2020

Application for Listed Building Consent 20/01245/LBC at 12 Dean Bank Lane, Edinburgh, EH3 5BY. Alteration and extension of detached house. Proposed separation of one wing as a self-contained studio apartment. Demolition of 3 non-original lean-to extensions and erection of new side extension.

Item number

Report number

Wards

B05 - Inverleith

Summary

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 have been sensitively designed to retain features of architectural and historical importance in compliance with the Historic Environment Policy for Scotland and associated Managing Change guidance. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

HES, HEPS, HESEXT, HESINT, LDPP, LEN04, LEN03, LEN06, NSG, CRPNEW,

Report

Application for Listed Building Consent 20/01245/LBC at 12 Dean Bank Lane, Edinburgh, EH3 5BY. Alteration and extension of detached house. Proposed separation of one wing as a self-contained studio apartment. Demolition of 3 non-original lean-to extensions and erection of new side extension.

Recommendations

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

Background

2.1 Site description

The application site is Dean Park House, a Georgian villa constructed during the 18th century and subsumed by the creation of Saxe-Coburg Street and Place in the early 19th century. It is category B listed (listed on 14 December 1970 Ref: 29771). Further extensions were added in the late 60s/70s.

The original central hipped-roof villa has later two-storey pavilion wings extending to the rear and lean-to single storey extensions to the outer left and right concealed by tall flanking fin walls with ball finials. Subsequent extensions have been added in the 19th and 20th centuries to the side and rear courtyard.

The principal two storey elevation is mostly hidden from the street, facing a private garden, which is enclosed by a high, ashlar-coped sandstone rubble boundary wall and gates.

The plainer rubble sandstone rear elevation faces the street.

The building is in use as a private residence.

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

2.2 Site History

5 June 2008 - listed building consent granted for repair works to external envelope of existing house and boundary wall including roof, gutter, chimney and masonry repairs, removal of current mortar and re-pointing in suitable lime mortar, rationalisation of internal spaces to rear, removal of 1960s flat roof, boiler room extension and replacement with slate pitched lean-to extension (planning reference: 08/00821/LBC).

11 December 2008 - planning permission granted for repair works to external envelope of existing house and part of boundary wall including roof, gutter, chimney and masonry repairs, removal of current cement mortar and re-pointing in suitable lime mortar, removal of 1960's flat roof, boiler room extension and replacement with new slate pitched lean-to extension, based on earlier photographic evidence (planning reference 08/00821/FUL).

3 June 2020 - tree works agreed without a requirement for a Tree Preservation Order (planning reference: 20/01787/TCO)

Main report

3.1 Description of the Proposal

It is proposed to carry out various alterations and additions to the detached property. This includes the demolition of non-original lean-to extensions and the erection of a single storey extension to the north eastern elevation and the separation of the western wing to create a self-contained studio apartment.

External alterations to the front principal (non-street facing) elevation include: -

- modern timber doors and screen to the existing west extension are replaced with more contemporary aluminium glazing. The adjacent study door and window on the side elevation of the existing single storey lean-to would be replaced with the same;
- natural low stone wall built with stone from duntaking and matching stone in front of new extension and
- new automated timber gates on access.

External alterations to the rear (street facing) elevation include: -

- non-original 20th century extension removed;
- timber framed window in existing opening;
- new timber window/door in existing opening;
- new timber gate;
- new glazed lead low pitched roof over the existing courtyard and
- new monopitch aluminium/steel framed rooflights

External Alterations to south western elevation

- new aluminium/steel framed rooflight, low profile to match slate roof;
- replacement of three existing fixed rooflights with openable aluminium/steel framed rooflights;
- patio and path reinforced using existing and new stone paviours.
- new glazed timber window/door.

External alterations to the north eastern elevation include: -

- single storey glazed extension with flat lead roof and fascia and slimline aluminium sliding doors;
- patio area to rear of new extension and
- slimline rooflight over side roof.
- installation of gas flue.

Internal alterations include rationalisation of the interior by the removal of internal walls and forming new partitions, installation of a new spiral staircase and mezzanine floor in the studio, new fitted wardrobes, removal of existing kitchen and utility cabinets and the installation of a new kitchen, pantry and laundry room in the main house as well as the self-contained unit. The principal rooms will be retained in their current form and the main staircase will also be unaltered. The secondary staircase will be retained but covered over.

Previous Scheme

Following a site visit, the scheme was amended, and revised plans submitted to reflect the proposed changes as follows: -

Proposed extension

- reduced the overall scale of the extension, easing the facade further back and reducing the height and pulling in the length;
- extension has also been made more lightweight in appearance by replacing the stone gable end with a glass corner.
- reduced the extent of hardstanding and low walls in front of the extension to make the extension more subservient to the main facade and
- original slate roof on the upper pitch over the kitchen area has been retained.

Ground Floor

- Existing stone secondary stair is retained and will be used as a store;
- Stone range has been retained in the large west bedroom and
- Openings retained with new glazed timber window/door in the west bathroom.

Rear yard area

- Clearer layout to reflect the original plan form;
- Lean-to slate roofs and walls retained where they abut the boundary wall and
- Slot windows openings omitted from the boundary wall;

Upper floor

- Stair wall nib has been retained at half height.

Supporting Documents

The following supporting documents were submitted as part of the application: -

- Design and Access Statement and
- Arboricultural Impact Assessment

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 proposed works preserve the character of the listed building and its setting;
- b) the proposals preserve the special character and appearance of the conservation area and
- c) public comments have been addressed.

a) Listed Building and Setting

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

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

Historic Environment Scotland (HES) guidance note Managing Change: Extensions, sets out the principles that apply to adding extensions to listed buildings. Other HES Managing Change guidance which applies to this case includes Interiors and Setting.

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

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

Minimal alterations are being carried out to the principal (garden) elevation and the symmetrical frontage will be largely retained. The main change in viewing this elevation will be the introduction of the new glazed extension on the east elevation but this is set back from the frontage and its lightweight design means it will not compete with the solid stone facade of the listed building. It will appear as a clear modern intervention to a building that has undergone significant change through the years and will add a positive architectural statement to the timeline of the building.

Historic Environment Scotland (HES) has raised concerns about this extension and suggests it should be set further back, but this would affect the tree roots of a very significant ash tree at the back of the site. So, although in the revised scheme the extension has been reduced and set further back, it cannot fully meet the concerns of HES. However, the extension is compatible with the principles set out in HES Managing Change guidance on Extensions and is considered acceptable.

The various alterations to the rear street elevation have been designed sympathetically. This is an elevation that is random in appearance with some very fine features, but the alterations will not diminish this character. Again, HES has raised concerns about the level of intervention here but the alterations largely preserve this elevation and are acceptable.

The 20th century lean-to extensions are not original, and their removal is acceptable. The infilling of the rear courtyard by placing a new roof over the area will have minimal impact on a space that has already been largely infilled with a 1960's extension. Although HES has raised concerns about fully infilling this courtyard and suggests a vestige should be retained, this purist approach is not considered necessary in this case. Apart from a few internal walls, the original courtyard cannot be discerned and there is nothing of special interest to be preserved in this area.

The proposed fenestration, along with new doors and windows throughout are appropriate in proportions, style and materiality and will not have an adverse impact upon building. The proposal ensures a balance of traditional timber windows and the introduction of contemporary aluminium and steel rooflights and patio doors in contrast. The introduction of these contemporary materials will therefore not diminish the historical character of the building, but rather complement it.

In terms of boundary walls, the loss of original stonework will be minimal, and the proposed traditional design of gates is in keeping with the appearance of other pedestrian openings in the lane. The proposed gates are acceptable in terms of proposed materials, proportions and opening method.

Currently, the interior of the property is requiring modification. The internal layout of ancillary spaces and main kitchen are dark and disconnected. The upper storey bedroom areas are also disconnected being accessed by three separate stairs.

The proposed alterations will reconfigure the layout through the formation new openings, removing some existing openings that are no longer required and bare no historical or architectural significance, and by removing a wall between two bedrooms. These works are intended to make the building fit for purpose and allow the building to be utilised for modern living.

Internally, there are three good principal rooms within the building, and these will be retained, and any features restored. The original staircase will also be retained and the secondary staircase at the back of the building which is of lesser interest will be retained but floored over. The original back of the building has already been partially removed to allow for previous extensions, and the interior is generally of low significance in terms of remaining fabric. However, apart from an opening to the new extension, this fabric will largely be retained. The proposed slapping is modest in width and will be detailed sensitively. The re-arrangement brings the house into better beneficial use and does not significantly alter the internal layout to the detriment of its historical interest. New openings are normally resisted in buildings of this age and type. However, in this case, an exception is acceptable.

There are some alterations on the upper floor to create better bedrooms, but these rooms are poorly proportioned and capable of change without harm to the building's special interest. The proposed alterations are compatible with HES Managing Change guidance on Interiors.

The sub-division of the west wing to provide a self-contained studio is acceptable in this instance, given that the building will still read as a single dwelling house from the exterior and alterations to achieve the sub-division will not result in the loss of any historic fabric of the building.

The floorplans show the installation of an internal gas flue. No details of this element are included in the submission or indicated on the elevational drawing. As such, a condition is recommended requiring details of the proposed flue to be submitted and approved prior to commencement of works, to ensure the proposed flue will have no visual impact upon the elevation.

Historic Environment Scotland (HES) has raised concern to the proposals. However, it is noted that these comments were based on a desk study rather than a site inspection due to Covid-19 restrictions. A site inspection was carried out by the Planning Authority and revisions were recommended to address some of these concerns.

Overall, the proposal successfully achieves contemporary interventions to the historical building that will improve the interior of the building whilst preserving the building's historical interest. Effort has been made to retain where possible historical features and alter the building to ensure its future as a residential home may continue, without resulting in the loss of its character or integrity.

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

b) 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."

Policy ENV 6 Conservation Areas- Development states that development within the conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

The New Town Conservation Area Character Appraisal stresses the uniformity of buildings and materials and overall consistency of form. Visual homogeneity was also created by the use of a limited range of supporting materials: natural slate on roofs; cast and wrought iron for railings, balconies and streetlamps; fine joinery and glazing at doors and windows; and stone for footpath paving, kerbs and roadway setts.

This particular building is quite unusual in that it was built before the expansion of the second New Town and has a more rustic appearance which reflects the fact it was a standalone building before development surrounded it. Changes therefore have less impact than they would on a typical Georgian townhouse. The elevation to Dean Park Lane in particular has none of the elegance of the New Town although it has several fine details.

In this instance, the extension and proposed alterations are sympathetic and will preserve the character and appearance of the conservation area. Whilst the extension will be visible from high level windows of neighbouring properties, the majority of the works will not be visible from the public realm and therefore will have no impact upon the appearance of the New Town Conservation Area. The visible works to Dean Bank Lane are well designed and in harmony with the form and design of this elevation.

In terms of appearance, as stated above this is an early standalone building. The alterations and extensions, including new gates to the boundary walls, are sensitively designed and will read as high-quality modern interventions to bring the building up to modern day requirements. They will not have an adverse impact upon the overall appearance of the conservation area. The character of the conservation area will be unchanged by the subdivision.

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

c) Public Comments

Material Comments - Objections

- impact upon setting. Addressed in Section 3.3a;
- impact upon Conservation Area. Addressed in Section 3.3b;
- loss of internal layout and symmetry. Addressed in Section 3.3a;
- loss of staircase. Addressed in Section 3.3a;
- loss of principal rooms. Addressed in Section 3.3a;
- loss of historical features. Addressed in Section 3.3a;
- loss of symmetry of main elevation. Addressed in Section 3.3a;
- impact of raising wall and flat roof across courtyard will impact upon appearance from street. Addressed in Section 3.3 and 3.3b.
- removal of existing slate roof extension. Addressed in Section 3.3. Addressed in Section 3.3a;
- modern extension not in keeping. Addressed in Section 3.3a;
- glazed door not in keeping. Addressed in Section 3.3a;
- introduction of glimpse windows not in keeping. Omitted from proposal in Scheme 2.
- impact of proposed new openings in existing wall upon conservation area. Addressed in Section 3.3a;
- visual impact of flue. Addressed in Section 3.3a;
- concerns raised that no site visit had been carried out by Planning Officer. Site visit delayed due to Covid-19 restrictions, but site visit was carried out when restrictions were lifted;
- concern raised regarding site notices and Covid-19 restriction related delays. Public comment time period was extended to address delay in issuing site notice and neighbour notification due to Covid-19 lockdown;

Non-material comments

- impact of drilling upon structural integrity of the building. Not controlled through the planning process;
- noise disturbance during to construction. Not controlled through the planning process;
- request to remove ash tree due to its size. Not relevant to LBC application;
- Crown works to Ash carried out before decision issued. Not relevant to LBC application;
- impact of additional parking. Not relevant to LBC application;
- impact upon wildlife. The proposal raises no issues with regards to protected species or wildlife.
- visibility of glazed extension from neighbouring tenements and impact of light pollution. Addressed in accompanying application for planning permission.
- principle of sub- division. Not relevant to LBC application;

- visual impact of rooflights and light pollution. Addressed in accompanying application for planning permission.
- concern relating to self-contained unit being short term let. Not relevant to LBC application;
- concern relating to loss of trees. Not relevant to LBC application.
- concerns raised that no site visit had been carried out by Historic Environment Scotland. Addressed in Section 3.3. HES advised comments are based on a desk study. As far as the Council is aware no site visit has been carried out by HES and the comments based on the desk study still stand.

Conclusion

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 have been sensitively designed to retain features of architectural and historical importance in compliance with the Historic Environment Policy for Scotland and associated Managing Change guidance. 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. All original windows, doors and fireplaces (unless identified to be altered on the submitted plans) shall be retained. Any alteration or modification to any such features shall be approved in writing by the Planning Authority prior to commencement those works.
2. Details of new flue shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons: -

1. In the interest of preserving the historical integrity of the building.
2. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. This consent is for listed building consent only. Work must not begin until other necessary consents, e.g. planning permission, have been obtained.

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

There has been 28 objection comments received in relation to the proposed works.

Background reading/external references

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

Statutory Development**Plan Provision**

Adopted Edinburgh Local Development Plan

Date registered

12 March 2020

Drawing numbers/Scheme

1, 2A-6A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Sonia Macdonald, Planning Officer

E-mail:sonia.macdonald@edinburgh.gov.uk

Links - Policies

Relevant Policies:**Relevant Government Guidance on Historic Environment.**

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

Managing Change in the Historic Environment: Extensions sets out Government guidance on the principles that apply to extending listed buildings.

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

Relevant policies of the Local Development Plan.

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

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

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

Relevant Non-Statutory Guidelines

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

Application for Listed Building Consent 20/01245/LBC At 12 Dean Bank Lane, Edinburgh, EH3 5BY Alteration and extension of detached house. Proposed separation of one wing as a self-contained studio apartment. Demolition of 3 non-original lean-to extensions and erection of new side extension.

Consultations

Archaeology response

I would like to make the following comments and recommendations concerning these linked LBC & FUL applications for alteration and extensions, proposed separation of one wing as a self-contained studio apartment and demolition of three non-original lean-to extensions plus crown reduction pruning to ash tree.

These linked applications concern the A-listed Dean Park House, a Georgian villa constructed during the 18th century and subsumed by creation of Saxe-Coburg Street and Place in the early 19th century. The proposals will see the removal of modern extensions and limited new construction. Based upon this and having assessed the likely impact minimal archaeological impact upon the fabric of this historic building, it has been concluded that there are no significant archaeological implications.

HES comment

Our Advice

Deanbank House

12 Dean Bank Lane is a late 18th century classical, piend-roofed villa with pavilion wings extending to the rear to form a U-plan. The courtyard and pavilion wings are likely to have historically been part of the villa's service spaces. There have been various extensions/additions including a 1968 kitchen addition by the architect Michael Laird, within the rear courtyard, which retains the historic open space here.

The U-plan identifies a hierarchal relationship between the individual components of the listed building, and is therefore significant to this building's social history and special interest. The villa's principal elevation faces the garden and features a distinctly symmetrical polite composition, enhanced by flanking fin walls topped by ball finials. These walls conceal the single-storey, lean-to sections of the abutting wings. These wings are more unusual in design compared with the main house, extending to two storeys at the building's rear, and add to the special architectural interest of this listed building.

The building also occupies a prominent position within the surrounding Saxe-Coburg residential area and pre-dates this early 19th century development built on land once forming part of the villa's formal garden. There is a clear sense of this building's prominent siting from its rear elevation, which has an uninterrupted view onto and from Saxe Coburg Place, underlining both the historical and an architectural connection between the two that lends significant streetscape value to Deanbank House and its boundary wall as well.

Consideration

Proposals to alter and extend a listed building should be informed by and respond to its character, appearance and special architectural interest. The significance of a listed building's interior, or part of its interior, is usually derived from several factors, including the degree to which an interior remains intact from key periods in its history. The interior of this listed building retains much of its historic floor plan and features, such as simple Georgian cornicing and timber panelled doors that reflect the modest detailing of this classical villa.

The proposals are for the alteration and extension of the listed building, including the conversion of the West wing into a separate, self-contained studio apartment. Demolition of three non-original lean-to extensions is also proposed.

Our current inability to undertake a site visit as a result of the ongoing COVID-19 pandemic means that the advice we are able to provide in this instance is possibly more limited, or less informed than we would normally aim for. Our comments given below are the result of a desk-based assessment of the proposals only.

Proposed Kitchen/Living extension

We would ask that further consideration is given to the design of the proposed Kitchen/Living extension, specifically to its massing and footprint, so that it does not dominate the East side of the principal garden elevation. This principal elevation is characterised by a strict symmetrical composition that is part of the villa's classical design, and which the proposed extension would significantly alter and damage this. In our view, the extension should be recessed further back from the garden elevation, perhaps in-line with the existing Kitchen 2 that abuts the rear West wing. An alternative, less visually impactful design that re-orientated the extension 90 degrees could further protect the villa's symmetry, which forms a key component of its historic character and appearance, by positioning the extension's footprint vertically alongside the East wing and not horizontally out from it, as currently intended. An entrance to the extension could then be made through the existing rear Bedroom or Study. This would enable the extension to become more subsidiary, whilst ensuring the original significant garden elevation maintains its visual prominence.

North East elevation

We note the sloping slate roof of the East wing is proposed for replacement with a new lead covering, and would advise this is resisted to preserve the traditional appearance of the listed building's roof, which is predominantly slated. There is a presumption in favour of repairing historic roof covering materials over their replacement. If repair is not a viable option, then the replacement covering material should seek to match the

existing slates. This would also help maintain a clear separation between the original villa and the new extension proposed for this elevation.

North West (rear) elevation and courtyard

Several alterations are proposed on this prominent, street-facing elevation, which we consider would have an adverse effect on the character, appearance and special architectural interest of the listed building. Part of this elevation's character is the blank rubble-sandstone boundary wall. Set behind this wall is the historic courtyard form and the 1968 kitchen extension.

The proposals would see new openings formed in the boundary wall: a gateway and "glimpse" windows. In our view, these openings would diminish the traditional and formal appearance of the boundary wall and should be resisted.

On the East side of this elevation is the West wing, where the floor level of the upper storey (with oculus window) is proposed to be lowered. Care should be taken to ensure the new floor level does not impact on the traditional 12-light window beneath, which could be seen from this prominent street elevation.

The concealed courtyard forms a sizeable part of this listed building and is also part of a formal arrangement with the main villa and pavilion wings, historically separating the services from the public and private interior spaces of the original 18th century rectangular block. The courtyard form remains relatively intact. Under the proposed scheme, it would be completely infilled with a new rear extension. We recommend the design of any new extension retains this courtyard in some form, to protect the historic appearance and social interest of the listed building.

The 1968 Michael Laird extension, noted in the list description, appears to be of some merit and remains relatively intact. However, we have no external views of the building and its quality is difficult to determine from the drawings supplied. Further information on this element would be useful to enable a full assessment of its significance.

Existing kitchen 2

Some replacement glazing is proposed for this space, including a new, larger rooflight in place of the two existing, smaller ones, and aluminium glazing for the garden doorway. While the existing rooflights and glazed doorway may not be original, they still make a positive contribution to the traditional appearance of the villa. We suggest the design of the new rooflight and doorway is reconsidered to better address the villa's historic character. A smaller replacement conservation rooflight(s) would also retain more of the roof's historic slate roof covering.

Historic plan-form

The plan-form, or arrangement and division of internal spaces into rooms and circulation spaces such as halls and corridors, is a key part of a building's character and special interest. Under the current scheme, the building's plan form would be severely altered, especially in the lobby area and East wing on the ground floor and the landing and neighbouring bedrooms of the first floor. Many of these proposed alterations to the floor plan will also lead to the extensive removal of stone masonry

walls, further damaging the original or historic fabric of this villa. The wall between the proposed Studio Kitchen and Living Room exemplifies this detrimental effect.

We consider alternative, more sensitive design solutions to altering and adapting the interior spaces should be sought, working more with the existing floorplan and perhaps incorporating smaller openings with nibs and downstands to retain greater visual and material reference to the historic plan form. This is relevant to the first floor where we consider the existing original plan-form should be retained. Alternative proposals here will still give the accommodation required.

Historic features

Original and historic features, including decorative plasterwork and panelled doors contribute significantly to the historic character and appearance of this listed building and should be retained. This applies particularly to the first floor landing and two adjacent bedrooms, which retain their simple Georgian cornicing, and to the panelled door between the Entrance Hall and Lobby below. From the information provided, it is unclear if the stair behind the existing Dining Room is original or historic. If it is, we would ask that the stair is left in situ and incorporated into the proposals, to protect the special interest of this interior space.

Similarly, we would recommend the redundant range openings of the former kitchen in the existing Studio is retained rather than removed. Such architectural features are important reminders of the former use and special interest of the house.

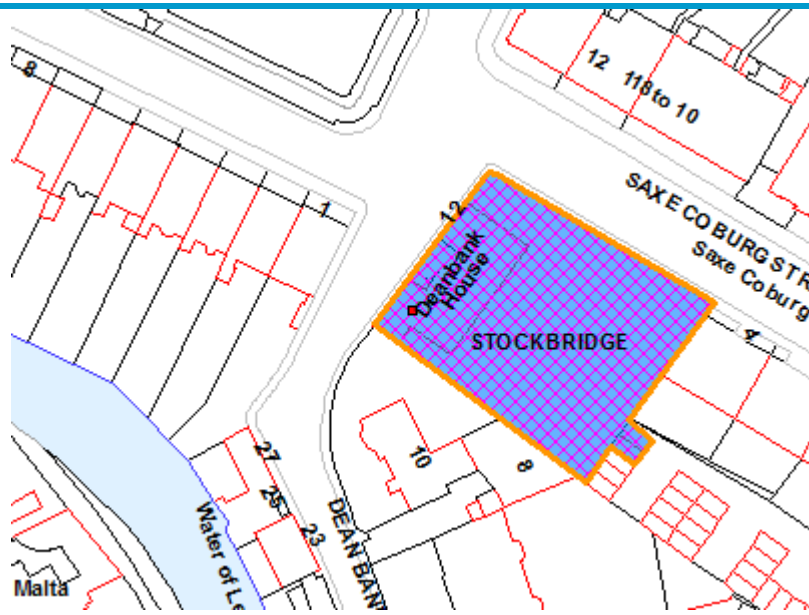
Conclusion

We consider that a more sympathetic treatment to the building is possible and would suggest revisions address this. In particular, we consider the following should be addressed.

- o The proposed kitchen/living extension to the east of the house should be redesigned and set-back to limit its impact on the significant principal elevation of the house. The current plans are detrimental to the building's special interest.*
- o The U-shaped plan of the house is important, including the rear open courtyard. We suggest that the plans could be revised to include the retention of the open rear court in some form. Further information on the 1968 works would be useful.*
- o The plans should work more sympathetically with the original plan form of the villa, with original partitions and elements (e.g. 6 panel doors) retained, especially on the first floor.*
- o Other elements e.g. the historic range openings (and internal stair if original) should be retained and incorporated within the proposals.*

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

Location Plan



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Development Management Sub Committee

Wednesday 11 November 2020

Application for Planning Permission 20/01960/FUL at Meldrum House, 15 Drumsheugh Gardens, Edinburgh. Change of Use from Office to Hotel (Class 7), alteration and extension to rooftop and external alterations to elevations, with associated works (as amended).

Item number

Report number

Wards

B11 - City Centre

Summary

The proposal complies with the policies within the Edinburgh Local Development Plan. The principle of the use is acceptable and there is no adverse impact on neighbouring amenity. The parking and access have been designed to prioritise active travel and meet the requirements of the Edinburgh Design Guidance. The proposal will contribute to the vitality of the area and the refurbishment and alterations to the external appearance will enhance the setting of the neighbouring listed buildings, character and appearance of the New Town Conservation Area and views of the building approaching the Old and New Town of Edinburgh World Heritage Site. There are no material planning considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL02, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN01, LEN03, LEN06, LEN21, LEN22, LEMP01, LTRA02, LTRA03, HES, HEPS, HESSET, NSG, NSGD02,

Report

Application for Planning Permission 20/01960/FUL at Meldrum House, 15 Drumsheugh Gardens, Edinburgh Change of Use from Office to Hotel (Class 7), alteration and extension to rooftop and external alterations to elevations, with associated works (as amended).

Recommendations

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

Background

2.1 Site description

The site relates to the 1950's purpose-built office block on the east end of Drumsheugh Gardens, at the junction with Lynedoch Place. The building is between six and seven storeys' in height and the predominant building material is concrete. The building contrasts with the surrounding sandstone tenements of around four storey's that are typical of the New Town Conservation Area.

The site sits within the area known as the West End of the New Town. To the north of the site is the Dean Bridge, Charlotte Square is to the east and Shandwick Place to the south leading to Haymarket Train Station. The surrounding area is a mixture of residential and commercial uses that include retail and office space.

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

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

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The application is for detailed planning permission for the change of use, refurbishment and alteration and extension of the existing Class 4 Office to form a 166-bedroom Class 7 Hotel with associated landscaping and public realm works. The building is to be refurbished utilising the existing concrete frame and re-clad in stone, brick and metal cladding with a zinc roof with grey metal dormers. Stone will be used to Drumsheugh Gardens with brick on the rear elevations. The roof area to Drumsheugh Gardens will be infilled to create a seven-storey building with a slightly sloping roofscape and pop-up dormers to form an articulated roof form.

The rear car parking courtyards are to be landscaped with two disabled car parking bays with electric charge points accessed from Melville Street Lane. 22 cycle parking spaces are to be incorporated at basement level. A rubble boundary wall is to be formed around the perimeter of the rear courtyards with traditionally styled gates car parking spaces.

Scheme 1

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

- The roof material has changed from black metal to zinc with grey metal cladding;
- The glazing proportions at roof level have been reduced;
- The roof has been slightly sloped by 3 - 4 degrees;
- Rounded corners have been added to the roof and
- Additional soft landscaping has been added to the west rear courtyard.

Supporting Information

The following documents were submitted in support of the application:

- Daylight and sunlight report;
- Design and Access Statement;
- Flood and Drainage Report;
- Noise Impact Assessment;
- Planning Statement;
- Sustainability Statement and
- Transport Statement.

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

3.2 Determining Issues

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

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the proposals have an adverse impact on the setting of listed buildings, the character and appearance of the conservation area or effect the outstanding universal value of the world heritage site;
- c) the proposed design, scale and layout are acceptable;
- d) the proposal maintains an acceptable level of amenity for existing neighbours;
- e) the transport, access and parking arrangements are acceptable;
- f) the impact on infrastructure is acceptable and
- g) representations raised issues to be addressed.

a) Principle of Development

The site is within the City Centre as defined in the Edinburgh Local Development Plan (LDP). Policy Del 2 City Centre supports proposals that retain and enhance its character, attractiveness, vitality and accessibility of the area. Uses should be appropriate to the site, its accessibility and compatible with the character of the surrounding area. Policy Emp 10 Hotel Development supports hotels in the City Centre to maintain city centre diversity and vitality. Hotels are supported within the urban area in areas with access to good public transport.

The proposal is to change the use from a Class 4 Office to form Class 7 Hotel accommodation. The use as a hotel will form part of a diverse mix of uses on the street including commercial and residential uses. The mix of uses on the street, including the proposed hotel will complement a wider mix of uses within the City Centre. Whilst a shortage of office space has been identified through the Commercial Needs Study (2018), the current LDP does not afford protection against the loss of existing office space. The proposed new use has the potential to enhance the vitality of the area and support the visitor economy. Tourism is a key sector of the city's economy and this proposal will support the provision of high-quality accommodation. Therefore, the proposal is compatible with policies Del 2 and Emp 10 and the use is acceptable, subject to compliance with other LDP policies.

b) Built Heritage

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 require proposals to have special regard to the desirability of preserving the character of these buildings or their settings, or any features of special architectural or historic interest which they possess. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

LDP Policy Env 1 World Heritage Sites requires development to respect and protect the outstanding universal values of the World Heritage Site and its setting. LDP Policy Env 3 Listed Buildings - Setting permits development if not detrimental to the architectural character, appearance or historic interest of the building or its settings. LDP Policy Env 6 Conservation Areas - Development supports development which preserves or enhances the special character or appearance of the conservation area and demonstrates a high standard of design utilising appropriate materials for the historic environment.

Listed Buildings

The site sits between the B listed tenements at 1 - 14 Drumsheugh Gardens, 10 - 13 Drumsheugh Street and the B listed Police Call Box sits in front of the building. 1 - 14 Drumsheugh Gardens is a four storey, 2 bay unified townhouse façade with main-door and common stair flats behind with entrance plats oversailing basement. 1 - 13 Drumsheugh Place is a four storey Italianate tenement with commercial units at ground floor. The tenements are characterised by their stone façades and slate roofs and classical architecture. The B listed police box sits to the west of Meldrum House within the street and designed specifically to complement the classical architecture of Edinburgh.

The existing building takes little reference from its context. The predominant building material being concrete, and no reference is given to its relationship with the setting of the neighbouring listed buildings and the characteristics of the classical architecture of the New Town. The re-cladding of the façade, alterations to the fenestration and addition of a well-articulated roofscape address these shortcomings while working with the constraint of the existing building frame. The proposal draws upon the material palate of the neighbouring properties with the extensive sandstone cladding to Drumsheugh Gardens and the use of zinc to the roof to complement the neighbouring slate. Sandstone panels to the upper levels give a solidity to the building to match the neighbouring buildings and the floor to ceiling levels reference the neighbouring properties. The changes will develop a positive relationship with its neighbours and enhance the setting of the listed buildings.

Conservation Area

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone-built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four-storey corner and central pavilions.

The existing Meldrum House is one of a few modern buildings placed within this well preserved, distinct architectural area and part of the New Town Conservation Area. The proposed replacement of the existing façade, architectural language and materiality sits comfortably within the New Town Conservation area. The design feature dormers pick up on the heavily articulated roofscape of the surrounding area. The material palate includes sandstone to Drumsheugh Gardens with solid to void ratios replicating a similar pattern to the neighbouring properties and blends the building in with the wider townscape. To the rear the existing surface car parking will be removed and landscaped areas with a traditional boundary treatment to the lane.

The refurbishment and alterations to the roofscape demonstrate a high standard of design and utilise appropriate materials within the historic environment. Whilst it would be desirable for a new proposal to sit at a similar height to its neighbours a substantial reduction in height is unlikely to be achieved without the wholesale clearance of the site.

The proposed refurbishment of the existing building will reinvigorate this modernist block and integrate the building within its surroundings. The changes will enhance the buildings relationship with the street and appearance in local views. The reinstatement of traditional boundary treatments along the lane will enhance the character of the lane and views from Drumsheugh Gardens. The character of the area is formed of a mix of uses and the change of use from office to hotel will maintain an appropriate mix and have a neutral impact on the mixed use character of the area. Overall, the changes will enhance the appearance of the New Town Conservation Area.

World Heritage Site

The site sits within the Old and New Towns of Edinburgh World Heritage Site and prominent within an important gateway to the site and key view from the Dean Bridge. Edinburgh World Heritage have been consulted and consider the proposal to have a harmful impact on the Outstanding Universal Value of the World Heritage Site as the building will become more visually prominent. The existing building sits quietly within the view but contrasts with the prevailing building materials, heights and articulated roofscape. The proposed changes present an opportunity to enhance the gateway from the negative impact of the current building. The design and use of traditional materials will relate to the existing sandstone character of other buildings within the view. The material of the roof and articulation of the roof planes and dormers work sensitively with other roofs. The introduction of an articulated roof form is a positive contribution to the wider roofscape. The existing building is and the proposed scheme will be prominent with the key view to the site. However, the proposed changes have responded sensitively to its surroundings and enhance the key approach to the World Heritage Site, integrating a contemporary refurbishment sensitively within its historic surroundings.

With reference to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and setting of the listed buildings and the character or appearance of the New Town Conservation Area. The proposal complies with LDP Polices Env 1, Env 3 and Env 6.

c) Design, Scale and Layout

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

Des 7 - Layout Design and Des 8 Public Realm and Landscape Design of the LDP support schemes with a comprehensively designed layout and demonstrate an integrated approach to the layout of buildings, streets and footpaths. Layouts should incorporate and enhance existing features contributing towards a sense of place.

Layout

The layout of the building will utilise the existing building footprint with entrance to the building taken from Drumsheugh Gardens and a rear entrance accessible from Melville Street Lane. The main changes to the external layout relate to the rear east and west surface car park court yards. The west courtyard is to be reconfigured to provide soft landscaping and pedestrian access point to the lane. The existing surface car parking within the east courtyard will be reduced to two electric charge parking points and refuse storage with some soft landscaping. Overall, the changes to the layout are an enhancement of the existing layout increasing soft landscaping on the site and reducing the area dedicated to surface car parking. The changes have been well considered and form an improved layout to the site and enhance the lane environment.

Height, Scale and Massing

The area is characterised by typical Georgian four storey sandstone tenements with two storey bay window patterns. The buildings are set slightly back from the street with decorative black railings providing a traditional boundary treatment with stair plat entrance. The existing building does not reflect the character of the of the street and wider New Town and sits above the prevailing building height of the street. The existing building is seven storeys to Drumsheugh Gardens and steps back to eight to the rear with smaller floor to ceiling heights than traditional tenements.

The proposal will result in a modest increase to the overall height of the building. To create a more efficient layout, the roof area currently occupied by plant has been infilled at the top floor which will bring the north elevation of the building to the same height as the south extension. The comprehensive change to the roof design and form will create an enhance articulated roofscape to the building. Whilst, the building may appear higher in long views, the overall changes to the height are modest and the benefits of the overall change in materials and form ameliorate issues regarding the height. The current roof level is prominent within key views of the site and cluttered with unattractive plant. This proposal will have a similar height but will make a more positive contribution by incorporating an attractive design that references the wider context in its design.

The change in material from sandstone to metal cladding between levels 05 and 06 occurs at a point which responds to the height of the eaves level to adjacent townhouses. The dark grey cladding with dormers provides a roof top concept and as seen from the proposed CGI's, allows the development to blend into the roofscape. The applicant has submitted views that demonstrate that whilst the proposed development will be slightly more prominent within the key view from the Dean Bridge, the proposal will form an attractive visual element within the view and substantially improve upon the rooftop plant currently visible. Accordingly, the change in height to accommodate an attractive roofscape containing additional accommodation is acceptable.

Design and Materials

The design strategy for the development is to convert the building through replacing the existing façade and providing a modern aesthetic which, through the architectural language and materiality, will allow it to sit comfortably with the Edinburgh's New Town. The building will be stripped and re-clad in stone, brick and metal cladding. The upper level will be extended to the north side, to match the roof level of the south extension, lending a more harmonious roof-scape to the building. The architectural approach is for a simple, elegant facade that emulates the rhythms and patterns of the neighbouring west-end buildings.

The design approach to materiality is to provide a sandstone frame to Drumsheugh Gardens with the Sandstone returning to Melville Street Lane. The structural bays reflect the existing structure retained and the repetition and strong rhythm of bay windows down the street. The sandstone panels to the upper levels give a solidity to the building to match the neighbouring buildings and is evident on the view from Dean Bridge. The infill metal panels to the ground and first floor give a modern aesthetic to the building plus the areas of glazing to guest lounge area provides an element of activation to street level. A dark brick has been proposed to the courtyard elevations to the rear. Within the new town dressed stone is evident to the primary façades with coursed rubble to the rear. This response is reflected in a modern interpretation using the grey brick. To the roof, zinc cladding has been used to respond to the traditional slate roofs with dark grey metal dormers. Overall, the proposal is a well-executed design concept with enhances the townscape and complies with policies Des 1, Des 3, Des 4, Des 7 and Des 8 of the LDP.

d) Amenity

Policy Des 5 Development Design - Amenity of the LDP supports development where it can be demonstrated that neighbours and future occupiers will have an acceptable level of amenity in relation to noise, daylight, sunlight, privacy and outlook. The Edinburgh Design Guidance sets out standards for protecting residential amenity and how it will be assessed.

The applicant has demonstrated that there will not be a detrimental impact on the level of daylighting to the neighbouring properties. The neighbouring windows were assessed by Vertical Sky Component (VSC) and Average Daylight Factor (ADF) and adequate daylight was maintained to all properties that currently meet the standard. A Noise Impact Assessment has been undertaken with recommendations to the maintain reasonable noise levels and its recommendations are subject to a condition. The building footprint is unchanged and therefore, there will no loss of privacy to the neighbouring properties. Therefore, adequate amenity will be maintained to the neighbouring properties and complies with policy Des 5 of the LDP.

e) Transport

The scheme has been assessed against policies Tra 2 Private Car Parking and Tra 3 Private Cycle Parking. Any parking provision should comply with the standards set out in the Edinburgh Design Guidance and incorporated within the scheme.

The existing office has fourteen formal parking spaces to the rear of the building accessed from Melville Street Lane. As part of the refurbishment of the hotel the existing car parking spaces will be landscaped and the car parking will be reduced to two disabled car parking spaces with electric charge points. The spaces will be accessible from Melville Street lane and result in a net reduction in twelve car parking spaces on the site. The Edinburgh Design Guidance has no minimum level of car parking provision on site and therefore, the loss of twelve spaces is acceptable and a positive contribution to prioritising active travel to this site. Twenty two cycle parking spaces will be provided and exceeds the requirements of the Edinburgh Design Guidance. These will be provided in the 'Sheffield' stands in a secure room at basement level. A continuous footway will be delivered on the existing Melville Street Lane/Drumheugh Gardens access junction for pedestrian priority. The Roads Authority was consulted and raised no objections and the proposals comply with policies Tra 2 and Tra 3.

f) Infrastructure

LDP Policy Del 1 requires contributions to the provision of infrastructure to mitigate the impact of development. The Action Programme and Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

The site is within 250m - 500m of tram line 1 and therefore, within the zone 2 contribution zone as defined in the Developer Contributions and Infrastructure Developer Delivery Supplementary Guidance. The applicant is required to contribute the net sum of £4,914 and will be subject to a legal agreement. The scheme complies with policy Del 1 subject to a suitable legal agreement to secure this contribution. The developer has agreed to pay these monies in advance of the commencement of development. It is appropriate to secure this sum of money through a S69 agreement, in advance of consent being released.

g) Other Issues

Sustainability

Policy Des 6 Sustainable Buildings supports proposals where environmental resource use and impact has been reduced. The refurbishment of the existing building is the most sustainable approach to redeveloping the site. Utilising the existing frame and materials on the site represents a sustainable approach to the development of this site. Therefore, the policy complies with LDP policy Des 6.

Waste

Refuse and recycling bins are located within an external bin store adjacent to the upper courtyard area. This is accessed from Melville Street Lane. Transport have been consulted and do not object to the servicing strategy.

h) Public Comments

Comments on scheme are as follows:

Material Comments - Objections

- Proposed use; this is addressed in section 3.3 a)
- Setting of the listed buildings; this is addressed in section 3.3 b)
- Character and appearance of the conservation area; this is addressed in section 3.3 b)
- Outstanding universal value of the World Heritage Site; this is addressed in section 3.3 b)
- Height; this is addressed in section 3.3 c)
- Design; this is addressed in section 3.3 c)
- Materials; this is addressed in section 3.3 c)
- Noise; this is addressed in section 3.4. d)
- Amenity; this is addressed in section 3.3 d)
- Daylight, sunlight and overshadowing; this is addressed in section 3.3 d)
- Privacy; this addressed in section 3.3 d)
- Transport; this is addressed in section 3.3 e)
- Waste; this is address in section 3.3 h)

Non-Material Comments

- Fire regulations; building standards issue.
- Structural integrity; building standards issue.

Community Council

The New Town Community Council were consulted and supported the application based on the following grounds:

- Use; this is addressed in section 3.3 a)
- Design; this is addressed in section 3.3 c)
- Materials; this is addressed in section 3.3 c)
- Landscaping; this is addressed in section 3.3 c) and
- Sustainability; this is addressed in section 3.3 h)

Conclusion

The proposal complies with the policies within the Edinburgh Local Development Plan. The principle of the use is acceptable and there is no adverse impact on neighbouring amenity. The parking and access have been designed to prioritise active travel and meet the requirements of the Edinburgh Design Guidance. The proposal will contribute to the vitality of the area and the refurbishment and alterations to the external appearance will enhance the setting of the neighbouring listed buildings, character and appearance of the New Town Conservation Area and views of the building approaching the Old and New Town of Edinburgh World Heritage Site. There are no material planning considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. The development shall be completed in accordance with the acoustic requirements specified in the noise impact assessment (Sandy Brown Technical Report No. 19199-R01-F, dated 7th May 2020), should be installed prior to start of operations and are specified below:

The building services plant contained in the plantroom should be designed to not exceed a Noise Rating of NR 45, when measured at 3 m externally from ventilation routes to the plant room (i.e. from atmospheric louvres, flues, exhausts, etc.).

The substation should not exceed a Noise Rating of NR 45 at 3 m distance externally.

The condenser units should not exceed a Noise Rating of NR 66 dB (L_{Aeq} 71 dB), when measured at 1 m from each unit. This is based on 16 condenser units being installed on the roof.

3. Details of traditionally styled gates to be installed along Melville Street Lane to screen the proposed car parking spaces are to be submitted and approved by the planning authority. The approved gates shall be installed and operational prior to the operation of the hotel.
4. The applicant is to deliver a continuous footway on the existing Melville Street Lane/Drumsheugh Gardens access junction for pedestrian priority to be installed prior to operation of the hotel.

Reasons: -

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the character of the conservation area.
4. To prioritise pedestrian movement.

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. Consent shall not be issued until a S69 legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms.

These matters are:

Transport

The applicant will be required to contribute the net sum of £4,914 (based on proposed 166 bed hotel and existing 5,884sqm office in Zone 2) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report.

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

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was publicised on the weekly list of applications on 18 May 2020. Neighbours were notified of the application on 13 May 2020 and 21 days were allowed for comments. The proposals that formed Scheme 1 received 21 objections three supporting comments and one general comment.

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

Background reading/external references

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

Statutory Development**Plan Provision**

Edinburgh Local Development Plan

Date registered

12 May 2020

Drawing numbers/Scheme01 - 10, 11A - 12A, 13 - 16, 17A - 18A, 19, 20A - 28A,
29,
30A, 31 - 38,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Declan Semple, Planning Officer

E-mail: declan.semple@edinburgh.gov.uk**Links - Policies**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Emp 1 (Office Development) identifies locations and circumstances in which office development 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.

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

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 20/01960/FUL At Meldrum House, 15 Drumsheugh Gardens, Edinburgh Change of Use from Office to Hotel (Class 7), alteration and extension to rooftop and external alterations to elevations, with associated works (as amended).

Consultations

Transport - response dated 27/10/2020

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

- 1. The applicant will be required to contribute the net sum of £4,914 (based on proposed 166 bed hotel and existing 5,885sqm office in Zone 2) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
- 2. 22 secure cycle parking spaces are required for the proposed hotel;*
- 3. Applicant will be required to provide continuous footway on existing Melville Street Lane/Drumheugh Gardens access junction for pedestrian priority;*
- 4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 5. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.*

Note:

- a) Tram contribution - Zone: 2; Existing 5,884sqm office = £376,086.09 Proposed 166 bed hotel = £ 381,000; Net tram contribution = £4,914*
- b) The proposed development is estimated to result in a reduction in people trips of around 45% on the transport network during the period 0600 to midnight on weekdays, when compared to the existing office use of Meldrum House, but more trips during weekends;*
- c) The proposed 2 car parking spaces complies with CEC parking standards which could allow a maximum of 33 car parking spaces in Zone 2;*
- d) The proposed development is accessible by public transport (bus, tram and rail);*
- e) The site is well connected to active travel network.*
- f) Servicing to take place on Melville Street Lane or Drumheugh Gardens depending on size of vehicle as per existing office use. The proposed hotel does not have restaurant, bars or breakfast rooms. Servicing the new hotel will be restricted to the removal of small waste from the hotel guest rooms and the hotel back of house operations. The supply and removal of laundry and general housekeeper's materials. It is anticipated that van deliveries will be limited to 1 to 2 per day."*

g) *It is recommended that servicing on Melville Street Lane takes place during off peak hours to prevent blockade of Melville Street Lane to residential use/parking*

Edinburgh World Heritage - response dated 27/10/2020

Thank you for consulting Edinburgh World Heritage regarding the above amended application. We offer the following comments to the formal submission, which we hope you find helpful in determining the application. This should be read in conjunction with our previous comments of 26 June 2020.

The principal focus of Edinburgh World Heritage is the impact on the Outstanding Universal Value (OUV) of the 'Old and New Towns of Edinburgh' World Heritage Site ('the World Heritage Site' or 'WHS'). Therefore, proportional comment may be made on impact upon individual heritage assets (e.g. Listed Buildings and Conservation Areas), but only to the extent that this impacts upon the city's overall OUV. The Local Planning Authority should therefore give additional consideration to individual heritage assets affected, beyond the scope of our comments, in line with planning policy and legislation.

OUTSTANDING UNIVERSAL VALUE As outlined in previous advice, Drumsheugh Gardens is a late 19th century area of the New Town, and consists of tall, grand houses enclosing a triangle of mature trees. The houses in the immediate vicinity to Meldrum House are by John Lessels, 1874-82. The whole presents a mastery of scale and detail unrivalled in the Western New Town. Meldrum House, at number 15, replaced St. Andrew's Free Church in 1957. The building is not considered to have a positive impact on the Outstanding Universal Value of the World Heritage Site, and represents some potential for positive, sensitive development.

In the context of this planning application, we have identified a number of areas for consideration in relation to the attributes of the World Heritage Site:

- Characteristic views both into and out of the World Heritage Site, with the view from Dean Bridge being a particularly important view in both historic and current-day respects*
- The highly distinctive skyline/roofscape of this part of Edinburgh's New Town*
- The characteristic historic combination of materials across the New Town*
- The series of neoclassical buildings and terraces and their architectural qualities*

IMPACT ON OUTSTANDING UNIVERSAL VALUE

In our previous advice, we raised concern that the proposed alteration and extension to the building would result in a far more visually prominent structure, which in turn would have a negative impact on the harmony of the surrounding built environment. Concerns were also raised that the harmful impact on the skyline as a result of the raising of the height - by one storey at the front and resulting in two storeys higher than the buildings either side. Long views on approach to the World Heritage Site would also be affected. The architectural form and materials proposed were also not considered to be contextual to the historic context. As a result, the proposals were considered to constitute a negative impact on the Outstanding Universal Value of the World Heritage

Site in relation to the existing state, and were not supported by Edinburgh World Heritage.

The proposals have not meaningfully changed since our previous response. We therefore remain of the view that the proposals would constitute a harmful impact on the Outstanding Universal Value of the World Heritage Site.

RELEVANT POLICY & LEGISLATION

In addition to the duties, legislation and policies relating to individual heritage assets, the following are those most pertinent to the World Heritage Site in this case (not exhaustive):

- Duty to protect, conserve and present OUV for future generations (UNESCO)*
- Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its Outstanding Universal Value (Scottish Planning Policy, 147)*
- The siting and design of development should take account of all aspects of the historic environment (Scottish Planning Policy, 140)*
- Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and/or the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted. This policy requires development to respect and protect the outstanding universal values of the World Heritage Sites and their settings. Setting may include sites in the immediate vicinity, viewpoints identified in the key views study and prominent landscape features throughout the city (Edinburgh Local Development Plan, Policy Env 1 World Heritage Sites)*
- Ensure that the Outstanding Universal Value of the WHS is taken into account in planning decision (WHS Management Plan 2017-22)*

RESULTANT POSITION

Due to the harmful impact of the proposals on the Outstanding Universal Value of the World Heritage Site, we do not consider that the development is in line with the legislative and policy considerations above. We therefore cannot support this proposal.

We continue to consider that the site represents a positive opportunity for sensitive and considered development, and would be happy to provide further advice in this respect. For now, we refer to the concerns raised in this and previous letters in order to develop an appropriate scheme for this site.

As always, we advise you engage the heritage expertise within your planning department to inform the wider heritage considerations of this application.

Historic Environment Scotland - response dated 26/05/2020

Thank you for your consultation which we received on 13 May 2020. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref	Name	Designation Type
LB29275	3-22 (INCLUSIVE NUMBERS) LYNEDOCH PLACE, INCLUDING RAILINGS AND ARCHED LAMP HOLDERS	Listed
LB29324	1-41 (ODD NUMBERS) MELVILLE STREET, 1-6 (INCLUSIVE) MELVILLE PLACE, INCLUDING RAILINGS AND ARCHED LAMP HOLDERS	Listed

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

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

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

Transport - response dated 10/08/2020

The application should be continued.

Reasons:

I. The applicant is required to provide servicing strategy and demonstrate how it will work. The service strategy outlined in the transport statement raises safety concern on vehicles turning onto Drumheugh Gardens from the junction. Servicing on Melville Str. Lane could block residential access.

II. Layout /design of the proposed 22 cycle spaces required;

III. Recommendation- the proposed location of 2 disabled bays and hardstanding to the south west could be swapped for ease of car manoeuvre/parking.

1. The applicant will be required to contribute the net sum of ££17,575 (based on proposed 166 bed hotel and existing 5,512sqm office in Zone 2) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

2. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

3. Applicant will be required to provide continuous footway on existing Melville Street Lane/Drumheugh Gardens access junction for pedestrian priority;

4. 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;

5. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;

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

7. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.

Note:

a) Tram contribution - Zone: 2; Existing 5,512sqm office = £363,425.43, Proposed 166 bed hotel = £ 381,000; Net tram contribution =£17,575

b) The proposed development is estimated to result in a reduction in people trips of around

45% on the transport network during the period 0600 to midnight on weekdays, when compared to the existing office use of Meldrum House, but more trips during weekends;

c) The proposed 2 car parking spaces complies with CEC parking standards which could allow a maximum of 33 car parking spaces in Zone 2;

d) The proposed development is accessible by public transport (bus, tram and rail);

e) The site is well connected to active travel network.

Transport - updated response dated 11/09/2020

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

1. The applicant will be required to contribute the net sum of ££17,575 (based on proposed 166 bed hotel and existing 5,512sqm office in Zone 2) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

2. 22 secure cycle parking spaces are required for the proposed hotel;

3. Applicant will be required to provide continuous footway on existing Melville Street Lane/Drumheugh Gardens access junction for pedestrian priority;

4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

5. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.

Note:

- a) Tram contribution - Zone: 2; Existing 5,512sqm office = £363,425.43, Proposed 166 bed hotel = £ 381,000; Net tram contribution =£17,575
- b) The proposed development is estimated to result in a reduction in people trips of around 45% on the transport network during the period 0600 to midnight on weekdays, when compared to the existing office use of Meldrum House, but more trips during weekends;
- c) The proposed 2 car parking spaces complies with CEC parking standards which could allow a maximum of 33 car parking spaces in Zone 2;
- d) The proposed development is accessible by public transport (bus, tram and rail);
- e) The site is well connected to active travel network.
- f) Servicing to take place on Melville Street Lane or Drumheugh Gardens depending on size of vehicle as per existing office use. The proposed hotel does not have restaurant, bars or breakfast rooms. Servicing the new hotel will be restricted to the removal of small waste from the hotel guest rooms and the hotel back of house operations. The supply and removal of laundry and general housekeeper's materials. It is anticipated that van deliveries will be limited to 1 to 2 per day."
- g) It is recommended that servicing on Melville Street Lane takes place during off peak hours to prevent blockade of Melville Street Lane to residential use/parking

Economic Development - response dated 25/05/2020

It is estimated that the proposed development would support approximately 83 FTE jobs and £3.94 million of GVA per annum (not including the impact of visitor expenditure). When the impact of the existing building is accounted for, the projected net impact is a net fall of 331 FTE jobs and £25.59 million of GVA per annum. This reflects the typically lower employment density of hotels relative to office buildings and the typically lower economic productivity of these activities. In principle the continued use of the building as office space would support significantly higher economic outputs than its conversion to a hotel, albeit it is recognised that securing an occupier for the building without significant refurbishment could be challenging given its advanced age.

The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 20/01960/FUL for the conversion of Meldrum House, 15 Drumsheugh Gardens, Edinburgh from an office building into a hotel.

Commentary on existing uses

The application relates to a 4,137 sqm (net) 1950s office building located at 15 Drumsheugh Gardens, Edinburgh, currently occupied by HM Revenue & Customs.

The economic impact of the existing building can be estimated. Based on the average employment density for a public sector office (reflecting the existing use of the building) - one FTE employee per 12 sqm - the building could be expected to support 414 FTE jobs if fully-occupied (4,137 divided by 12). Based on the average GVA per employee for the public sector in Edinburgh (£71,333 in 2018 prices), the building could be expected to support £29.53 million of GVA per annum if fully occupied by a financial services occupier (£71,333 times 414).

It is recognised that Meldrum House is of advanced age and it would potentially be challenging for the building to be fully-let without refurbishment.

Commentary on proposed uses

The application proposes the refurbishment of the building into a hotel of 166 bedrooms. The operational management plan supplied by the applicant indicates that the hotel would be operated by The Resident, an "upper upscale" brand.

Class 7 - Hotels and hostels

The development as proposed would deliver 166 hotel bedrooms. Based on a typical employment density for upscale hotels of one full-time equivalent employee per two bedrooms, the hotel could be expected to directly support approximately 83 FTE jobs if fully occupied (166 divide by 2). Based on a mean gross value added per employee (2018 prices) for the accommodation sector in Edinburgh of £47,429, this could be expected to directly add £3.94m of GVA per annum (83 times £47,429) to the economy of Edinburgh. This does not include the impact of visitor expenditure due to a lack of data to calculate this.

Overall economic impact

The development as proposed could be expected to directly support 83 FTE jobs and £3.94 million of GVA. As set out above, it is estimated that the existing building could, if fully occupied, be expected to support approximately 414 FTE jobs and £29.53 million of GVA per annum. This suggests that the development would have a negative net impact of approximately 331 FTE jobs (414 - 83) and £25.59 million of GVA per annum (£29.53 million - £3.94 million).

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the proposed development would support approximately 83 FTE jobs and £3.94 million of GVA per annum. When the impact of the existing buildings is accounted for, the projected net impact is a net fall of 331 FTE jobs and £25.59 million of GVA per annum.

This response is made on behalf of Economic Development.

Environmental Protection - response dated 07/10/2020

The application proposes the change of use of an existing office to a hotel. Residential properties are situated to the north-east, south and south-west. Further noise and air quality impact information has been provided in support of the application.

A noise impact assessment has been provided which details plant specifications and mitigation methods to ensure that the surrounding residential properties are not affected by noise (to meet the noise limit of NR 25 within the nearest residential property with the window open for ventilation purposes). A condition is recommended below to that effect.

The agent for the application has confirmed that a new MVHR and heat recovery system will be included within the hotel along with air source heat pumps. These measures will therefore allow the removal of existing inefficient office gas boilers which bolster the existing environmental background NO2 levels and their removal is supported in this area of the city.

Environmental Protection asked the developer to consider the removal of the proposed car parking spaces and/or include electric vehicle charging points within the two spaces proposed. It is disappointing that these important air quality mitigation measures have not been included by the developer. However, on balance, due to the fact that there are only two parking spaces, the other sustainable measures proposed assist in mitigating air quality impacts from the existing operations then Environmental Protection will not object to the proposal on air quality grounds.

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

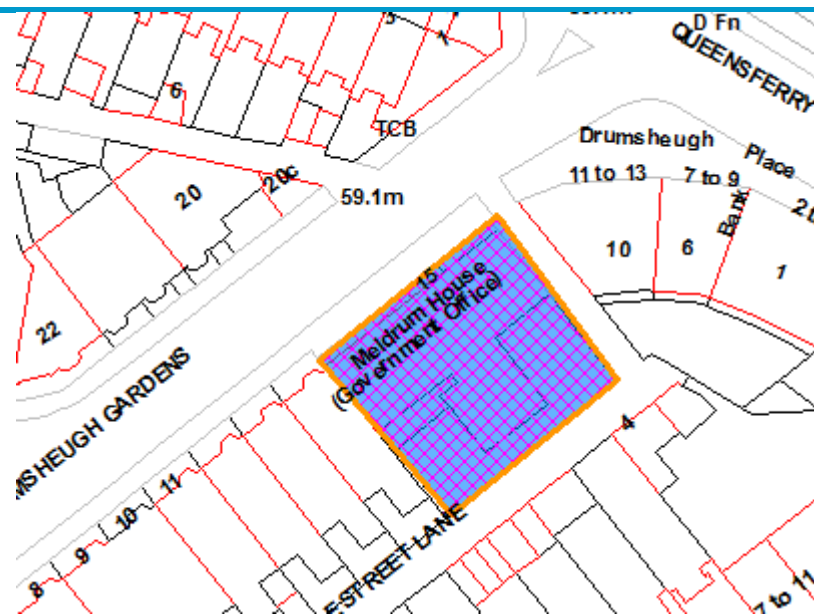
1. The development shall be completed in accordance with the acoustic requirements specified in the noise impact assessment (Sandy Brown Technical Report No. 19199-R01-F, dated 7th May 2020), should be installed prior to start of operations and are specified below:

The building services plant contained in the plantroom should be designed to not exceed a Noise Rating of NR 45, when measured at 3 m externally from ventilation routes to the plant room (ie from atmospheric louvres, flues, exhausts, etc.).

The substation should not exceed a Noise Rating of NR 45 at 3 m distance externally.

The condenser units should not exceed a Noise Rating of NR 66 dB (± 3 LAeq 71 dB), when measured at 1 m from each unit. This is based on 16 condenser units being installed on the roof.

Location Plan



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END

Development Management Sub Committee

Wednesday 11 November 2020

**Application for Planning Permission 20/03707/FUL
at East Princes Street Gardens and Land at The Mound,
Princes Street, Edinburgh
Erection of Edinburgh's Christmas at East Princes Street
Gardens including Christmas Market Stalls, Fairground
rides, Box Offices, Associated Site Offices, Stores and
Ancillary Facilities (amended application to cover the festive
period for 2021- 2022).**

Item number

Report number

Wards

B11 - City Centre

Summary

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would harm the setting of neighbouring listed buildings for the temporary period of time in which the development would exist on site. Notwithstanding, it is considered that there are significant economic and cultural benefits to the city resulting from the Christmas market, which arise principally because of it being located within the city centre where high footfall land uses are encouraged. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre. On balance, these benefits; which are a considerable material consideration, outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area or the setting of the Old Town Conservation Area.

The proposal does not result in significant harm to the character and appearance of the Designed landscape or the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in significant harm to residential amenity. The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDEL02, LDES01, LDES05, LEN01, LEN03, LEN06, LEN07, LEN12, LEN18, LEN22, CRPNEW, NSLBCA, OTH,

Report

Application for Planning Permission 20/03707/FUL at East Princes Street Gardens and Land At The Mound, Princes Street, Edinburgh. Erection of Edinburgh's Christmas at East Princes Street Gardens including Christmas Market Stalls, Fairground rides, Box Offices, Associated Site Offices, Stores and Ancillary Facilities (amended application to cover the festive period for 2021- 2022).

Recommendations

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

Background

2.1 Site description

The site forms part of East Princes Street Gardens (EPSG) comprising parts of the top (northern) tier of the gardens and extends to include the paved hardstanding of the Mound plaza. Waverley Bridge bounds the site to the east. The remainder of East Princes Street gardens with the tree lined embankment with Market Street beyond bounds the site to the south. The Royal Scottish Academy bounds the site to the west.

The site is irregular shaped. The site includes the Category A listed Adam Black Monument (Listed Building: LB27842). The site is adjacent to the Old Town Conservation Area. The site is also adjacent to several listed buildings, structures and monuments:

- The Category A listed Royal Scottish Academy (listed Building reference LB27744).
- The Category A listed Scott Monument with railings and steps (listed building reference LB27829).
- The Category A listed National Gallery of Scotland with Railings (listed building reference: LB27679).
- The Category A listed Livingston Monument (Listed building reference: LB27864).
- The Category A listed John Wilson Monument (Listed building reference: LB27881).
- The Category A listed Police Box at Royal Scottish Academy (Listed building reference: LB30243).
- The Category B listed Waverley West Signal Box at Princes Street Gardens (Listed building reference: LB52052).
- The Category B listed Market Street and Waverley Bridge Police Box (Listed building reference: LB30239).

- The Category A listed Waverley Station, 4 Waverley Bridge, Former Parcels Office (17 Waverley Bridge) and Waverley Bridge (Excluding Steps) (Listed building reference LB30270).

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

2.2 Site History

25 October 2019 - enforcement investigation into unauthorised formation of Christmas market with associated structures. (application 19/0083/EOPDEV) A delegated closing enforcement report was prepared. The following conclusions were made in that report:

- Investigations undertaken in December 2019 confirmed that there was no permission in place for the use/structures and as such a breach of planning control had occurred.
- Subsequently, the use ceased in January 2020 and the structures were subsequently removed not long after, thereby largely resolving the breach of planning control. However, it was discovered that landscaping works associated with the access improvements to the National Galleries was compromised by the platform associated with the market. This landscaping, which was conditioned as part of this 2018 application, along with the gardens in general, was fully remediated and thereby the breach of planning control was fully resolved.

The Delegated Enforcement Closing Report recommended that the enforcement case be closed, and no further action taken with the caveat that if at a future date works commence in the gardens without the benefit of planning permission, then formal enforcement action can be reconsidered.

Enforcement case 19/0083/EOPDEV was subsequently closed on 11 September 2020.

Other relevant applications:

4 September 2020 - Planning application validated for the erection of Christmas market stalls, tree, associated site offices, stores and ancillary facilities at High Street and Parliament Square (amended application to cover the festive period for 2021- 2022). (application reference number 20/03728/FUL)- Pending determination.

3 September 2020 - Planning application validated for the erection of Christmas market stalls, ice rink, plant and boot room, bar, box office and associated site offices, stores and ancillary facilities at George Street and Castle Street (amended application to cover the festive period for 2021- 2022). (application reference number 20/03728/FUL)- Pending determination.

Main report

3.1 Description of the Proposal

The application is for the erection of Christmas market stalls/concessions, fairground rides, box offices, associated site offices, stores and ancillary facilities. Permission is sought from 20 November 2021 to 2 January 2022. The market and attractions would be operational between the hours of 10am and 10pm.

The application is one of three separate applications for Christmas events proposed by the applicant in the city centre. They would operate in place of the much larger single event in East Princes Street Gardens and the Mound Piazza which has operated without planning permission last year.

The current proposal includes:

Top Tier of East Princes Street Gardens (EPSG):

- 2 box offices
- toilet facilities
- 2 fairground attractions - (40-metre-high big wheel and 52 metre high star flyer placed either side of the A-listed Scott Monument)
- generator compound and staff facilities
- exit gate

Mound Piazza:

- entrance gate
- queueing area/ticket check
- 27 single storey stalls for trading concessions
- staff facilities

Additionally, a variety of boundary treatments including 3.05 metre high horizontally boarded timber clad hoarding panels, are proposed within the site to direct the public and improve the flow of patrons around the site, improve legibility, and to encourage the public to stay within the development area and not stray onto the surrounding habitats.

Access to the event is for pedestrians only. There will be no cycle access. Service vehicle access for East Princes Street Gardens is via the Mound Plaza and is limited to deliveries only. Security officers will be on hand to control and allow access. All deliveries will be received between 10pm and 10am.

The applicant informs that waste collection is to be managed by a certified sub-contractor. Separate waste facilities are to be made available for members of the visiting public and stall holders/staff.

Decommissioning is programmed to take place over a maximum of 10 days. Remediation works are to be undertaken by the Council with the costs met by the applicant. The applicant anticipates that remediation of the upper tier of East Princes Street Gardens can be achieved by the end of January 2022.

Detailed drawings including a site layout plan, a Design Statement and a covering letter providing an overview of the proposal have been submitted with the application. These documents are available to view on the Planning and Building Standards online Services.

Revised Scheme:

Given that Edinburgh's Christmas has been cancelled this year there is no longer a requirement to consider the application for the festive period of 2020/2021.

3.2 Determining Issues

Due to its proximity to listed buildings and being a site within the New Town Conservation Area the proposed development first requires to be assessed against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would harm a listed building or its setting. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would conflict with the objective of preserving or enhancing the character or appearance of the conservation area. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

The determining issues to consider in terms of assessing the development against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are:

- Would the development harm a listed building or its setting? If it would, are there any advantages of the proposal that are sufficient to outweigh the strong presumption against granting planning permission?
- Would the development conflict with the objective of preserving or enhancing the character or appearance of the conservation area? If it would, are there any advantages to the proposal that are sufficient to outweigh the strong presumption against granting planning permission?

If the Development complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, it then requires to be considered in terms of Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997. Section 25 requires that the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.

The determining issues to consider in assessing this are:

- 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) there will be no significant harm to the setting of any adjacent listed building and no significant harm to the character and visual amenity of the conservation area;
- b) the Christmas market is appropriate on part of the garden and civic space;
- c) there will be no significant harm to the character and appearance of the Designed Landscape;
- d) there will be no adverse impact on the Outstanding Universal Value of the World Heritage site;
- e) public health considerations relating to COVID-19 have been addressed;
- f) trees, landscaping and biodiversity will not be harmed;
- g) residential amenity will not be adversely affected;
- h) there are no transport issues;
- i) there is no detrimental impact on archaeology;
- j) representations raise issues to be addressed;
- k) the proposal has any equalities or human rights impacts.

a) Assessment against Listed Buildings & Conservation Areas Requirements

Impact on Listed Buildings

The currently proposed market facilities and fairground rides would be located immediately adjacent to a large number of listed buildings including category A listed buildings. The majority of stalls are located on the paved area adjacent to the A-listed Royal Scottish Academy. The star flyer and big wheel would be placed on the upper level of the Garden either side of the A-listed Scott Monument.

The star flyer would also be adjacent to the A-listed Livingston Monument. Stalls would be positioned adjacent to the A-listed John Wilson Monument and the A-listed Adam Black Monument. Owing to their size, scale, positioning, form and their design and appearance, the temporary structures would have a detrimental impact on the setting of the A-listed Royal Scottish Academy, the A-listed Scott Monument, the A listed Livingston Monument, the A listed John Wilson Monument and the A-listed Adam Black Monument. Owing to their size, scale, form, design and appearance the proposal would also have an adverse impact on the setting of the other neighbouring listed buildings listed in the Background section of this report, however the impact on them would be not as intense as they are located further away from the proposal. The Christmas market including star flyer and big wheel has operated on the site adjacent to these listed buildings for a number of years during the festive season and have become characteristic of the setting of those listed buildings during the festive season. The proposal is for a temporary period of a known duration and the impact on the setting of these neighbouring listed buildings would be short term.

Notwithstanding the detrimental impact on the above mentioned heritage assets, by splitting the event into 3 separate events in the city the scale of the current proposal on this site is significant reduced from previous years and consequently the impact on the heritage assets is not as profound as in previous years. The scale of the currently proposed temporary development is considerably smaller than that of Christmas market that operated in East Princes Street Gardens last year and smaller than Christmas markets that have operated in East Princes Street Gardens in previous years. Nonetheless, given that there would be harm to the setting of neighbouring listed buildings, in terms of the legal tests consideration is required to be given to whether there are significant material considerations that justify the development in this particular location; and if so, does this outweigh any adverse impacts. It is considered that there are significant economic and cultural benefits to the city resulting from the Christmas market, which arise because of it being located within the city centre where high footfall land uses are encouraged. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre. On balance, these benefits; which are a significant material consideration, outweigh any temporary adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site.

Impact on Conservation Area

The New Town Conservation Area Character Appraisal identifies the essential character as being:

The City's collection of civic statuary provides a focus and punctuation point for many vistas creating an outdoor sculpture gallery;

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views;

The central position, grid layout and uniform building heights make the area extremely sensitive to the effects of high buildings; and

Terminated vistas within the grid layouts and the long-distance views across and out of the conservation area are an important feature.

The Christmas market is characteristic of this part of the Conservation Area during the festive season and is an established part of its character during that temporary period and therefore it would not detract from the character and appearance of the Conservation Area or the setting of the Old Town Conservation Area.

Notwithstanding the detrimental impact on the above mentioned heritage assets, by splitting the event into 3 separate events in the city the scale of the current proposal on this site is significantly reduced from previous years and consequently the impact on the heritage assets is not as profound as in previous years. The scale of the currently proposed temporary development is considerably smaller than that of Christmas market that operated in East Princes Street Gardens last year and smaller than Christmas markets that have operated in East Princes Street Gardens in previous years. The current proposal does not include development on the slopes or within the valley base of the garden.

In addition to the other two Christmas markets currently proposed by the applicant in other parts of the city centre and other known developments in the city centre, owing to its size, form and temporary nature the cumulative impact on the character and appearance of the conservation area is not significant.

Overall, the development is not considered to conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

b) Assessment against the Development Plan

Use of site

The application site is located in the city centre within two open space designations in the Edinburgh Local Development Plan (LDP): (i) Princes Street Gardens East and West - classed as public parks and gardens; and, (ii) National Gallery Complex - a civic space which includes the Royal Scottish Academy. Policy Del 2 (City Centre) of the LDP supports a mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area. Given that the proposed Christmas market/attractions are temporary they do not conflict with the key principles of Policy Del 2.

The market is not an application to increase retail floorspace because of its temporary nature.

There are no development plan policies or non-statutory guidelines that directly relate to proposals for outdoor markets/attractions.

The proposal would be a temporary change to the normal use of this part of the Garden and Mound plaza for a limited duration of time only. Temporary outdoor markets/attractions are traditionally found in public spaces. The temporary use of this part of the Gardens and the Mound plaza for events including Christmas markets is long established and the Christmas market and attractions have become a familiar presence on the site in the city centre during the festive season.

The proposal would not prevent the continued existing use of the public garden or the remainder of East Princes Street Gardens. The effect of the proposed development on the leisure value and enjoyment of the part of the Gardens comprising the site and the Mound Plaza as a civic space is not permanent and is reversible. The temporarily change of use of the site would not result in the permanent loss of open space provision in the locality and does not conflict with the key principles of Policy Env 18 (Open Space Protection).

Given all of the above, the proposed temporary use on the site is acceptable in principle provided it complies with other development plan policies, or if it does not, there are material considerations that justify approving the proposal.

c) and d) Impact on other Heritage

Owing to their size, scale, positioning, form and their design and appearance, the temporary structures would disrupt key views within the designed landscape and the World Heritage Site and thus would harm the character and appearance of the Designed Landscape and the OUV of the World heritage site.

Notwithstanding the detrimental impact on the above mentioned heritage assets, by splitting the event into 3 separate events in the city the scale of the current proposal on this site is significant reduced from previous years and consequently the impact on the heritage assets is not as profound as in previous years. The scale of the currently proposed temporary development is considerably smaller than that of Christmas market that operated in East Princes Street Gardens last year and smaller than Christmas markets that have operated in East Princes Street Gardens in previous years. The current proposal does not include development on the slopes or within the valley base of the garden. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the character and appearance of the Designed Landscape and the OUV of the World Heritage Site would be short term and not significantly detrimental.

In addition to the other two Christmas markets currently proposed by the applicant in other parts of the city centre and other known developments in the city centre, owing to its size, form and temporary nature the cumulative impact on the character and appearance of the OUV of the WHS is not significant.

The application includes measures to protect monuments/statues within the site from damage. A condition should be imposed on a grant of permission requiring these measures to be in place prior to development taking place on site and to remain until all the temporary structures/installations have been removed following decommissioning.

e) Public Health - COVID-19

At present the legislation which addresses public health in the context of COVID-19 (Coronavirus disease 2019 pandemic) is the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. As is the case with all businesses, the operator of the market would have to meet the COVID-19 legal requirements.

As is the case for all types of businesses the Government retains the powers to close markets if required and if they only consider that certain types of market should be closed, they can define this in the legislation or regulations.

The Scottish COVID-19 guidance on Safer Public Spaces; which provides specific guidance on dealing with COVID-19 in respect of all forms of markets, is guidance rather than strict legal requirements. The Council as landowner and landlord has the authority to require that the applicant demonstrate that they are complying with the Regulations and guidance before allowing them on site to construct the proposed Christmas market. Besides the planning considerations addressed covered later in this report, the proposal has wider interests for the Council to consider through other consenting and licensing regimes and any public health implications. This includes any applications by the operator or any leasee of stalls/concessions within the market for an occasional liquor license.

In terms of considering the public health impacts of COVID-19 in planning applications only the impact on neighbour amenity is a material consideration. Permission is sought for the proposal for the temporary period of 20 November 2021 to 2 January 2022. For the duration of the consent sought the COVID-19 health risks could be said to be a permanent factor and is thereby a material consideration. The broader health issues including broader COVID-19 issues are not matters for planning and are controlled by the above mentioned health protection regulations. As clarified in the (Scottish) Chief Planner's Letter of 2 July 2020 managing the health impacts of COVID-19 falls outwith planning. The letter states that:

'Beyond the planning system, there will likely be some wider interests for businesses and local authorities to consider through other consenting and licensing regimes and any public health implications, including working within physical distancing requirements. We would draw your attention to recent guidance issued by the Scottish Government in relation to occasional licenses for licensed premises and temporary traffic regulation orders and notices. In addition, our guidance on Safer Public Spaces for Scotland published on 29 June advises on the design principles for safer urban centres and green spaces, connecting to Scotland's route map through and out of the crisis.'

Permission is sought for the proposal for the temporary period of 20 November 2021 to 2 January 2022. For the duration of the consent sought the COVID-19 health risks could be said to be a permanent factor and is thereby a material consideration. However, this is limited to considering only the application's impact on neighbour amenity. Therefore, from a COVID-19 perspective, the Planning Authority can only consider whether the application creates increased COVID-19 risks for neighbours and if so consider whether this risk can be effectively managed.

The Design Statement submitted with the application states that the proposal has been revised to include COVID-19 mitigations. However, in considering the increased COVID-19 risks for neighbours for the current proposal which is for an event in 2021-2022, a key factor to consider is that it is not known what COVID-19 restrictions will be in place by Christmas 2021. It is a reasonable assumption to make that there is likely to be some form of COVID-19 restrictions remaining in place by Christmas 2021.

The application includes the detailed layout of the structure on site. However, the actual layout of the market; in particular, the positioning of stalls/concessions and installations etc. and the passageways between them, may need to be modified to comply with whatever COVID-19 restrictions are in place at the time. The Planning Authority should avoid a position of granting permission for a detailed layout that effectively prevents a suitable operating layout next year in terms of whatever COVID-19 restrictions are in place at that time. Therefore, if planning permission is granted, the Planning Authority should not approve the detailed layout of the market at this time. Instead, it should be made a condition of a grant of planning permission that the detailed layout of the market including position of stalls/concessions, attractions and ancillary structures etc. and passageways should be submitted for the prior written approval of the Planning Authority within a specified period of time prior to the market/attractions first coming into use/operation. The reason for this condition is to ensure that the Planning Authority is satisfied that the detailed proposal is in accordance with whatever COVID-19 restrictions apply at the time in order to minimise COVID-19 risks for neighbours.

f) Trees and landscaping and biodiversity

The reduced scale of the proposed temporary development means that no established tree will be affected by the proposed development. The supporting statement accompanying the application states that any established tree in proximity to the proposed development is to be protected with Heras fencing or similar. In addition, the Design Statement accompanying the application details how the proposal has been designed to avoid impact on existing mature trees and specifies a number of other minimum measures that will be deployed to protect trees including measures to avoid root damage. The tree protection measures proposed in the application will ensure the protection of the trees and is considered adequate to mitigate harm to existing trees within the site.

Given the scale of the Christmas event that operated in the Garden in 2019/2020 there was extensive repair required to grassed areas within it over a lengthy period before the Garden could reopen. The current site area comprises significantly less areas of grass within the Garden than previous Christmas markets have. Consequently, less soft landscaping restoration/remediation will be necessary at the end of the decommissioning phase than was required in previous years and moreover the duration of restoration/remediation should be considerably less. The ground to be restored/remediated will be unsightly and inaccessible to the public only temporarily. However, the effects are reversible and not considered to be significantly detrimental to amenity including visual amenity. The Council as landowner through non planning related consents, including terms and conditions of a grant of a lease to the operator, would ensure that at the end of the decommissioning stage the land is restored expeditiously to a required specification. This would include the reinstatement of soft landscaping and the repair/replacement of any damaged kerbs and footways being made good at no cost to the Council or Council Tax payers. Therefore, there is no requirement to secure restoration/remediation works through a planning condition.

The proposed development would not result in significant harm to ecology or biodiversity. No evidence been presented to the Planning Authority that the proposal would harm European protected species or other species except trees that require to be protected.

g) Amenity

Due to the nature of the proposal, there will be amplified music and a large number of people attending, including in the evening. The site is however within a city centre location and the proposal is for a temporary period. The Council's Environmental Protection Section notes that the proposal is scaled back from previous years. They inform that if any complaints about noise were received, they would address this directly with the event organiser. They raise no objection to the application.

The proposals would not give rise to significantly harm to the amenity of neighbouring properties including residences.

h) Transport Issues

No roads are required to be closed to facilitate the proposed development. The proposal raises no road safety or pedestrian safety issues including in respect of the number and location of entrance and exit points and access for wheelchair users. Access to the remainder of the Garden including for pedestrians and wheelchair users will be maintained.

The site is exceptionally well placed for public transport and is located next to a local centre where high footfall land uses are encouraged. Consequently, the proposal does not raise any significant parking issues or public transport issues.

The Council's Transportation Section raises no objection to the application.

In relation to the wider COVID-19 health issue the requirement to queue to enter the event should take place within site boundary in order to minimise impact on neighbouring amenity. The queueing arrangement should be included within the detailed layout of the market to be approved in advance by the Planning Authority and secured by the planning condition referred to in section e) above.

i) Archaeology

No groundworks are required to facilitate the proposal and therefore there is no potential for impacts on underground archaeology.

j) Representations

Material Representations - Objection:

The following material planning matters have been raised:

- Consider the cumulative impact of similar proposals in relation to EIA. - The Planning Authority has screened the proposal for EIA and has concluded that an EIA is not required.
- An EIA is required due to last year's market. - A separate screening opinion ref.19/06081/SCR was issued for last year's market.

- A Heritage Impact Assessment is required. - Adequate information has been submitted with the application in order for the Planning Authority to understand the exact nature of the proposal and to consider the application including its impact on the setting of listed buildings and other heritage assets.
- Harm to the garden and unduly long period of restoration. - This is addressed in sections c) and f) above.
- loss of space for recreation/exercise and well-being. - This is addressed in section b) above.
- Harm to the World Heritage site. - This is addressed in section b) above.
- Harm to trees and insufficient tree protection. - This is addressed in section f) above.
- Inadequate entry and exit points to the market. - This is addressed in section h) above.
- Concern about traffic generation and resultant congestion and insufficient parking provision. - This is addressed in f) above.
- The Council should not have accepted the application as it is for two separate Christmas events for two separate years. - The application is considered to be a valid planning application and therefore the Planning Authority was duty bound to accept the application.
- There should be no loss of public circulation space. - This is addressed in section h) above.
- The timescale for submission of representations on the application should be extended given that the proposal is for a Christmas event in 2021. - The neighbour notification and advertisement of the applications have been carried out in accordance with Statutory requirements, including the required time period for the receipt of representations.
- The applicant has not undertaken any consultation with the community. - The application is a 'local' application and there is no statutory requirement for the applicant to undertake formal pre-application consultation.
- The three Christmas markets should be considered as a single planning entity, as they form a single event organised and promoted by a single operator. - The applicant site and the planning unit for the current application is different to that of the other two Christmas market applications within other parts of the city centre. Therefore, it is considered that each of these separate applications stand to be determined on their own merits.
- Strict deadlines for reinstatement of the soft landscaped surfaces damaged by the proposal and should not extend beyond the end of January in any event. - This is addressed in section f) above.
- An EIA is required, and this was confirmed in the report to the Policy & Sustainability Committee. - The Director clarified that this statement reflected the only proposals that the Planning Authority had seen at the time and did not reflect the potential for smaller Christmas Markets as is now proposed.
- An enhanced security and people management for all aspects of the winter festivals should be a priority in respect of public protection. Thereby, the Christmas Market should be out with East Princes Street Gardens. - Matters of security and public protection are dealt with through other licensing regimes and/or are police matters and therefore are not material considerations in the determination of this application.
- An arboricultural survey should be submitted. - This is not considered necessary to assess the impact of the proposal on trees.

- Harm to biodiversity including bats. - This is addressed in section f) above.
- Concern about impact on traffic congestion in the city. - This is addressed in section h) above.
- The proposal does not support local needs. - It is considered that the proposal will meet some need of the local and wider community.

Non-Material Representations - Objection:

The following broad issues relating to COVID-19 are not material planning considerations:

- The development would increase the risk of transmission of COVID-19 infections and therefore it raises a public health concern.
- Contravenes Government rules/regulations relating to the COVID-19 Pandemic.
- Poor crowd control and the Government's social distancing rule being difficult to maintain and enforce.
- Splitting the market up into smaller markets at different locations in the city risks spreading the transmission of COVID-19 to different parts of the city.
- Concern about the ability and willingness of operators/staff to disinfect rides after each use and the resultant risk of transmission of COVID-19.
- Any pop-up bars operating in the market would be problematic to the effectiveness of COVID-19 test and trace systems.
- Physical arrangements should be put in place to control crowds and to ensure compliance with COVID-19 regulations/guidance.

The following additional non-material planning issues have been raised:

- Commodification of public space/common good land. - Whether there exists any legal impediment to the Council as landowner to grant a lease to the applicant/operator for the temporary use of the land is a legal matter and not a planning matter.
- The Council taxpayers of Edinburgh should not have to pay the costs of site restoration. - This is addressed in section f) above.
- Rubbish generation and resultant nuisance. - Any nuisance resulting from waste generated from the proposal can be satisfactorily dealt with through legislation other than planning legislation.
- The majority of the stalls/concessions in previous Christmas markets were not leased to local businesses and the rents are unaffordable. - The affordability of renting a stall and the businesses that they are leased to is not a matter for planning.
- Would unfairly compete with existing neighbouring bars/restaurants/retailers for trade. - The sale of food and non-food items, competition between operators/providers and consumer choice is not a material planning consideration.
- Christmas markets of a scale previously operated within the Gardens resulted in harm to the garden and to views within the city. - The application stands to be assessed and determined on its own merits and not on the basis of previous similar developments on the site.
- Other Christmas markets abroad have been cancelled. - Whether markets in other areas will be operating is not a material planning consideration.

- A Christmas market by the operator is not wanted or needed. - This is not a material planning consideration.
- The market sells unoriginal and inferior quality merchandise that is overpriced. - Quality control of merchandise/goods and affordability and value for money are not planning matters.
- The market does not represent the meaning of Christmas. - This is not a material planning consideration.
- No positive contribution to the community; but instead, it harms the community. - The Planning Authority has not been presented with any evidence to substantiate this claim.
- ISO 2021 Sustainable Events Management Introduction and Awareness standards should be followed. - This is a voluntary standard for sustainable event management and is not a planning matter and therefore is not a material consideration in the determination of this application.
- The accounts of the applicant/operator should be made available for public scrutiny as the event is financially subsidised by the Council. - The funding of the event and the financial affairs of the applicant is not a material consideration in the determination of this application.
- There is an on-going independent examination of conduct of Council officials in respect of allegations of exceeding their authority/neglecting their remit. - This is not a material consideration in the determination of this application.
- Any Christmas market should be a Council organised, funded and run event instead of a private venture. - The application stands to be determined on its own merits.
- The event should not be a commercial venture; but instead, it should be not for profit, or the profits should be shared among whose common good land it is, or it should be run as a charitable event. -The business type of the operator is not a material planning consideration.

Non-Material Representations - Support:

- The development will be fun. - This is not a material planning consideration.

Community Council

- New Town & Broughton Community Council did not request to be a statutory consultee, but it submitted a representation raising the following matters:
- Ferris Wheel, Star Flyer and market stalls not appropriate next to the Scott Monument. -This is addressed in section a) above.
- Use of soft landscape surfaces not appropriate owing to environmental damage and reduction of access for the general public to common good land. - This is addressed in sections b) and f) above.
- Need for conditions to be appended to a grant of planning permission to secure timeous remediation and reinstatement of soft landscaping. - This is addressed in section f) above.

- Concern about unfair competition to local businesses. - This is not a material planning consideration.
- Further consultation required with local residents. - The neighbour notification and advertisement of the applications have been carried out in accordance with Statutory requirements, including the required time period for the receipt of representations.
- Potential for light pollution to harm amenity. - Given the location of the proposal it would not be reasonable to impose a condition to control light pollution.
- Public safety concern with queuing arrangements and circulation space. - This is addressed in section h) above.

k) Equalities and Rights Issues:

The Design Statement submitted with the application details measures to facilitate access for disabled people within the event. These measures are considered to be adequate. The proposal does not raise any significant issues in terms of qualities and human rights.

CONCLUSION

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would harm the setting of neighbouring listed building for the temporary period of time in which the development would exist on site. Notwithstanding, it is considered that there are significant economic and cultural benefits to the city resulting from the Christmas market, which arise principally because of it being located within the city centre where high footfall land uses are encouraged. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre. On balance, these benefits; which are a considerable material consideration, outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area or the setting of the Old Town Conservation Area.

The proposal does not result in significant harm to the character and appearance of the Designed Landscape or the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in significant harm to residential amenity. The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. There are no material considerations which outweigh this conclusion.

Committee Considerations

Committee consideration is required as the recommendation is that planning permission be granted.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. Planning permission is hereby granted for the proposal for the period between 20 November 2021 and 2 January 2022 only.
2. The temporary market and other attractions hereby approved shall only be operational between the hours of 10am and 10pm on the dates specified in condition 1.
3. The temporary buildings, attractions, installations and associated temporary structures and plant hereby approved shall be removed from the site in their entirety by no later than the 12 January 2022.
4. No development shall take place on site unless and until the following is submitted to the Planning Authority between the period of the 05 October 2021 and the 06 November 2021 and written confirmation is subsequently received from the Planning Authority that the details are approved:
 - (i) Notwithstanding that delineated on drawings and documents docketed to this planning permission, a revised detailed site layout plan delineating the precise layout of the stalls/concessions, attractions including fairground rides, other installations and ancillary structures and plant to be sited within the market and listed on pages 17 & 18 of the Design Statement, dated September 2020, docketed to this planning permission.
 - (ii) a written specification of how the layout of the stalls/concessions, attractions including fairground rides, other installations and ancillary structures and plant within the market delineated on the aforesaid site layout plan (i) has been laid out to comply with the COVID-19 regulations/restrictions in place at the time of submission of the revised site layout plan (i).

Notwithstanding the attractions/concessions listed on pages 17 & 18 of the Design Statement dated September 2020 and docketed to this planning permission, the quantum of structures, concessions, attractions and associated structures and plant delineated on (i) and specified in (ii) above and subsequently erected/sited on the site shall; if necessary, be reduced in order to comply with the COVID-19 regulations/restrictions in place at the time of submission of the revised site layout plan (i) and the written specification (ii).

5. The tree protection measures detailed in Part 3, section titled: "Greenspace Strategy" of the Design Statement dated September 2020 and docketed to this planning permission shall be carried out/adhered to in full prior to development commencing and until all of the temporary structures/installations approved by the grant of this planning permission have been removed from the site.
6. The monument/statue protection delineated/detailed on docketed drawings Nos.09-05-2020 KE and 12-06-2020 KE shall be in place prior to development commencing on site and thereafter they shall be retained in situ until all of the temporary structures/installations approved by the grant of this planning permission have been removed from the site.

Reasons:-

1. To restrict the duration of the development to the temporary period applied for.
2. In the interests of safeguarding the amenity of neighbouring noise sensitive properties.
3. In order to safeguard visual amenity.
4. To ensure that the detailed layout of the market including various structures, stalls/concessions, attractions, installations and ancillary structures and plant and the passageways between them complies with the Covid-19 (coronavirus) Regulations in place at the time when market/attractions first start trading/operating, in the interests of minimising the risk of transmission of Covid-19 to occupants of neighbouring properties.
5. In the interests of safeguarding trees which make a significant contribution to the character and amenity of the area.
6. In the interests of safeguarding listed monuments/statues from damage.

Informatives

It should be noted that:

1. The applicant will repair any damage to the kerbs and footways when accessing and exiting the site. In this regard he will require to contact the Council's Transportation Section to agree the extent of the dilapidation survey and the required roads permits required during the erection and dismantling of the market.
2. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.

3. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;
4. The proposed site is adjacent to the operational Edinburgh Tram. The operator(s) of the market should consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks. The operator(s) should note that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:
 - Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
 - Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
 - Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
 - Any excavation within 3m of any pole supporting overhead lines;
 - Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
 - The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line. See our full guidance on how to get permission to work near a tram way - <http://edinburghtrams.com/community/working-around-trams>

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 15 September 2020. Fifty representations were received including forty eight objecting to the application including an objection from the Cockburn Association, and two in support of the application.

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

Background reading/external references

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

Statutory Development Plan Provision	The adopted Edinburgh Local Development Plan..
Date registered	3 September 2020
Drawing numbers/Scheme	01, 04, 05, 06, 07, 08, 09, 10, 12, 13, Design Statement, Scheme 1

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

Contact: Adam Thomson, Planning Officer
 E-mail:adam.thomson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

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

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

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

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

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

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

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

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

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

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.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

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

Other Relevant policy guidance

Appendix 1

Application for Planning Permission 20/03707/FUL At East Princes Street Gardens And Land At The Mound, Princes Street, Edinburgh Erection of Edinburgh's Christmas at East Princes Street Gardens including Christmas Market Stalls, Fairground rides, Box Offices, Associated Site Offices, Stores and Ancillary Facilities (amended application to cover the festive period for 2021- 2022).

Consultations

Historic Environment Scotland - 30/09/2020

Thank you for your consultation which we received on 09 September 2020. We have assessed it for our historic environment interests and consider that the proposals affect the following:

EDINBURGH WORLD HERITAGE SITE BOUNDARY (100018438),
EAST PRINCES STREET GARDENS (GDL00367)
SCOTT MONUMENT WITH RETAINING WALL AND STEPS (LB27829),
ROYAL SCOTTISH ACADEMY (LB27744),
ADAM BLACK MONUMENT (LB27842),
LIVINGSTONE MONUMENT (LB27864),
JOHN WILSON MONUMENT (LB27881),
WAVERLEY STATION (4 WAVERLEY BRIDGE, FORMER PARCELS OFFICE (17
Waverley Bridge) and WAVERLEY BRIDGE (EXCLUDING STEPS) (LB30270).

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

Our Advice

The application is for the erection of market stalls, fairground rides, box offices, associated site offices, stores and ancillary facilities within East Princes Street Gardens, as part of Edinburgh's Christmas Market. The current application is part of wider proposals that also include facilities in George Street, Castle Street and the High Street.

We note that the extent of the proposed development area within the gardens has been scaled back significantly from previous years, with no development within the gardens' valley base. The facilities would now be sited on the upper level of East Princes Street Gardens, with the majority of stalls in the paved area adjacent to the A-listed Royal Scottish Academy. The star flyer and big wheel would be placed either side of the A-listed Scott Monument.

The market facilities (stalls and rides) would be placed immediately adjacent to Category A listed buildings within the heart of Edinburgh's World Heritage site. They would clearly have a harmful impact.

However, taking into account the time-limited consent and temporary nature of the application proposals, in this instance we consider that the proposals for East Princes Street Gardens would not have a significant impact on the OUV of the World Heritage Site, or the setting of the Category A listed assets noted above.

Should an application come forward to either extend the period of consent, or make such an arrangement permanent, we would be likely to have a different view.

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

Further Information

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

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.englished.org.

Please contact us if you have any questions about this response. The officer managing this case is Gordon Mackie who can be contacted by phone on 0131 668 8628 or by email on Gordon.Mackie@hes.scot.

Edinburgh World Heritage ' 13 October 2020

The principal focus of Edinburgh World Heritage is the impact on the Outstanding Universal Value (OUV) of the 'Old and New Towns of Edinburgh' World Heritage Site ('the World Heritage Site' or 'WHS'). Therefore, proportional comment may be made on impact upon individual heritage assets (e.g. Listed Buildings and Conservation Areas), but only to the extent that this impacts upon the city's overall OUV. The Local Planning Authority should therefore give additional consideration to individual heritage assets affected, beyond the scope of our comments, in line with planning policy and legislation.

This application lies within the context of two associated applications for dispersed Christmas markets in the city (references 20/03708/FUL and 20/03728/FUL). For the benefit of the Planning Department, we have provided separate responses to these associated consultations, though clearly they merit consideration as a cumulative whole.

SUMMARY OF OUTSTANDING UNIVERSAL VALUE

The OUV of the World Heritage Site is well-established in the UNESCO inscription, and will therefore not be repeated here.

Edinburgh World Heritage has broken this down into 5 overarching qualities which can be found on our website. Due to the nature and location of the proposed development, the following elements of World Heritage Site's Outstanding Universal Value are most likely to be affected.

- 'A Model City': The Old and New Towns embody the changes in European urban planning from inward looking, defensive walled medieval cities, through 18th and 19th centuries formal Enlightenment planning, to the 19th century revival of the Old Town with its adaptation of a Baronial style of architecture in an urban setting.
 - 'Authentic City': The survival and condition of Edinburgh's historic buildings, many being authentic examples of their time ' a noteworthy and rare quality.
 - 'City of Contrasts': The survival of two contrasting styles of urban development: the organic multiple layers of the medieval Old Town and the enlightened, spacious, ordered elegance of the New Town.
 - 'Monumental City': The city's fine collection of neo-classical monuments that reflect its status as Scotland's capital. These monuments contribute to the richness and diversity of the townscape and their subjects represent a variety of personalities who were significant in their time.
 - 'Iconic Skyline': The dramatic hills and green spaces of the landscape, plus key buildings of the Old and New Towns give Edinburgh its iconic skyline that has inspired generations of artists, writers, visitors and residents. Princes Street Gardens makes a significant contribution to these values ' being an essential designed feature associated with the development of the New Town in the 18th century. The gardens, set within the Waverley Valley, are of a high quality design and composition which are of considerable heritage value in their own right. The historic associations and numerous historically significant monuments and memorials within them add further to this careful composition and rich history. At the wider scale, the Princes Street Gardens are a fundamentally important space from/over/around which the rich history, character, architecture and contrasting planning of the Old and New Towns of Edinburgh can be understood and appreciated. As such, the Princes Street gardens make an exceptional contribution to the overall OUV of the World Heritage Site and to the contribution to OUV made by associated heritage assets. Given the contribution of the site area to the setting of so many historic sites, many heritage assets are affected by the proposals ' including but not limited to;
- New Town Historic Garden and Designed Landscape
 - New Town Conservation Area
 - Old Town Conservation Area (setting of)
 - John Wilson Monument (Category A listed building)

- The setting of a large number of highly-designated listed buildings and structures, including monuments, the National Gallery of Scotland, the Royal Scottish Academy and the Scott Monument.

IMPACT ON OUTSTANDING UNIVERSAL VALUE

Overall we consider that the proposals would cause harm to the OUV of the World Heritage site as a result of disrupting key views, setting of individual historic sites and public realm character. It is acknowledged that this harm is temporary in nature. Given that we understand the Christmas markets will not be going forward this year, the application principally relates to holiday period of 2021-22 for a period of approximately 59 days (including construction and deconstruction).

RELEVANT POLICY & LEGISLATION

In addition to the duties, legislation and policies relating to individual heritage assets, the following are those most pertinent to the World Heritage Site in this case (not exhaustive):

- Duty to protect, conserve and present OUV for future generations (UNESCO)
- Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its Outstanding Universal Value (Scottish Planning Policy, 147)
- The siting and design of development should take account of all aspects of the historic environment (Scottish Planning Policy, 140)
- Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and/or the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted. This policy requires development to respect and protect the outstanding universal values of the World Heritage Sites and their settings. Setting may include sites in the immediate vicinity, viewpoints identified in the key views study and prominent landscape features throughout the city (Edinburgh Local Development Plan, Policy Env 1 World Heritage Sites)
- Ensure that the Outstanding Universal Value of the WHS is taken into account in planning decision (WHS Management Plan 2017-22)

RESULTANT POSITION

In relation to previous years Christmas markets, we acknowledge that the current applications (please refer to associated references cited above) are of a lesser intensity and more dispersed throughout

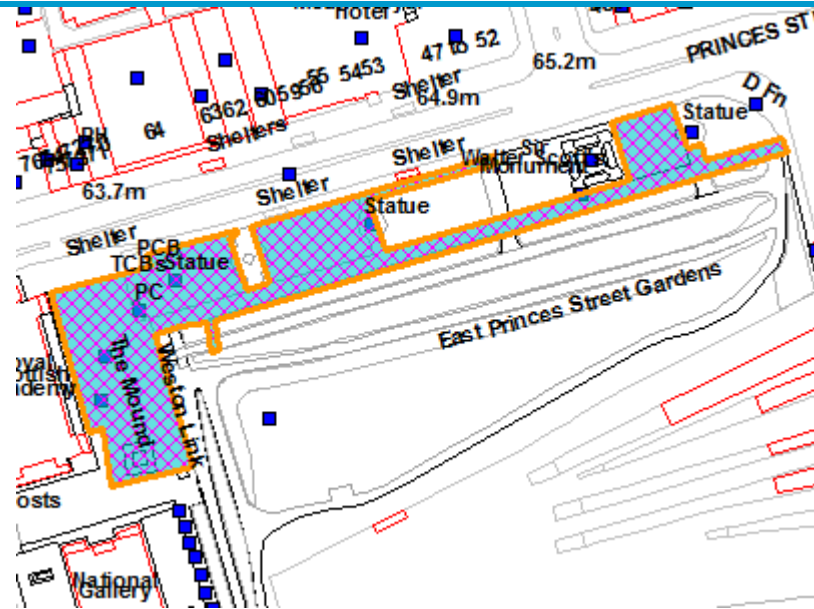
the city. This is welcome from a heritage perspective. On this basis, and with an understanding of the wider context balanced needs within the city, we do not wish to object to this lesser degree and temporary harm.

We would stress that future years should take the opportunity to put people, quality and place at the heart of the process 'moving away from tall fairground rides and other structures in sensitive historic

settings, and towards a tasteful approach that reinforces the unique offer of Edinburgh as a high quality and historic visitor destination. We would welcome round-table early discussions in future to help achieve this. As always, we advise you engage the heritage expertise within your planning department to inform the wider heritage

considerations of this application as well as detailed considerations and opportunities for design/layout enhancement.

Location Plan



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END

Development Management Sub Committee

Wednesday 11 November 2020

**Application for Planning Permission 20/03708/FUL
at Christmas Market, George Street, Edinburgh.
Erection of Edinburgh's Christmas at George Street and
Castle Street, including Christmas Market Stalls, Ice Rink,
Plant and Boot Room, Around the Corner Bar, Box Office,
Associated Site Offices, Stores and Ancillary Facilities
(amended application for festive period 2021- 2022).**

Item number

Report number

Wards

B11 - City Centre

Summary

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would result in minor harm to the setting of neighbouring listed buildings for the temporary period of time in which the development would exist on site. Notwithstanding, it is considered that there are significant economic and cultural benefits to the city resulting from the Christmas market, which arise principally because of it being located within the city centre where high footfall land uses are encouraged. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre. On balance, these benefits; which are a considerable material consideration, outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the character and appearance of the designed landscape or the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in significant harm to residential amenity. The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. There are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDEL02, LDES01, LDES05, LEN01, LEN03, LEN06, LEN07, NSLBCA, OTH, CRPNEW,
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Report

Application for Planning Permission 20/03708/FUL at Christmas Market, George Street, Edinburgh. Erection of Edinburgh's Christmas at George Street and Castle Street, including Christmas Market Stalls, Ice Rink, Plant and Boot Room, Around the Corner Bar, Box Office, Associated Site Offices, Stores and Ancillary Facilities (amended application for festive period 2021- 2022).

Recommendations

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

Background

2.1 Site description

The site is located on two public roads: (i) the public road of George Street on the section which runs between Charlotte Square and Castle Street; and, (ii) the public road of Castle Street on the section that runs from George Street to its junction with Rose Street. The George Street part of the site is bound to the north and south by the properties located on George Street and to the east by the junction of George Street and Castle Street and to the west by Charlotte Square. The Castle Street part of the site is bound to north by the junction of George Street and Castle Street, to the east and west by properties on either side of Castle Street and to the south by the pedestrianised section of Castle Street.

The site is adjacent to a number of listed buildings, structures and monuments:

- 33-39 Charlotte Square and 142-146 George Street with railing and lamp standards (Category A), LB28506;
- 40-46 Charlotte Square and 143 George Street with railing and lamp standards (Category A), LB28507;
- 112 George Street with railings and lamp standards (Category A), LB28883;
- 28 Castle Street with railings and lamp standards (Category A), LB28474;
- 16-20 (Even Nos) and 20A Castle Street with railings and Connery's Bar, Rose Street (Category A), LB28472;
- George Street and Castle Street, Statue of Dr Chalmers (Category A), LB27847 and
- 97-105 (Odd Nos) George Street, Bank of Scotland (Category A), LB28850.

The site is located within the Old and New Towns of Edinburgh World Heritage Site and the Historic Garden Designed Landscape Inventory Site - New Town Gardens. This application site is located within the New Town Conservation Area.

2.2 Site History

No relevant site history.

Other relevant applications:

4 September 2020 - Planning application validated for the erection of Christmas market stalls, tree, associated site offices, stores and ancillary facilities at High Street and Parliament Square (as amended to cover the festive period for 2021-2022). (application reference number 20/03728/FUL)- Pending determination.

3 September 2020 - Planning application validated for the erection of Christmas market stalls, fairground attractions, box office and associated site offices, stores and ancillary facilities at East Prince Street Gardens and Mound Plaza (as amended to cover the festive period for 2021-2022). (application reference number 20/03707/FUL)- Pending determination.

Main report

3.1 Description of the Proposal

The application is for the erection of Christmas market stalls, ice rink, plant and boot room, around the corner bar, box office, associated site offices, stores and ancillary facilities. Permission is sought from 20 November 2021 to 2 January 2022. The event space is to be operational between the hours of 10am and 10pm.

The application is one of three separate applications for Christmas events proposed by the applicant in the city centre. They would operate in place of the much larger single event in East Princes Street Gardens and the Mound Piazza which had operated without planning permission last year.

The proposal includes:

George Street:

- ice rink
- bar with viewing deck
- plant/boot room building
- 18 single-storey stalls for trading concessions

Castle Street:

- box office
- Toilet facilities
- office
- stores
- generator compound
- 12 single storey stalls for trading concessions

Access to the event is for pedestrians only. Cycle access to the site will be maintained. During loading times (7am to 9.30am) a 3m eastbound lane for delivery vehicles and cycles and a 1.5m westbound lane will be maintained. Delivery vehicles will be walked in and out (eastbound only) with banksmen to ensure cycle safety and delivery vehicles will park in the designated loading / unloading areas, out-with the cycle lanes.

Decommissioning is programmes to take place over a maximum of 10 days.

Detailed drawings, a Design Statement and a covering letter providing an overview of the proposal have been submitted with the application. These documents are available to view on the Planning and Building Standards online Services.

Revised scheme

As Edinburgh's Christmas is no longer taking place in 2020, the application title has been amended to delete reference to the period 2020-2021.

3.2 Determining Issues

Due to its proximity to listed buildings and being site within the New Town Conservation Area, the proposed development first requires to be assessed against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would harm a listed building or its setting. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would conflict with the objective of preserving or enhancing the character or appearance of the conservation area. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

The determining issues to consider in terms of assessing the development against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are:

- Would the development harm a listed building or its setting? If it would, are there any advantages of the proposal that are sufficient to outweigh the strong presumption against granting planning permission?
- Would the development conflict with the objective of preserving or enhancing the character or appearance of the conservation area? If it would, are there any advantages to the proposal that are sufficient to outweigh the strong presumption against granting planning permission?

If the Development complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, it then requires to be considered in terms of Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997. Section 25 requires that the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.

The determining issues to consider in assessing this are:

- 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) There will be no significant harm to the setting of any adjacent listed buildings and will not harm the character and visual amenity of the Conservation Area;
- b) The Christmas market appropriate on the site;
- c) There will be no significant harm to the character and appearance of the designed landscape;
- d) there will be no significant harm to the Outstanding Universal Value of the World Heritage site;
- e) Public health considerations relating to COVID-19 have been addressed;
- f) Amenity including residential amenity will not be adversely affected;
- g) There are no transport issues;
- h) Representations raise issues to be addressed;
- i) The proposal has any equalities or human rights impacts.

a) Assessment against Listed Buildings & Conservation Areas Requirements

Impact on Listed Buildings

The proposed market and attractions would be located near to a large number of listed buildings including category A listed buildings. Owing to their size, scale, positioning, form and their design and appearance, the temporary structures would have minor adverse impact on the setting of these neighbouring listed buildings, which buildings are listed in the Background section of this report.

Notwithstanding the adverse impact, by splitting the event into 3 separate events in the city the scale of the proposal on this site is not so great as to have a profound impact on the above-mentioned heritage assets. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the setting of neighbouring listed buildings would be short term and not significantly detrimental.

Nonetheless, given that there would still be a degree of harm to the setting of neighbouring listed buildings; as explained above, in terms of the legal tests consideration is required to be given to whether there are significant material considerations that justify the development in this particular location; and if so, does this outweigh any adverse impacts. It is considered that there are significant economic and cultural benefits to the city resulting from the Christmas market, which arise because of it being located within the city centre where high footfall land uses are encouraged. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre. On balance, these benefits; which are a significant material consideration, outweigh any temporary adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site.

Impact on Conservation Area

The New Town Conservation Area Character Appraisal identifies the essential character as being:

The City's collection of civic statuary provides a focus and punctuation point for many vistas creating an outdoor sculpture gallery;

The use of grid layout forms throughout the area provides a formal hierarchy of streets with controlled vistas and planned views;

The central position, grid layout and uniform building heights make the area extremely sensitive to the effects of high buildings; and

Terminated vistas within the grid layouts and the long-distance views across and out of the conservation area are an important feature.

Temporary events are characteristic of the Conservation Area during the festive season. The temporary use of the site for the proposal would not detract from the character and appearance of the Conservation Area.

In addition to the other two Christmas markets currently proposed by the applicant in other parts of the city centre and other known developments in the city centre, owing to its size, form and temporary nature the cumulative impact on the character and appearance of the conservation area is not significant.

Overall, the development is not considered to conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

b) Assessment against the Development Plan

Use of site

The application site is located on two public roads in the city centre. Policy Del 2 (City Centre) of the Edinburgh Local Development Plan (LDP) supports a mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area. Given that the proposed development is temporary it does not conflict with the key principles of Policy Del 2.

The market is not an application to increase retail floorspace because of its temporary nature.

There are no development plan policies or non-statutory guidelines that directly relate to proposals for outdoor markets.

Temporary outdoor markets are traditionally found in public spaces.

Given all of the above, the principle of the proposed temporary use on the site is acceptable provided the proposal does not conflict with other development plan policies, or if it does, there are material considerations that justify approving the proposal.

c) Impact on Designed Landscape

Owing to their size, scale, positioning, form and their design and appearance, the proposal would temporarily impact on key views within the Designed Landscape. Notwithstanding, by splitting the event into 3 separate events in the city the scale of the proposal is relatively small and consequently the impact on the heritage assets is not profound. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the character and appearance of the Designed Landscape would be short term and not significantly detrimental.

d) Impact on OUV of World Heritage Site

Owing to their size, scale, positioning, form and their design and appearance, the proposal would temporarily impact on key views within the World Heritage Site. Notwithstanding, by splitting the event into 3 separate events in the city the scale of the proposal is relatively small and consequently the impact on the heritage assets is not profound. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the OUV of the World Heritage Site would be short term and not significantly detrimental.

In addition to the other two Christmas markets currently proposed by the applicant in other parts of the city centre and other known developments in the city centre, owing to its size, form and temporary nature the cumulative impact on the character and appearance of the OUV of the WHS is not significant.

e) Public Health ' COVID-19

At present the legislation which addresses public health in the context of COVID-19 (Coronavirus disease 2019 pandemic) is the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. As is the case with all businesses, the operator of the market would have to meet the COVID-19 legal requirements.

As is the case for all types of businesses the Government retains the powers to close markets if required and if they only consider that certain types of market should be closed, they can define this in the legislation or regulations.

The Scottish COVID-19 guidance on Safer Public Spaces; which provides specific guidance on dealing with COVID-19 in respect of all forms of markets, is guidance rather than strict legal requirements. The Council as landowner and landlord has the authority to require that the applicant demonstrate that they are complying with the Regulations and guidance before allowing them on site to construct the proposed Christmas market. Besides the planning considerations addressed covered later in this report, the proposal has wider interests for the Council to consider through other consenting and licensing regimes and any public health implications. This includes any applications by the operator or any leasee of stalls/concessions within the market for an occasional liquor license.

In terms of considering the public health impacts of COVID-19 in planning applications only the impact on neighbour amenity is a material consideration. Permission is sought for the proposal for the temporary period of 20 November 2021 to 2 January 2022. For the duration of the consent sought the COVID-19 health risks could be said to be a permanent factor and is thereby a material consideration. The broader health issues including broader COVID-19 issues are not matters for planning and are controlled by the above-mentioned health protection regulations. As clarified in the (Scottish) Chief Planner's Letter of 2 July 2020 managing the health impacts of COVID-19 falls outwith planning. The letter states that:

'Beyond the planning system, there will likely be some wider interests for businesses and local authorities to consider through other consenting and licensing regimes and any public health implications, including working within physical distancing requirements. We would draw your attention to recent guidance issued by the Scottish Government in relation to occasional licenses for licensed premises and temporary traffic regulation orders and notices. In addition, our guidance on Safer Public Spaces for Scotland published on 29 June advises on the design principles for safer urban centres and green spaces, connecting to Scotland's route map through and out of the crisis.'

Permission is sought for the proposal for the temporary period of 20 November 2021 to 2 January 2022. For the duration of the consent sought the COVID-19 health risks could be said to be a permanent factor and is thereby a material consideration. However, this is limited to considering only the application's impact on neighbour amenity. Therefore, from a COVID-19 perspective, the Planning Authority can only consider whether the application creates increased COVID-19 risks for neighbours and if so consider whether this risk can be effectively managed.

The Design Statement submitted with the application states that the proposal has been revised to include Covid-19 mitigations. However, in considering the increased COVID-19 risks for neighbours for the current proposal which is for an event in 2021-2022, a key factor to consider is that it is not known what COVID-19 restrictions will be in place by Christmas 2021. It is a reasonable assumption to make that there is likely to be some form of COVID-19 restrictions remaining in place by Christmas 2021.

The application includes the detailed layout of the structure on site. However, the actual layout of the market; in particular, the positioning of stalls/concessions and installations etc. and the passageways between them, may need to be modified to comply with whatever COVID-19 restrictions are in place at the time.

The Planning Authority should avoid a position of granting permission for a detailed layout that effectively prevents a suitable operating layout next year in terms of whatever COVID-19 restrictions are in place at that time. Therefore, if planning permission is granted, the Planning Authority should not approve the detailed layout of the market at this time. Instead, it should be made a condition of a grant of planning permission that the detailed layout of the market including position of stalls/concessions, attractions and ancillary structures etc. and passageways should be submitted for the prior written approval of the Planning Authority within a specified period of time prior to the market/attractions first coming into use/operation. The reason for this condition is to ensure that the Planning Authority is satisfied that the detailed proposal is in accordance with whatever COVID-19 restrictions apply at the time in order to minimise COVID-19 risks for neighbours.

f) Amenity

The proposal includes two generator compounds comprising: (i) generators and refrigeration plant sited at the far west end of George Street; and, (ii) generators on Caste Street in a position near to Rose Street. The generators in Castle Street would be sited near to residential properties in Castle Street and also near to residential properties in Rose Street. Owing to the close juxtaposition of them to these neighbouring residences, there is potential for undue noise nuisance to these residences. In order to address this the agent has confirmed that their client is agreeable to swapping the Castle Street generator compound with the proposed market stall cluster located further to the north of it. Additionally, the applicant proposes to erect 3m high walls of timber hoarding around both generator compounds to mitigate noise. The Councils Environmental Protection Section are supporting of these mitigation measures which; if implemented, will ensure that there is no undue noise impact on neighbouring residential properties. These mitigation measures can be controlled by planning conditions.

In the case of the plant compound located at the west end of George Street, there is a hotel in close juxtaposition at 35-39 Charlotte Square (The Roxburghe Hotel). In 2017 a generator and refrigeration plant were positioned at this location in association with an 'Ice Kingdom Display' and no complaints were received by the Council. However, given the high noise levels the ice-rink refrigeration plant will generate, there is a concern with potential for noise nuisance to occupiers of the hotel. In order to mitigate noise nuisance from the plant it should be made a condition of a grant of planning permission that the exact positioning of the plant and generators on the site and the acoustic containment of the plant is such that an acoustic attenuation of NR35 is achieved within the guest bedrooms of the hotel between 23:00 hours and 07:00 hours with the windows closed. Subject to this, there would be no undue noise nuisance to occupiers of the neighbouring hotel or any residential property. The Council's Environmental Protection Section are supporting of this recommended control and subject to the condition being imposed they raise no objection to the application.

Owing to the nature of the proposal, there will be amplified music and a large number of people attending, including in the evening. Any noise nuisance relating to this could be addressed with the operator informally by the Council's Environmental Protection Section.

g) Transport Issues

To facilitate the proposal the western part of George Street would have to be closed to eastbound traffic. The temporary closure of the road does not raise any transportation concerns. A permit to close the road would be required to be obtained from the Council in advance of its closure. The proposal does not raise any road safety concerns.

There will be no restrictions to pedestrian flow on the pavements adjacent to the site. The proposal raises no pedestrian safety concerns.

The site is exceptionally well placed for public transport and is located next to a local centre where high footfall land uses are encouraged. Consequently, the proposal does not raise any significant parking issues or public transport issues.

The Council's Transportation Section raises no objection to the application.

h) Representations

Material Representations - Objection:

Material Representations - Objection:

The following material planning matters have been raised:

- Consider the cumulative impact of similar proposals in relation to EIA. - The Planning Authority has screened the proposal for EIA and has concluded that an EIA is not required.
- An EIA is required due to last year's market. - A separate screening opinion ref.19/06081/SCR was issued for last year's market.
- A Heritage Impact Assessment is required. - Adequate information has been submitted with the application in order for the Planning Authority to understand the exact nature of the proposal and to consider the application including its impact on the setting of listed buildings and other heritage assets.
- An EIA is required, and this was confirmed in the report to the Policy & Sustainability Committee. - The Director clarified that this statement reflected the only proposals that the Planning Authority had seen at the time and did not reflect the potential for smaller Christmas Markets as is now proposed.
- Would cause obstructions to pedestrian movement. - This is addressed in section g) above.
- Commodification of public space. - Whether there exists any legal impediment to the Council as landowner to grant a lease to the applicant/operator for the temporary use of the land is a legal matter and not a planning matter.
- Would cause delays to bus services. - This is addressed in section e) above.
- Noise pollution. - This is addressed in section f) above.
- Harm to residential amenity. - This is addressed in section f) above.
- Detract from the character of the city, harmful to character and visual amenity of the area. - This is addressed in sections a), c) and d) above.
- Would spoil Princes Street Gardens. - This is addressed in section c) above.

- Does not make a positive contribution to the community; but instead, it harms the community. - The Planning Authority has not been presented with any evidence to substantiate this claim.
- The applicant has not undertaken any consultation with the local residents. - The application is a 'local' application and there is no statutory requirement for the applicant to undertake formal pre-application consultation.
- In the past when Christmas markets have been dismantled and the sites vacated, they have been left in a poor condition and not adequately restored. - The Council as landowner through broader consenting and licencing regimes would ensure expeditious remediation of any damage incurred at no cost to the Council or Council taxpayers.
- The proposal does not support local needs. - It is considered that the proposal will meet some need of the local and wider community.
- The increase in carbon dioxide emissions resulting from the proposal would conflict with the Council's carbon emission target. - The Planning Authority has not been presented with any evidence to substantiate this claim.

Non-Material Representations - Objection:

The following broad issues relating to COVID-19 are not material planning considerations:

- Splitting the market up into smaller markets at different locations in the city increases the risks of the transmission of COVID-19 to different parts of the city.
- Splitting the market up into smaller markets at different locations in the city reduces the risks of transmission of COVID-19 to different parts of the city.
- Any pop-up bars operating in the market would be problematic to the effectiveness of Covid-19 test and trace systems.
- Physical arrangements will need to be put in place to control crowds and to ensure compliance with Covid-19 regulations/guidance.
- Would contravenes Government rules/regulations relating to the COVID-19 Pandemic.
- Poor crowd control and the Government's social distancing rule being difficult to maintain and enforce.

The following additional non-material planning issues have been raised:

- There are better locations for a Christmas market in the city. - The application stands to be determined on its own merits.
- The operating company is not Scottish. - This is not a material planning consideration. An enhanced security and people management for all aspects of the Winter Festivals should be a priority in respect of public protection. - Matters of security and public protection are dealt with through other licensing regimes and/or are police matters and therefore are not material considerations in the determination of this application.
- The proposal is profit driven. - This is not a material planning consideration.
- Concerns about the structural safety of the installations. - Structural safety of the temporary buildings and installations is controlled by Buildings Standards legislation and not planning legislation and therefore this is not a material consideration in the determination of this application.

- The accounts of the applicant/operator should be made available for public scrutiny as the event is financially subsidised by the Council - The funding of the event and the financial affairs of the applicant is not a material consideration in the determination of this application.
- There is an on-going independent examination of conduct of city officials in respect of allegations of exceeding their authority/neglecting their remit. - This is not a material consideration in the determination of this application.
- Any Christmas market should be a Council organised, funded and run event instead of a private venture. - The application stands to be determined on its own merits.
- Would generate rubbish - This is controllable through legislation other than planning legislation.
- Poor quality, non-locally produced/manufactured and over-priced merchandise is sold. Quality control of merchandise/goods and affordability and value for money are not planning matters.
- Poor pay and working conditions of employees - Employee pay and working conditions is controlled by legislation other than planning legislation and therefore this is not a material planning consideration.
- Would not benefit local businesses. - This is not a planning matter.
- The operating company is not Scottish. - This is not a material planning consideration.
- The proposal would conflict with the Council's "Million Tree City" aspirations" as there would be construction near mature trees and inadequate tree root protection zones identified. - There are no trees on the site or in overhanging the site that would be impacted on by the proposals.
- mismanagement of waste/rubbish. - Public health concerns and nuisance resulting from waste mismanagement and inappropriate disposal of waste can be satisfactorily dealt with through legislation other than planning legislation.
- odour nuisance. - If odour nuisance were to arise this can be satisfactorily dealt with by Environmental Health legislation.

Non-Material Representations - Support:

- On proviso social distancing can be maintained then the proposal is beneficial to the area.
- Will be good for the economy.

i) Equalities and Rights Issues:

The Design Statement submitted with the application details measures to facilitate access for disabled people within the event. These measures are considered to be adequate. The proposal does not raise any significant issues in terms of qualities and human rights.

CONCLUSION

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would cause minor harm to the setting of neighbouring listed buildings for the temporary period of time in which the development would exist on site.

Notwithstanding, it is considered that there are significant economic and cultural benefits to the city resulting from the Christmas market, which arise principally because of it being located within the city centre where high footfall land uses are encouraged. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre. On balance, these benefits; which are a considerable material consideration, outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the character and appearance of the Designed Landscape or the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in significant harm to residential amenity. The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. 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. Planning permission is granted for the limited period of between 20 November 2021 and 2 January 2022 only.
2. The temporary market and attractions including timber stalls, ice rink and ancillary structures shall only operate between the hours of 10am and 10pm on the dates specified in condition 1.
3. The temporary structures and installations and ancillary structures, plant and generators shall be removed from the site within 10 days of the date of expiry of the temporary period specified in condition 1.
4. No development shall take place on site unless and until the following is submitted to the Planning Authority between the period of the 05 October 2021 and the 06 November 2021 and written confirmation is subsequently received from the Planning Authority that the details are approved:
 - (i) Notwithstanding that delineated on drawings and documents docketed to this planning permission, a revised detailed site layout plan delineating the precise layout of the stalls/concessions, attractions including fairground rides, other installations and ancillary structures and plant to be sited within the market and delineated on the plan on page 12 and listed on page 13 of the Design Statement, dated September 2020, docketed to this planning permission.

- (ii) a written specification of how the layout of the stalls/concessions, attractions including fairground rides, other installations and ancillary structures and plant within the market delineated on the site layout plan (i) has been laid out to comply with the COVID-19 regulations/restrictions in place at the time of submission of the revised site layout plan (i).

Notwithstanding the structures/attractions/plant delineated/listed on pages 12 & 13 of the Design Statement dated September 2020 and docketed to this planning permission, the quantum of structures, concessions, attractions and associated structures and plant delineated on (i) and specified in (ii) above and subsequently erected/sited on the site shall; if necessary, be reduced in order to comply with the COVID-19 regulations/restrictions in place at the time of submission of the revised site layout plan (i) and written specification (ii).

- 5. Notwithstanding that delineated on drawing UB-ECH 20-003B submitted with the application, the generators within the Castle Street part of the site shall not be sited in the location delineated on that plan; but instead, they shall be sited further north on the site in the location delineated as stalls 1-6.
- 6. Prior to the generators first coming into operation the 3m high timber hoarding to be erected around the perimeter of the generator compounds shall be erected and thereafter retained for the duration of this temporary planning permission.
- 7. Notwithstanding the location of the George Street ice rink plant and generators delineated on drawing UB-ECH 20-003B and the detailed of them specified on other application drawings, the positioning of them on the site and the acoustic containment/enclosures installed/erected around them shall achieve an acoustic attenuation of NR35 within the neighbouring hotel at 35-39 Charlotte Square (The Roxburgh Hotel) between 23:00 hours and 07:00 hours. The noise measurements shall be taken within the guest bedrooms of the hotel with the windows closed.

Reasons:-

- 1. To restrict the duration of the development to the temporary periods sought.
- 2. In the interests of safeguarding the amenity of neighbouring noise sensitive properties.
- 3. In order to safeguard visual amenity.
- 4. To ensure that the detailed layout of the market including various structures, stalls/concessions, attractions, installations and ancillary structures and plant and the passageways between them complies with the COVID-19 Regulations in place at the time when market/attractions first start trading/operating, in the interests of minimising the risk of transmission of COVID-19 to occupants of neighbouring properties.

5. In the interests of safeguarding the amenity of neighbouring noise sensitive properties from undue noise nuisance.
6. In the interests of safeguarding the amenity of neighbouring noise sensitive properties from undue noise nuisance.
7. In the interests of safeguarding the amenity of occupants of the neighbouring hotel from undue noise nuisance.

Informatives:-

It should be noted that:

1. The applicant will repair any damage to the kerbs and footways when accessing and exiting the site. In this regard he will require to contact the Central Local Area Manager to agree the extent of the dilapidation survey and the required roads permits required during the erection and dismantling of the market.
2. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) shall be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984.
3. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.
4. The applicant/operator(s) should consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should note that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:
 - Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
 - Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
 - Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
 - Any excavation within 3m of any pole supporting overhead lines;

- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line. (See full guidance on obtain to get permission to work near a tram way at: - <http://edinburghtrams.com/community/working-around-trams>)

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 18 September 2020. Forty five representations were received comprising forty two objections to the application including an objection from the Cockburn Association, one raising a general comment and two in support of the application.

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

Background reading/external references

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

Statutory Development

Plan Provision

The adopted Edinburgh Local Development Plan.

Date registered

3 September 2020

Drawing numbers/Scheme

01, 04, 05, 06, 07, 08, Design Statement,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Adam Thomson, Planning Officer

E-mail: adam.thomson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

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

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

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

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

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

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

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

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

Other Relevant policy guidance

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

Application for Planning Permission 20/03708/FUL At Christmas Market, George Street, Edinburgh Erection of Edinburgh's Christmas at George Street and Castle Street, including Christmas Market Stalls, Ice Rink, Plant and Boot Room, Around the Corner Bar, Box Office, Associated Site Offices, Stores and Ancillary Facilities (amended application for festive period 2021- 2022).

Consultations

Historic Environment Scotland - Date 30/09/2020

Thank you for your consultation which we received on 09 September 2020. We have assessed it for our historic environment interests and consider that the proposals affect the following:

Edinburgh World Heritage Site Boundary (100018438),

GEORGE STREET AND CASTLE STREET, STATUE OF DR CHALMERS (LB27847),
33-39 (INCLUSIVE NOS) CHARLOTTE SQUARE AND 142-146 GEORGE STREET
WITH RAILINGS AND LAMP STANDARDS (LB27847),
40-46 (INCLUSIVE NOS) CHARLOTTE SQUARE AND 143 GEORGE STREET WITH
RAILINGS AND LAMP STANDARDS (LB28507),
115 GEORGE STREET WITH RAILINGS (LB28854),
117 TO 121 GEORGE STREET CHURCH OF SCOTLAND OFFICES (LB28854),
125 GEORGE STREET WITH RAILINGS AND LAMP STANDARDS (LB28856),
112 GEORGE STREET WITH RAILINGS AND LAMP STANDARDS (LB28883)
THE NEW TOWN GARDENS (GDL00367).

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

Our Advice

The application is for the erection of an ice rink, timber stalls and ancillary structures along the West end of George Street and part of Castle Street, as part of Edinburgh's Christmas Market. We note that the current application is part of wider proposals that also include facilities in the High Street and East Princes Street Gardens, the latter provision being much reduced from previous years.

Taking into account the time-limited consent and temporary nature of the proposals, in this instance we consider that the proposals for George Street and Castle Street would be unlikely to have a significant impact on the OUV of the World Heritage Site, or the setting of the Category A listed assets noted above.

However, should an application come forward to either extend the period of consent, or make such an arrangement permanent, we may take a different view.

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

Further Information

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

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Mario Cariello who can be contacted by phone on 0131 668 8917 or by email on mario.cariello@hes.scot.

Edinburgh World Heritage 13 October 2020

The principal focus of Edinburgh World Heritage is the impact on the Outstanding Universal Value (OUV) of the 'Old and New Towns of Edinburgh' World Heritage Site (the World Heritage Site or 'WHS'). Therefore, proportional comment may be made on impact upon individual heritage assets (e.g. Listed Buildings and Conservation Areas), but only to the extent that this impacts upon the city's overall OUV. The Local Planning Authority should therefore give additional consideration to individual heritage assets affected, beyond the scope of our comments, in line with planning policy and legislation.

This application lies within the context of two associated applications for dispersed Christmas markets in the city (references 20/03707/FUL and 20/03728/FUL). For the benefit of the Planning Department, we have provided separate responses to these associated consultations, though clearly they merit consideration as a cumulative whole.

SUMMARY OF OUTSTANDING UNIVERSAL VALUE

The OUV of the World Heritage Site is well-established in the UNESCO inscription, and will therefore not be repeated here.

Edinburgh World Heritage has broken this down into 5 overarching qualities which can be found on our website. Due to the nature and location of the proposed development, the following elements of

World Heritage Sites Outstanding Universal Value are most likely to be affected.

- `A Model City': The Old and New Towns embody the changes in European urban planning from inward looking, defensive walled medieval cities, through 18th and 19th centuries formal Enlightenment planning, to the 19th century revival of the Old Town with its adaptation of a Baronial style of architecture in an urban setting.
- `Monumental City': The city's fine collection of neo-classical monuments that reflect its status as Scotland's capital. These monuments contribute to the richness and diversity of the townscape and their subjects represent a variety of personalities who were significant in their time. George Street and Castle Street are at the heart of Edinburgh's First New Town and retain a high degree of both its historic character and authenticity of both urban layout and historic architecture. As such, these areas make a significant contribution to the overall OUV of the World Heritage Site and to the contribution to OUV made by their many associated heritage assets (including the New Town Conservation Area, New Town Gardens designated landscape and many listed buildings).

IMPACT ON OUTSTANDING UNIVERSAL VALUE

The proposals would result in the infilling of public realm specifically designed for high quality open space with structures which are not in keeping with their quality and character of environment.

Therefore, we consider that the proposals would cause harm to the OUV of the World Heritage site as a result of disrupting key views, setting of individual historic sites and public realm character.

It is acknowledged that this harm is temporary in nature. Given that we understand the Christmas markets will not be going forward this year, the application principally relates to holiday period of 2021-22 for a period of approximately 59 days (including construction and deconstruction).

RELEVANT POLICY & LEGISLATION

In addition to the duties, legislation and policies relating to individual heritage assets, the following are those most pertinent to the World Heritage Site in this case (not exhaustive):

- Duty to protect, conserve and present OUV for future generations (UNESCO)
- Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its Outstanding Universal Value (Scottish Planning Policy, 147)
- The siting and design of development should take account of all aspects of the historic environment (Scottish Planning Policy, 140)
- Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and/or the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted. This policy requires development

to respect and protect the outstanding universal values of the World Heritage Sites and their settings. Setting may include sites in the immediate vicinity, viewpoints identified in the key views study and prominent landscape features throughout the city (Edinburgh Local Development Plan, Policy Env 1 World Heritage Sites)

- Ensure that the Outstanding Universal Value of the WHS is taken into account in planning decision (WHS Management Plan 2017-22)

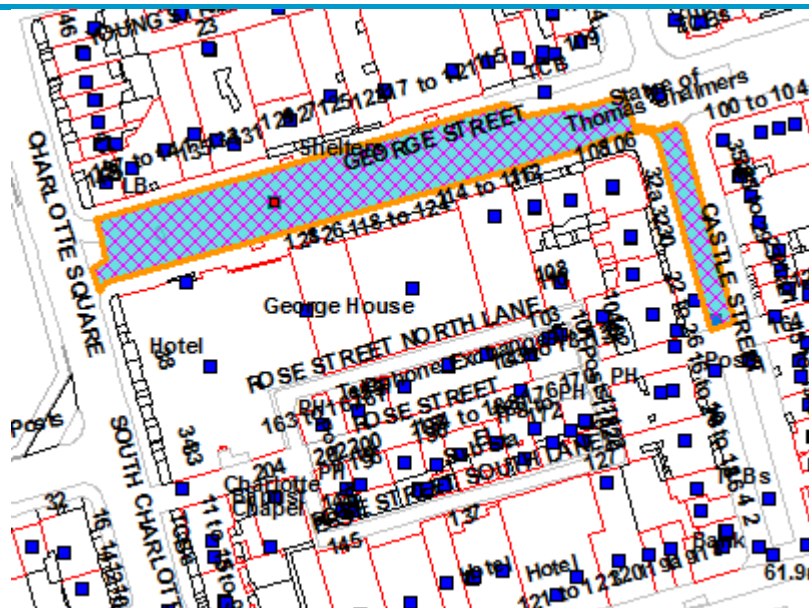
RESULTANT POSITION

In relation to previous year's Christmas markets, we acknowledge that the current applications (please refer to associated references cited above) are of a lesser intensity and more dispersed throughout the city. This is welcome from a heritage perspective. On this basis, and with an understanding of the wider context balanced needs within the city, we do not wish to object to this lesser degree and temporary harm.

We would stress that future years should take the opportunity to put people, quality and place at the heart of the process – moving away from tall fairground rides and other structures in sensitive historic settings, and towards a tasteful approach that reinforces the unique offer of Edinburgh as a high quality and historic visitor destination. We would welcome round-table early discussions in future to help achieve this.

As always, we advise you engage the heritage expertise within your planning department to inform the wider heritage considerations of this application as well as detailed considerations and opportunities for design/layout enhancement.

Location Plan



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END

Development Management Sub Committee

Wednesday 11 November 2020

Application for Planning Permission 20/03728/FUL at High Street and Parliament Square, Edinburgh, Full planning permission for Edinburgh's Christmas including Christmas market stalls, tree, associated site offices, stores and ancillary facilities (as amended to cover the festive period for 2021-2022).

Item number

Report number

Wards

B11 - City Centre

Summary

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would harm the setting of neighbouring listed building for the temporary period of time in which they would exist on site. Notwithstanding, it is considered that there are significant economic and cultural benefits to the city resulting from the Christmas market, which arise principally because of it being located within the city centre where high footfall land uses are encouraged. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre. On balance, these benefits; which are a considerable material consideration, outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings. With reference to the abovementioned Act the proposal is characteristic of the Conservation Area and thus does not result in significant harm to the character and appearance of the Conservation Area.

The proposal does not result in significant harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in significant harm to residential amenity. The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDEL02, LDES01, LDES05, LEN01, LEN03, LEN06, LEN18, CRPOLD, NSLBCA, OTH,

Report

Application for Planning Permission 20/03728/FUL at High Street and Parliament Square, Edinburgh, Full planning permission for Edinburgh's Christmas including Christmas market stalls, tree, associated site offices, stores and ancillary facilities (as amended to cover the festive period for 2021-2022).

Recommendations

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

Background

2.1 Site description

The site forms part of the pedestrianised road of the High Street and extends to include a section of paved hardstanding of Parliament Square. The site does not include the public pavements on either side of the pedestrianised road. The High Street part of the site is bound to the north by the City Chambers; to the east by the junction of Cockburn Street and High Street, to the south by buildings on High Street and to the west by St Giles (High) Kirk and the Mercat Cross.

The site is irregular shaped. The site is also adjacent to a number of listed buildings, structures and monuments:

- High Street, Mercat Cross (Category A) LB27792;
- High Street and Parliament Square, St Giles (High) Kirk (Category A) (LB27381);
- City Chambers, 245-249 High Street (even Numbers), 253 High Street, 323 High Street 329 High Street, 2 Warriston's Close And 14 Cockburn Street, Edinburgh (Category A) (LB17597);
- High Street, City Chambers Courtyard, Alexander and Bucephalus Statue (Category A) (LB27855);
- 233-243 (Odd Nos) High Street (Category A) (LB29049);
- •221-231 (Odd Nos) High Street (Category A) (LB29048);
- 215-219 (Odd Nos) High Street (Category A) (LB29047);
- 209-213 (Odd Nos) High Street Including 1-6 (Inclusive Nos) Jackson's Close (Category A) (LB29046);
- 197-207 (Odd Nos) High Street Including 1-14 Fleshmarket Close (Category A) (LB29045);
- 192a High Street, 1 And 1a Parliament Square, Including District Courts (Formerly Police Chambers) And Including Boundary Wall and Railings (Category A) (LB27714); and,
- 3, 4 And 5 Hunter Square, Dolphin House (Category A) (LB29123).

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

2.2 Site History

None relevant.

Other relevant applications:

4 September 2020 - Planning application validated for the erection of Edinburgh's Christmas market stalls, fairground attractions and associated site offices, stores and ancillary facilities at East Princes Street Gardens (as amended to cover the festive period for 2021-2022). (application reference number 20/03707/FUL)- Pending determination.

3 September 2020 - Planning application validated for the erection of Christmas market stalls, ice rink, plant and boot room, bar, box office and associated site offices, stores and ancillary facilities at George Street and Castle Street (as amended to cover the festive period for 2021-2022). (application reference number 20/03728/FUL)- Pending determination.

Main report

3.1 Description of the Proposal

The application is for the erection of Christmas market stalls, tree, associated site offices, stores and ancillary facilities. Permission is sought from 27 November 2021 to 24 December 2021. The event space is to be operational between the hours of 10am and 10pm.

The application is one of three separate applications for Christmas events proposed by the applicant in the city centre. They would operate in place of the much larger single event in East Princes Street Gardens and the Mound Piazza which has operated without planning permission last year.

The proposals include:

On High Street:

- 14 single storey stalls for trading concessions;
- Christmas tree.

On Parliament Square:

- staff welfare facilities;
- office;
- chiller;
- store;
- the erection of 3.05-metre-high horizontally boarded timber clad hoarding panels around the above temporary buildings/installations on Parliament Square.

Access to the event is for pedestrians only. Cycle access to the site will be maintained. During loading times (7am to 9.30am) delivery vehicles will be walked in and out of the site with banksmen to ensure cycle safety and delivery vehicles will park in designated areas.

The construction period will take approximately 5 days, anticipated to take place between the 22 - 26 November 2021. Decommissioning is programmed to take place over approximately 3 days anticipated to be between 26 - 28 December 2021.

Detailed drawings, a Design Statement and a covering letter providing an overview of the proposal have been submitted with the application. These documents are available to view on the Planning and Building Standards online Services.

Revised Scheme

Given that Edinburgh's Christmas has been cancelled this year there is no longer a requirement to consider the application for the festive period of 2020/2021.

3.2 Determining Issues

Due to its proximity to listed buildings and being a site within the Old Town Conservation Area the proposed development first requires to be assessed against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would harm a listed building or its setting. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would conflict with the objective of preserving or enhancing the character or appearance of the conservation area. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

The determining issues to consider in terms of assessing the development against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are:

- Would the development harm a listed building or its setting? If it would, are there any advantages of the proposal that are sufficient to outweigh the strong presumption against granting planning permission?

- Would the development conflict with the objective of preserving or enhancing the character or appearance of the conservation area? If it would, are there any advantages to the proposal that are sufficient to outweigh the strong presumption against granting planning permission?

If the Development complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, it then requires to be considered in terms of Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997. Section 25 requires that the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.

The determining issues to consider in assessing this are:

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:

- there will be no significant harm to the setting of any adjacent listed building and no significant harm to the character and visual amenity of the conservation area;
- the Christmas market is appropriate on the public road and on part of the civic space;
- there will be no significant harm to the Outstanding Universal Value of the World Heritage Site;
- Public health considerations relating to COVID-19 have been addressed;
- Residential amenity will not be adversely affected;
- There are no transport issues;
- Representations raise issues to be addressed;
- The proposal has any equalities or human rights impacts;

a) Assessment against Listed Buildings & Conservation Areas Requirements

Impact on Listed Buildings

The proposed market would be located within the heart of the Old Town and consequently would be adjacent to a large number of listed buildings including category A listed buildings. Owing to their size, scale, positioning, form and their design and appearance the temporary structures and plant to be sited on Parliament Square would detract from the setting of the A-listed St Giles (High) Kirk and the A-listed Mercat Cross. In addition, owing to their size, scale, positioning, form and their design and appearance the temporary structures to be sited on both High Street and Parliament Square would have a minor adverse impact on the setting of the other listed buildings listed in the Background section of this report.

The proposal is for a temporary period of a known duration and the impact on the setting of neighbouring listed buildings would be short term. Nonetheless, given that the proposal would harm the setting of listed buildings, in terms of the legal tests consideration is required to be given to whether there are significant material considerations that justify the development in this particular location; and if so, does this outweigh any adverse impacts. It is considered that there are significant economic and cultural benefits to the city resulting from the Christmas market, which arise because of it being located within the city centre where high footfall land uses are encouraged. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre. On balance, these benefits; which are a significant material consideration, outweigh any temporary adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site.

Impact on Conservation Area

The Old Town Conservation Area Character Appraisal identifies the essential character as being:

Key characteristics of the area as noted in the Old Town Conservation Area Appraisal include the survival of the little altered medieval `herringbone street pattern centred on the Royal Mile, a concentration of 16th and 17th century merchants' and nobles houses, important public buildings such as Canongate Tolbooth and St Giles Cathedral, the quality and massing of stonework and the density and height of picturesque multi-storey buildings.

Temporary events are characteristic of this part of the Conservation Area. Thereby, the temporary use of the site for the proposal would not detract from the character and appearance of the Conservation Area.

In addition to the other two Christmas markets currently proposed by the applicant in other parts of the city centre and other known developments in the city centre, owing to its size, form and temporary nature the cumulative impact on the character and appearance of the conservation area is not significant.

Overall, the development is not considered to conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

b) Assessment Against Development Plan

Use of site

The application site is located in the city centre. Policy Del 2 (City Centre) of the Edinburgh Local Development Plan (LDP) supports a mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area. Given that the proposed Christmas market is temporary it does not conflict with the key principles of Policy Del 2.

The market is not an application to increase retail floorspace because of its temporary nature.

There are no development plan policies or non-statutory guidelines that directly relate to proposals for outdoor markets.

Temporary outdoor markets are traditionally found in public spaces.

The temporary use of this part of the High Street for events is long established. The proposal would not prevent the continued existing use of the remainder of the pedestrianised High Street or the remainder of Parliament Square. The effect of the proposed development on the leisure value and enjoyment of the civic space is not permanent and is reversible. The temporarily change of use of part of Parliament Square would not result in the permanent loss of civic space and does not conflict with the key principles of Policy Env 18 (Open Space Protection).

Given all the above, the principle of the proposed temporary use on the site is acceptable provided the proposal does not conflict with other development plan policies, or if it does, there are material considerations that justify approving the proposal.

c) Impact on other Heritage

Owing to their size, scale, positioning, form and their design and appearance, the proposed structures would temporarily impact on views within the World Heritage Site. Notwithstanding, by splitting the event into 3 separate events in the city the scale of the proposal on this site is relatively small. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the OUV of the World Heritage Site would be short term and not significantly detrimental.

In addition to the other two Christmas markets currently proposed by the applicant in other parts of the city centre and other known developments in the city centre, owing to its size, form and temporary nature the cumulative impact on the character and appearance of the OUV of the WHS is not significant.

The proposed ancillary structures/welfare units/plant on Parliament Square are located adjacent to the Category A-listed Mercat Cross and Category A-listed St Giles (High) Kirk. Owing to their close juxtaposition to these listed buildings measures should be put in place to protect these listed buildings from physical damage. A condition should be imposed on a grant of planning permission requiring suitable protective measures to be in place prior to development taking place on site and to remain until all the temporary structures/installations have been removed following decommissioning.

d) Public Health - COVID-19

At present the legislation which addresses public health in the context of COVID-19 (Coronavirus disease 2019 pandemic) is the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. As is the case with all businesses, the operator of the market would have to meet the COVID-19 legal requirements.

As is the case for all types of businesses the Government retains the powers to close markets if required and if they only consider that certain types of market should be closed, they can define this in the legislation or regulations.

The Scottish COVID-19 guidance on Safer Public Spaces; which provides specific guidance on dealing with COVID-19 in respect of all forms of markets, is guidance rather than strict legal requirements. The Council as landowner and landlord has the authority to require that the applicant demonstrate that they are complying with the Regulations and guidance before allowing them on site to construct the proposed Christmas market. Besides the planning considerations addressed covered later in this report, the proposal has wider interests for the Council to consider through other consenting and licensing regimes and any public health implications. This includes any applications by the operator or any leasee of stalls/concessions within the market for an occasional liquor license.

In terms of considering the public health impacts of COVID-19 in planning applications only the impact on neighbour amenity is a material consideration. Permission is sought for the proposal for the temporary period of 27 November 2021 to 24 December 2021. For the duration of the consent sought the COVID-19 health risks could be said to be a permanent factor and is thereby a material consideration. The broader health issues including broader COVID-19 issues are not matters for planning and are controlled by the above mentioned health protection regulations. As clarified in the (Scottish) Chief Planner's Letter of 2 July 2020 managing the health impacts of COVID-19 falls outwith planning. The letter states that:

'Beyond the planning system, there will likely be some wider interests for businesses and local authorities to consider through other consenting and licensing regimes and any public health implications, including working within physical distancing requirements. We would draw your attention to recent guidance issued by the Scottish Government in relation to occasional licenses for licensed premises and temporary traffic regulation orders and notices. In addition, our guidance on Safer Public Spaces for Scotland published on 29 June advises on the design principles for safer urban centres and green spaces, connecting to Scotland's route map through and out of the crisis.'

Permission is sought for the proposal for the temporary period of 27 November 2021 to 24 December 2021. For the duration of the consent sought the COVID-19 health risks could be said to be a permanent factor and is thereby a material consideration. However, this is limited to considering only the application's impact on neighbour amenity. Therefore, from a COVID-19 perspective, the Planning Authority can only consider whether the application creates increased COVID-19 risks for neighbours and if so consider whether this risk can be effectively managed.

The Design Statement submitted with the application states that the proposal has been revised to include COVID-19 mitigations. However, in considering the increased COVID-19 risks for neighbours for the current proposal which is for an event in 2021-2022, a key factor to consider is that it is not known what COVID-19 restrictions will be in place by Christmas 2021. It is a reasonable assumption to make that there is likely to be some form of COVID-19 restrictions remaining in place by Christmas 2021.

The application includes the detailed layout of the structure on site. However, the actual layout of the market; in particular, the positioning of stalls/concessions etc. and the passageways between them, may need to be modified to comply with whatever COVID-19 restrictions are in place at the time.

The Planning Authority should avoid a position of granting permission for a detailed layout that effectively prevents a suitable operating layout next year in terms of whatever COVID-19 restrictions are in place at that time. Therefore, if planning permission is granted, the Planning Authority should not approve the detailed layout of the market at this time. Instead, it should be made a condition of a grant of planning permission that the detailed layout of the market including position of stalls/concessions and ancillary structures etc. and passageways should be submitted for the prior written approval of the Planning Authority within a specified period of time prior to the market/attractions first coming into use/operation. The reason for this condition is to ensure that the Planning Authority is satisfied that the detailed proposal is in accordance with whatever COVID-19 restrictions apply at the time in order to minimise COVID-19 risks for neighbours.

e) Amenity

Due to the nature of the proposal, there will be amplified music and a large number of people attending, including in the evening. As well as noise from the public attending the event there will be some noise during construction and removal of the units. The site is however within a city centre location and the proposal is for a temporary period. The Council's Environmental Protection Section advised that the proposal will not significantly affect the amenity of nearby residents.

The proposal includes a chiller unit sited on Parliament Square. Given that there is no residence in Parliament Square the Council's Environmental Protection Section do not consider that it would give rise to significant noise nuisance.

Any odour nuisance or other environmental health related consideration arising from the operations could be dealt with through Environmental Protection legislation.

The Council's Environmental Protection Section raise no objection to the application.

f) Transport Issues

The High Street is pedestrianised and thereby the proposal does not necessitate the closure of the road. The public footways on either side of the road are not included in the application site and thus the movement of pedestrians around the site is not inhibited by the proposal. The arrangements on High Street allow for vehicular movement including service vehicle access. The proposal raises no road safety or pedestrian safety concerns. The proposal would not obstruct access to neighbouring properties including residences.

The site is exceptionally well placed for public transport and is located next to a local centre where high footfall land uses are encouraged. Consequently, the proposal does not raise any significant parking issues or public transport issues.

The Council's Transportation Section raises no objection to the application.

g) Representations

Material Representations - Objection:

The following material planning matters have been raised:

- Consider the cumulative impact of similar proposals in relation to EIA. - The Planning Authority has screened the proposal for EIA and has concluded that an EIA is not required.
- The three Christmas markets should be considered as a single planning entity, as they form a single event organised and promoted by a single operator. - The applicant site and the planning unit for the current application is different to that of the other two Christmas market applications within other parts of the City Centre. Therefore, it is considered that each of these separate applications stand to be determined on their own merits.
- An EIA is required, and this was confirmed in the report to the Policy & Sustainability Committee. - The Director clarified that this statement reflected the only proposals that the Planning Authority had seen at the time and did not reflect the potential for smaller Christmas Markets as is now proposed.
- harm to the setting of listed buildings and the historic character and appearance of the area including the conservation area and the World heritage site. - This is addressed in section a) above.
- A Heritage Impact Assessment is required. - Adequate information has been submitted with the application in order for the Planning Authority to understand the exact nature of the proposal and to consider the application including its impact on the setting of listed buildings and other heritage assets.
- Would pose risks of physical damage to neighbouring listed building. - This is addressed in section c) above.
- The duration of the event; including period of erection and dismantling/decommission should be restricted. - The duration of the event can be controlled by a condition imposed on a grant of planning permission.
- An enhanced security and people management for all aspects of the Winter Festivals should be a priority in respect of public protection. - Matters of security and public protection are dealt with through other licensing regimes and/or are police matters and therefore are not material considerations in the determination of this application
- Closure of roads/streets and obstructions to pedestrian movement and access to neighbouring properties. - This is addressed in section f) above.
- Loss of parking on Sundays. - This is addressed in section f) above.
- Noise nuisance and disturbance from the operation of the market including from music and during construction/dismantling. - This is addressed in section e) above.
- Odour nuisance. - This is addressed in section e) above.
- The proposal does not support local needs. - It is considered that the proposal will meet some need of the local and wider community.

- Inadequate public consultation/engagement. - The application is a 'local' application and not a major application and therefore there is no statutory requirement for the applicant to undertake formal pre application consultation.

Non-Material Representations - Objection:

The following broad issues relating to COVID-19 are not material planning considerations:

- The development would increase the risk of transmission of coronavirus infections and therefore it raises a public health concern.
- Any pop-up bars operating in the market would be problematic to the effectiveness of COVID-19 test and trace systems.
- The Government's Social distancing rule would be difficult to maintain and enforce.
- Poor crowd control and the Government's social distancing rule being difficult to maintain and enforce.
- Splitting the Christmas market into three separate sites in the city centre would help reduce the risk of transmission of COVID-19.
- Social distancing measures could result in commodification of public spaces.

The following other non-material matters have been raised:

- Loss of open space and commodification of public space/common good land. - Whether there exists any legal impediment to the Council as landowner to grant a lease to the applicant/operator for the temporary use of the land is a legal matter and not a planning matter.
- The Council should not have accepted the application as it is for two separate Christmas events for two separate years. ' It is considered that the planning application is valid and therefore the Planning Authority was duty bound to accept the application.
- Would unfairly compete with existing neighbouring bars/restaurants/retailers for trade. - The sale of food and non-food items, competition between operators/providers and consumer choice is not a material planning consideration.
- No positive contribution to the community; but instead, it harms the community. - The Planning Authority has not been presented with any evidence to substantiate this claim.
- ISO 2021 Sustainable Events Management Introduction and Awareness standards should be followed. - This is a voluntary standard for sustainable event management and is not a planning matter and therefore is not a material consideration in the determination of this application.
- The event should not be a commercial venture; but instead, it should be not for profit, profit share or charity run. - The business type of the operator is not a material planning consideration.

- Alleged past breaches of planning control and other breaches of non-planning related Council controls by the applicant. - This is not a material consideration in the determination of the application.
- mismanagement of waste/rubbish including disposal of food waste and food waste blocking drains. - There are public health matters that can be satisfactorily dealt with through legislation other than planning legislation.
- Would create opportunities for loitering and anti-social behaviour. - This is a police matter and not a material consideration in the determination of this planning application.
- There exist better alternative locations for the proposed market. - The application stands to be determined on its own merits.
- The visitors to the event are short term visitors which contributes to an increase in demand for short term lets with resultant consequences on the long-term residential leasing market and property prices. - This is not a material consideration in the determination of this application.
- A Christmas market by the operator is not wanted or needed. - This is not a material planning consideration.
- Given that public funds are used to subsidise the market the accounts of the applicant/operator should be made available for public scrutiny. - How the applicant/operator funds the event and the financial affairs of the applicant in respect of the proposal are not a material planning consideration.
- There is an on-going independent examination of conduct of city officials in respect of allegations of exceeding their authority/neglecting their remit. This is not a material consideration in the determination of this application.
- Any Christmas market should be a Council organised, funded and run event instead of a private venture. - The application stands to be determined on its own merits. Whether there are other different models of Christmas markets that could operate in the city is not a material consideration in the determination of this application.
- There should be no development on land that is soft landscaped. - the site is entirely hardstanding/public road and no soft landscaped area would be affected.

Non-Material Representations - Support:

- The proposal is supported.
- The Christmas tree is supported

h) Equalities and Rights Issues:

The Design Statement submitted with the application details measures to facilitate access for disabled people within the event. It is considered that these measures are adequate. The proposal does not raise any significant issues in terms of qualities and human rights.

CONCLUSION

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would harm the setting of neighbouring listed building for the temporary period of time in which they would exist on site. Notwithstanding, it is considered that there are significant economic and cultural benefits to the city resulting from the Christmas market, which arise principally because of it being located within the city centre where high footfall land uses are encouraged. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre. On balance, these benefits; which are a considerable material consideration, outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings. With reference to the abovementioned Act the proposal is characteristic of the Conservation Area and thus does not result in significant harm to the character and appearance of the Conservation Area.

The proposal does not result in significant harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in significant harm to residential amenity. The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. There are no material considerations which outweigh this conclusion.

Committee Considerations

Committee consideration is required as the recommendation is that planning permission be granted.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. Planning permission is hereby granted for the proposal between 27 November 2021 and 24 December 2021 only.
2. The temporary market shall only operate between the hours of 10am and 10pm on the dates specified in condition 1.
3. The temporary buildings, installations and associated temporary structures and plant hereby approved shall be removed from the site by no later than 28 December 2021.
4. No development shall take place on site unless and until the following is submitted to the Planning Authority between the period of the 05 October 2021 and the 06 November 2021 and written confirmation is subsequently received from the Planning Authority that the details are approved:

(i) Notwithstanding that delineated on drawings and documents docketed to this planning permission, a revised detailed site layout plan delineating the precise layout of the stalls/concessions, other installations and ancillary structures and plant to be sited within the market and delineated on the layout plan on page 14 and listed in the text on page 15 of the Design Statement, dated September 2020, docketed to this planning permission.

(ii) a written specification of how the layout of the stalls/concessions, installations and ancillary structures and plant within the market delineated on the aforesaid site layout plan (i) has been laid out to comply with the COVID-19 regulations/restrictions in place at the time of submission of the revised site layout plan (i).

Notwithstanding the structures/installations delineated on the layout plan on page 14 and listed in the text on page 15 of the Design Statement, dated September 2020, docketed to this planning permission, the quantum of structures/installations erected/sited within the site shall; if necessary, be reduced in order to comply with the COVID-19 regulations/restrictions in place at the time of submission of the revised site layout plan (i) and written specification (ii).

5. Notwithstanding that delineated on application drawings, prior to development commencing on site details of measures to be put in place to protect the neighbouring Category A-listed Mercat Cross and the Category A-listed St Giles (High) Kirk from physical damage from the proposals on Parliament Square; including during the period of construction and dismantling, shall be submitted for the prior written approval of the Planning Authority. The protective measures approved by the Planning Authority shall be put into place prior to development commencing on site and they shall remain in place until all the temporary structures/installations approved by the grant of this planning permission have been removed from the site following decommissioning.

Reasons: -

1. To restrict the duration of the development to the temporary periods sought.
2. In the interests of safeguarding the amenity of neighbouring noise sensitive properties.
3. In order to safeguard residential amenity and the visual amenity of the area.
4. To ensure that the detailed layout of the market including various structures, stalls/concessions and ancillary structures and plant and the passageways between them complies with the COVID-19 (Coronavirus) Regulations in place at the time when the market/attractions first start trading/operating, in the interests of minimising the risk of transmission of COVID-19 to occupants of neighbouring properties.
5. To safeguard neighbouring listed buildings from physical damage.

Informatives

It should be noted that:

1. The applicant will repair any damage to the kerbs and footways when accessing and exiting the site. In this regard they will contact the Council's Transportation Section to agree the extent of the dilapidation survey and the required roads permits required during the erection and dismantling of the market.
2. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984.
3. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.
4. The proposed layout of the market on High Street should allow for emergency vehicle access.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on the 18 September 2020. Twenty-six representations were received comprising twenty four objections including one from the Cockburn Association, one raising a general comment and one in support of the application.

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

Background reading/external references

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

Statutory Development Plan Provision	The adopted Edinburgh Local Development Plan.
Date registered	4 September 2020
Drawing numbers/Scheme	01, 04, 05, 06, Design Statement, Scheme 1

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

Contact: Adam Thomson, Planning Officer
 E-mail: adam.thomson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

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

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

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

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

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

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

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

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

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

Other Relevant policy guidance

Appendix 1

Application for Planning Permission 20/03728/FUL At High Street And Parliament Square, Edinburgh, Full planning permission for Edinburgh's Christmas including Christmas market stalls, Tree, associated site offices, stores and ancillary facilities (as amended to cover the festive period for 2021-2022).

Consultations

CEC Environmental Protection - Date: 29/09/2020

Environmental Protection has no objection to this application.

Assessment

The application is temporary for November, December and January 2020/21 and the corresponding months in 2021/22. The proposal will result in an increase in footfall and associated noise from the public as well as some noise during construction and removal of the units. However, the noise from this proposal is not considered to be excessive and it is our view it will not significantly affect the amenity of nearby residents. The plans also include a chiller unit at Parliament Square. This could be a potential problem but as there is no residential accommodation at this location, it is not envisaged it would cause complaints.

The event will be licensed and that may provide an option should any unforeseen issues arise that necessitates a resolution. Although it is anticipated that any issues requiring resolution would be addressed informally.

Therefore, Environmental Protection has no objections to this application.

Historic Environment Scotland - Date 30/09/2020

Thank you for your consultation which we received on 09 September 2020. We have assessed it for our historic environment interests and consider that the proposals affect the following:

Edinburgh World Heritage Site Boundary (100018438),
192A HIGH STREET and 1 AND 1A PARLIAMENT SQUARE, INCLUDING DISTRICT
COURTS (FORMERLY POLICE CHAMBERS) AND INCLUDING BOUNDARY WALL
AND RAILINGS (LB27714),
MERCAT CROSS (LB27792),
197-207 (ODD NOS) HIGH STREET INCLUDING 1-14 FLESHMARKET CLOSE
(LB29045),
209-213 (ODD NOS) HIGH STREET INCLUDING 1-6 JACKSON'S CLOSE (LB29046)

(215-219 (ODD NOS) HIGH STREET (LB29048)
221-231 (ODD NOS) HIGH STREET (LB29049),
233-243 (ODD NOS) HIGH STREET, City Chambers (LB29049),
245-249 High Street (even numbers), 253 High Street, 323 High Street, 329 High Street,
2 Warriston's Close and 14 Cockburn Street (LB17597).

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

Our Advice

The application is for the erection of stalls, ancillary structures and a Christmas tree, as part of Edinburgh's Christmas Market, which would be sited on the West section of the High Street with its junction with Parliament Square. We note that the current application is part of wider proposals that also include facilities in George Street, Castle Street and East Princes Street Gardens, the latter provision being much reduced from previous years.

Taking into account the time-limited consent and temporary nature of the proposals, in this instance we consider that the proposals for the High Street would be unlikely to have a significant impact on the OUV of the World Heritage Site, or the setting of the Category A listed assets noted above. However, should an application come forward to either extend the period of consent, or make such an arrangement permanent, we may take a different view.

In addition, from the information provided, it is unclear whether there is a physical impact upon the category A listed Mercat Cross. We note the boundary of the proposed works appears to abut this historic structure, and therefore suggest your Council seeks assurances that appropriate measures are taken to protect this significant civic structure.

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

Further Information

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

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Mario Cariello who can be contacted by phone on 0131 668 8917 or by email on mario.cariello@hes.scot.

The principal focus of Edinburgh World Heritage is the impact on the Outstanding Universal Value (OUV) of the `Old and New Towns of Edinburgh¿ World Heritage Site (the World Heritage Site¿ or `WHS¿). Therefore, proportional comment may be made on impact upon individual heritage assets (e.g. Listed Buildings and Conservation Areas), but only to the extent that this impacts upon the city¿s overall OUV. The Local Planning Authority should therefore give additional consideration to individual heritage assets affected, beyond the scope of our comments, in line with planning policy and legislation.

This application lies within the context of two associated applications for dispersed Christmas markets in the city (references 20/03707/FUL and 20/03708/FUL). For the benefit of the Planning Department, we have provided separate responses to these associated consultations, though clearly they merit consideration as a cumulative whole.

SUMMARY OF OUTSTANDING UNIVERSAL VALUE

The OUV of the World Heritage Site is well-established in the UNESCO inscription, and will therefore not be repeated here.

Edinburgh World Heritage has broken this down into 5 overarching qualities which can be found on our website. Due to the nature and location of the proposed development, the following elements of World Heritage Site¿s Outstanding Universal Value are most likely to be affected.

- `A Model City¿: The Old and New Towns embody the changes in European urban planning from inward looking, defensive walled medieval cities, through 18th and 19th centuries formal Enlightenment planning, to the 19th century revival of the Old Town with its adaptation of a Baronial style of architecture in an urban setting.
- `Authentic City¿: The survival and condition of Edinburgh¿s historic buildings, many being authentic examples of their time ¿ a noteworthy and rare quality.
- `Monumental City¿: The city¿s fine collection of neo-classical monuments that reflect its status as Scotland¿s capital. These monuments contribute to the richness and diversity of the townscape and their subjects represent a variety of personalities who were significant in their time.

The High Street and Parliament Square are at the heart of Edinburgh¿s highly characteristic Old Town and retain a high degree of both its historic character and authenticity of both urban layout (relating to the 17th creation of Parliament Square and the `medieval spine¿ of the High Street) and historic architecture. As such, these areas make a significant contribution to the overall OUV of the World Heritage Site and to the contribution to OUV made by their many associated heritage assets (including the Old Town Conservation Area, Category A listed St Giles Cathedral and many other listed buildings).

IMPACT ON OUTSTANDING UNIVERSAL VALUE

The proposals would result in the infilling of public realm characterized by its open space with structures which are not in keeping with their quality and character of environment. Therefore, we consider that the proposals would cause harm to the OUV of the World Heritage site as a result of disrupting key views, setting of individual historic sites and public realm character.

It is acknowledged that this harm is temporary in nature. Given that we understand the Christmas markets will not be going forward this year, the application principally relates to holiday period of 2021-22 for a period of approximately 35 days (including construction and deconstruction).

RELEVANT POLICY & LEGISLATION

In addition to the duties, legislation and policies relating to individual heritage assets, the following are those most pertinent to the World Heritage Site in this case (not exhaustive):

- Duty to protect, conserve and present OUV for future generations (UNESCO)
- Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its Outstanding Universal Value (Scottish Planning Policy, 147)
- The siting and design of development should take account of all aspects of the historic environment (Scottish Planning Policy, 140)
- Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and/or the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted. This policy requires development to respect and protect the outstanding universal values of the World Heritage Sites and their settings. Setting may include sites in the immediate vicinity, viewpoints identified in the key views study and prominent landscape features throughout the city (Edinburgh Local Development Plan, Policy Env 1 World Heritage Sites)
- Ensure that the Outstanding Universal Value of the WHS is taken into account in planning decision (WHS Management Plan 2017-22)

RESULTANT POSITION

In relation to previous year's Christmas markets, we acknowledge that the current applications (please refer to associated references cited above) are of a lesser intensity and more dispersed throughout the city. This is welcome from a heritage perspective. On this basis, and with an understanding of the wider context balanced needs within the city, we do not wish to object to this lesser degree and temporary harm.

We would stress that future years should take the opportunity to put people, quality and place at the heart of the process - moving away from tall fairground rides and other structures in sensitive historic settings, and towards a tasteful approach that reinforces the unique offer of Edinburgh as a high quality and historic visitor destination. We would welcome round-table early discussions in future to help achieve this.

