

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00 am Wednesday, 17th February, 2021**

Virtual Meeting - via Microsoft Teams

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

### Contacts

Email: [veronica.macmillan@edinburgh.gov.uk](mailto:veronica.macmillan@edinburgh.gov.uk) / [martin.scott@edinburgh.gov.uk](mailto:martin.scott@edinburgh.gov.uk)

Tel: 0131 529 4283 / 0131 529 4237

## 1. Order of business

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### 1.1 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 15 February 2021** (see contact details in the further information section at the end of this agenda).
  
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

## 2. Declaration of interests

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### 2.1 Declaration of interests

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

## 3. Minutes

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3.1 Minutes

9 - 12

Minute of the Development Management Sub-Committee of the  
27 January 2021 – submitted for approval as a correct record

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

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

- 4.1** Report for forthcoming application by Alumno Group. for Proposal of Application Notice at Corner Of London Road And Restalrig Road South, Jocks Lodge, Edinburgh. Proposed student accommodation including ground floor commercial space (class 1 shops, class 2 financial/professional & other service, class 3 food & drink, class 4 business) with associated facilities - application no 20/05625/PAN – Report by the Chief Planning Officer 13 - 20
- 4.2** 2-4, 6, 14 Bonnington Road Lane and, 200 Bonnington Road, Edinburgh - Demolition of existing buildings and redevelopment comprising build to rent residential accommodation, commercial uses, associated landscaping and infrastructure (As Amended) - application no 20/01932/FUL 21 - 84
- It is recommended that this application be **GRANTED**.
- 4.3** 10 Craigmillar Park, Edinburgh, EH16 5NE - Roof garden and terrace over existing first floor north extension with landscaped enclosure features. Alter dormer windows to form door onto roof - application no 20/03560/FUL 85 - 94
- It is recommended that this application be **REFUSED**.

- |            |   |           |
|------------|---|-----------|
| <b>4.4</b> | Easter Kinleith Farm, Harlaw Road, Balerno - Change the use of a cottage from a dwelling house to self-catering holiday accommodation for short term lets - application no 20/04531/FUL<br><br>It is recommended that this application be <b>GRANTED</b> .  | 95 - 104  |
| <b>4.5</b> | 1 Essex Road, Edinburgh, EH4 6LF - Proposed erection of a 4 bedroom, 1 and a half storey family home to the South corner of the existing garden at 1 Essex Rd, EH4 6LF - application no 20/03850/FUL<br><br>It is recommended that this application be <b>GRANTED</b> .   | 105 - 118 |
| <b>4.6</b> | 296 Milton Road East, Edinburgh, EH15 2PH - Proposed single storey rear / gable extension with internal alterations - application no 20/05486/FUL<br><br>It is recommended that this application be <b>GRANTED</b> .  | 119 - 126 |
| <b>4.7</b> | 107 Newcraighall Road, Edinburgh (Land Adjacent To) - Application to construct 2 No. new dwellings - application no 20/04338/FUL<br><br>It is recommended that this application be <b>GRANTED</b> .   | 127 - 154 |
| <b>4.8</b> | Western Harbour, Western Harbour Drive, Edinburgh - Section 42 application to amend the wording of condition 1 of planning permission ref: 09/00165/OUT to amend the time period within which applications for the approval of matters specified in conditions can be made - application no 20/03225/PPP<br><br>It is recommended that this application be <b>GRANTED</b> . | 155 - 190 |

## 5. Returning Applications

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**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** 10, Builyeon Road, South Queensferry (Land 288 Metres Southwest of) - Mixed use development to provide residential, employment, primary school and associated uses - acknowledging BP Pipeline (Edinburgh LDP Site HSG32) (Scheme 3) - application no 16/01797/PPP 191 - 194
- It is recommended that this application be **GRANTED**.
- 5.2** Carlton Highland Hotel, 19 North Bridge, Edinburgh - Formation of new guest bedrooms partially within the existing roof structure and partially on top of the existing roof structure at the sixth-floor level - application no 19/05833/FUL 195 - 196
- It is recommended that this application be **GRANTED**.
- 5.3** 38-40 Shandwick Place, Edinburgh, EH2 4RT - Proposed change of use from retail, office and storage to 50 bedroom hotel and ancillary spaces for plant and storage. Alterations to building to form hotel - application no 20/00813/FUL 197 - 198
- It is recommended that this application be **GRANTED**.

## **6. Applications for Hearing**

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

- 6.1** King George V Public Park, Logan Street, Edinburgh - application no 20/03655/FUL. 34 Fettes Row, Edinburgh, EH3 6RH - application no 20/03034/FUL and 20/03661/CON – Protocol Note 199 - 202

by the Chief Executive

- 6.2** King George V Public Park, Logan Street, Edinburgh - Formation of path and associated landscaping - application no 20/03655/FUL 203 - 220

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

- 6.3** 34 Fettes Row, Edinburgh, EH3 6RH - Demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office and other commercial uses, with associated landscaping/public realm, car parking and access arrangements - application no 20/03034/FUL 221 - 338

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

- 6.4** 34 Fettes Row, Edinburgh, EH3 6RH - Complete Demolition in a Conservation Area - application no 20/03661/CON 339 - 360

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

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

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

- 7.1** 34, Cramond Road North, Edinburgh (Land Adjacent To Former) - Section 42 application to vary condition 1 of planning permission reference 13/01843/FUL (which modified consent 05/02947/FUL, which previously modified consent 01/01881/FUL), to extend the proposed timescale for laying out and operating the approved sports pavilion and sports pitches for a further five year period - 361 - 382

application no20/02916/FUL

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

- 7.2** 5 - 6 Marshall's Court, Edinburgh, EH1 - Development of 25 new residential flats, cycle parking provision, associated works and infrastructure (as amended) application no 20/00486/FUL 383 - 422

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

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

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

- 8.1** None.

### **Andrew Kerr**

Chief Executive

## **Committee Members**

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

## **Information about the Development Management Sub-Committee**

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

## **Further information**

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

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

## **Webcasting of Council meetings**

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

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

# Minutes

## Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 27 January 2021

### Present:

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

### 1. Minutes

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#### Decision

To approve the minute of the Development Management Sub-Committee of 13 January 2021 as a correct record.

### 2. General Applications and Miscellaneous Business

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

#### Requests for Presentations

Councillors Booth and Gardiner requested a presentation in respect of item 4.1 - Proposal of Application Notice at Land At 22/ 23/ 24/ 25 Seafield Rd, Edinburgh.

#### 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><b>4.1 – <a href="#">Report for forthcoming application by Manse (Seafield) LLP for Proposal of Application Notice at Land At 22/23/24/25 Seafield Road, Edinburgh</a></b></p>	<p>Residential led mixed-use development with associated infrastructure - application no. 20/05758/PAN – Report by the Chief Planning Officer</p>	<ol style="list-style-type: none"> <li>1) To note the key issues at this stage.</li> <li>2) To take account of the following additional issues: <ul style="list-style-type: none"> <li>• That active travel infrastructure and community infrastructure would be critical.</li> <li>• To ensure that there would be robust engagement with the community.</li> <li>• To consider how the development would adapt to possible sea level rises.</li> <li>• To consider how the proposals link along the seafront/waterfront/beach</li> <li>• Consideration should be given to the entire area and there should be linkage with the masterplan process and engagement with communities.</li> <li>• There should be strong connectivity with Leith and Portobello, as well as strong connectivity with Craighentiny and Duddingston.</li> </ul> </li> </ol>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
		<ul style="list-style-type: none"> <li>• Consideration should be given to open space provision and active frontages as this was and under-used area.</li> <li>• There was a need for a low carbon neighbourhood with better public transport and accessibility</li> <li>• To ensure there was joined up approach with this development and the wider Seafield area.</li> <li>• After PAN, to consider that the planning application would be submitted after the Masterplan process was complete.</li> </ul> <p>3) That officers provide briefing note to members on the progress of the discussions between the developer and wider community.</p>
<p><b>4.2 - <a href="#">3 Shandwick Place, Edinburgh</a></b></p>	<p>Change of Use from Class 1 to Unlicensed Hot Food Takeaway (Sui Generis) with internal and external alterations with a new extract flue to the rear - application no. 20/03395/FUL – Report by the Chief Planning Officer</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer</p>
<p><b>4.3 – <a href="#">3 Shandwick Place, Edinburgh</a></b></p>	<p>Internal and external alterations with new rear extract flue - application no. 20/03412/LBC – Report by the Chief Planning Officer</p>	<p>To <b>GRANT</b> 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>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><b>5.1 – <a href="#">14 Ashley Place, Edinburgh</a></b></p>	<p>Demolition of existing building and erection of 65 flatted residential development with associated landscaping, car and cycle parking; formation of pedestrian access from Ashley Place and associated infrastructure - application no. 19/05092/FUL – Report by the Chief Planning Officer It</p>	<p>1) To <b>GRANT</b> planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer.</p> <p>2) Officers to request that the developer provide samples of the proposed materials and compare those of the neighbouring existing development, with the possible change of colour of brick, to find the best solution for the area.</p>

## Development Management Sub Committee

**Wednesday 17 February 2021**

**Report for forthcoming application by**

**Alumno Group. for Proposal of Application Notice**

**20/05625/PAN**

**at Corner Of London Road And Restalrig Road South,  
Jocks Lodge, Edinburgh.**

**Proposed student accommodation including ground floor  
commercial space (class 1 shops, class 2  
financial/professional & other service, class 3 food & drink,  
class 4 business) with associated facilities.**

**Item number**

**Report number**

**Wards**

B14 - Craigentinny/Duddingston

### **Summary**

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for a student accommodation development including ground floor commercial space (class 1 shops, class 2 financial/professional & other service, class 3 food & drink, class 4 business) with associated facilities at land at the corner of London Road and Restalrig Road, Jocks Lodge, Edinburgh.

In accordance with the Town and Country Planning Act 1997, as amended, the applicant submitted a Proposal of Application Notice (20/00529/PAN) on 12 December 2020.

# Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## Recommendations

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

## Background

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### 2.1 Site description

The site is located on the corner of London Road and Restalrig Road South (also known as Smokey Brae) within the Jock's Lodge neighbourhood of the city. There is a level change across the site to the north and east with Restalrig Road South sloping down from the intersection with London Road.

The site covers an area of 0.163ha and is currently occupied by a series of one and two and a half storey buildings with some ground floor commercial and retail uses alongside a small area of private garden space. There is an access lane through the site which leads to an enclosed area of private car parking just beyond the site boundary.

The south and east boundaries of the site are defined by London Road and Restalrig Road South respectively. There is an existing building currently in use as a sports bar which wraps around most of the north and west of the site, forming these boundaries.

The site is located in a mixed-use area, with a dense urban pattern and a mix of uses. There is a prevalence of ground floor retail/ commercial uses along this part of London Road, with residential tenement developments above. Land to the east of the site on the opposite side of Restalrig Road South is in residential use. There are two large office developments located within close proximity of the site to the west; the General Registers of Scotland office buildings at 153 London Road and St Margaret's House at 151 London Road, which has planning permission for redevelopment as a mixed use development comprising residential and student accommodation. Willowbrae Parish Church occupies a prominent position diagonally opposite the site on the corner of London Road and Willowbrae Road.

The area is located close to a wider area of significant redevelopment at the former Meadowbank Stadium which has planning permission for an extensive mixed use development. The most easterly part of the Meadowbank redevelopment area is approximately 100m to the north west of the site.

There are a number of listed buildings within close proximity of the site, Category B listed Willowbrae Parish Church and Hall (reference LB27166, listed 10.04.86)) and the grouping of residential properties at 2-12 (even numbers) Restalrig Road South, 1-21 (odd numbers) Portobello Road, 1-16 (inclusive numbers) Piershill Square West and 1-14 (inclusive numbers) Piershill Square West which are Category C listed (reference LB49047, listed 19.12.02).

## 2.2 Site History

### The site

12 May 2016 - planning permission granted for alterations to building frontage and internal layout, creation of new fire exit door and roof opening and addition of rooflights (as amended) at Unit 2, 25 Jock's Lodge, Edinburgh (application reference 16/01690/FUL)

6 September 2016 - planning permission granted to alter and refurbish interior of existing public house, alter front door to window, alter side window to door, fit covered decking inside garden area at 35 Jock's Lodge, Edinburgh (application reference 16/03424/FUL)

### Surrounding Area

#### *61-63 London Road*

27 June 2019 - Planning permission granted for a mixed-use development including student accommodation and ancillary uses, commercial unit, and associated landscaping and infrastructure at land at 61 and 63 London Road (application reference 19/01149/FUL varied by applications 19/01149/VAR and 19/01149/VAR2).

#### *151 London Road*

12 September 2011 - Planning permission in principle granted for mixed use developments with total floor area of 21,500sqm (application reference 09/01793/PPP) at St Margaret's House, 151 London Road, Edinburgh (application reference 09/01793/PPP).

10 November 2016 - Planning permission in principle granted for up to 21,500sqm of mixed use development including residential, retail/commercial, hotel and student accommodation at St Margaret's House, 151 London Road, Edinburgh (application reference 14/05174/PPP).

20 January 2020 - Section 42 application granted to delete or amend part (ii) of condition (l) of the planning permission so that ground floor uses on the named blocks are not restricted to commercial uses."(ii) the ground floor of the eastern-most and western-most blocks which have direct frontage onto public realm space directly from London Road be for commercial purposes only at St Margaret's House, 151 London Road, Edinburgh (application reference 19/05343/AMC).

14 August 2020 - Approval of matters specified in conditions of planning permission in principle 14/05174/PPP for mixed use residential and student housing development with associated landscaping and infrastructure (application reference 19/04557/AMC).

## *Meadowbank Stadium*

11 December 2018 - Planning permission in principle granted for the redevelopment of existing Sports Centre site to provide new Sports Centre facilities and redevelopment of surplus land for mixed uses including residential, student accommodation, hotel and commercial uses, together with car parking, landscaping, drainage and ancillary work at land at 139 London Road, Edinburgh (application reference 18/00154/PPP).

11 December 2018 - full planning permission granted for the re-development of Meadowbank Sports Centre. The detailed proposals include the development of a new sports centre facility, including a new sports centre building with offices for Edinburgh Leisure, the retained athletics track, new spectator stand, sports pitches and floodlighting, with associated access, roads, car parking, landscaping and ancillary works (application reference 18/00181/FUL).

08 October 2020 - Application approved for matters specified in condition 1 of 18/00154 PPP for the proposed redevelopment of surplus land at Meadowbank Sports Centre with mixed uses including residential and commercial, together with roads, landscaping, drainage and ancillary works (application reference 20/00618/AMC).

## **Main report**

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### **3.1 Description of the Proposal**

An application for planning permission will be submitted for a student accommodation development will ground floor commercial space (Class 1/ Class 2/ Class 3/ Class 4) with associated facilities at a site on the corner of London Road and Restalrig Road South (Jock's Lodge). No other details have been submitted at this stage.

### **3.2 Key Issues**

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

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

The site is located within the Urban Area and is within the Jock's Lodge Local Centre boundary. As the development comprises an element of student accommodation, Policy Hou 8 will be relevant. This policy seeks to ensure that student development is located appropriately in terms of access to university facilities by sustainable methods and to ensure that proposals do not lead to excessive concentrations of student accommodation in their locality. The proposals for the site require to be in accordance with the relevant policies of the LDP.

**b) the design, scale and layout are acceptable within the character of the area and whether the proposal complies with the Edinburgh Design Guidance;**

The applicant will be required to comply with all relevant design policies within the LDP as well as supplementary guidance where applicable (e.g. Edinburgh Design Guidance). The layout and design of the scheme will be assessed against these measures. A design and access statement will be required to support the application.

**c) access arrangements are acceptable in terms of road safety and public transport accessibility;**

The proposal should have regard to the transport policy of the LDP and Designing Streets. Consideration should be given to the impact on traffic flows on local roads and access to public transport. The development should take account of transport proposals set out in the LDP which affect the site. Transport information will be required to support the application and the proposals will be subject to a quality audit.

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

The applicants will be required to submit sufficient information to demonstrate that the site can be developed without having an unacceptable impact on the environment. In order to support the application, the following documents are likely to be expected (this list is not exhaustive):

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Townscape and visual impact appraisal;
- Daylight, overshadowing and privacy assessment;
- Transport information;
- Stage 1 Site Investigation report;
- Air Quality Assessment;
- Noise Assessment;
- Archaeology Assessment;
- Phase 1 Habitat and Protected Species Survey;
- Flood Risk Assessment and Surface Water Management Plan;
- S1 Sustainability Statement.

### **3.3 Assessment**

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

## **Financial impact**

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

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

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

## **Equalities impact**

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

## **Sustainability impact**

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The Proposal of Application Notice (reference: 20/05625/PAN) outlined a public exhibition to be held in February 2021. Due to the current COVID-19 pandemic and in light of the Scottish Government's letter of 3rd April 2020 regarding Planning Procedures and COVID-19, the public engagement will be carried out via an online consultation event on a dedicated website with live chat facilities and members of the project team available to answer questions. Exhibition material, detailing the proposed development will be uploaded directly onto the website. The exhibition material will remain online for a minimum period of three weeks following the event alongside a feedback form to allow further comments to be made to the project team.

The applicant will also undertake the following measures:

- Correspondence with local community councils, including direct offer of a telephone/video call with Northfield and Willowbrae Community Council;
- Correspondence with local councillors, MP and MSP; and
- Publicity of the engagement event in the local press (Edinburgh Evening News) at least seven days before the event;

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

## Background reading / external references

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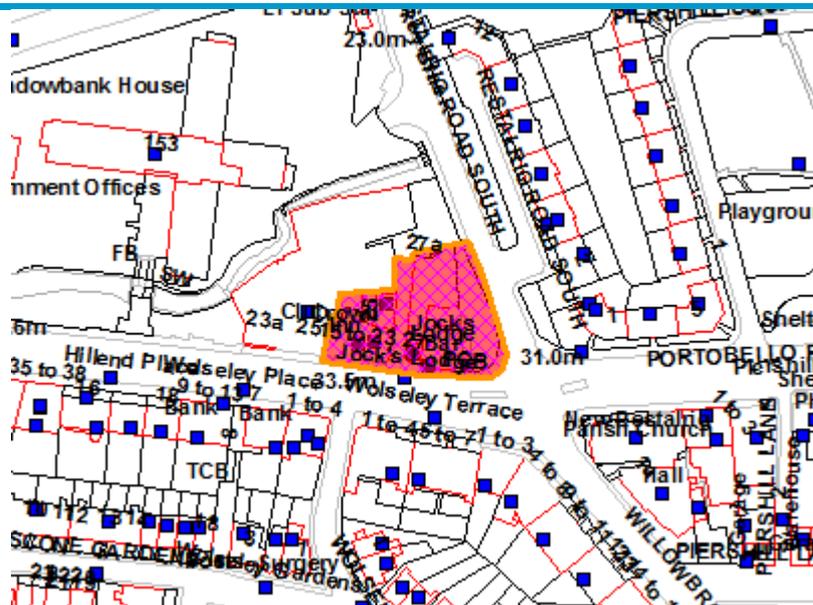
- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

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

Contact: Julie Ross, Planning Officer  
E-mail: [julie.ross@edinburgh.gov.uk](mailto:julie.ross@edinburgh.gov.uk)

## Location Plan

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**END**

## Development Management Sub Committee

Wednesday 17 February 2021

**Application for Planning Permission 20/01932/FUL  
at 2-4, 6, 14 Bonnington Road Lane and, 200 Bonnington  
Road, Edinburgh.**

**Demolition of existing buildings and redevelopment  
comprising build to rent residential accommodation,  
commercial uses, associated landscaping and infrastructure  
(As Amended)**

**Item number**

**Report number**

**Wards**

B12 - Leith Walk

### Summary

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The proposed development will make a significant contribution to the overall housing mix in Edinburgh and mix of uses within the wider Bonnington regeneration area, supporting the aspirations of the Bonnington Development Brief. The building massing and form are acceptable. The proposed development is acceptable in terms of amenity and will provide a modern development with high quality public and private spaces for the benefit of future occupiers. Although it infringes on LDP Policy Des 5 in terms of daylight and noise impacts, it makes a positive contribution to the regeneration of the area and provides a mix of housing sizes which are compatible with the area. It will enhance the character of the area through the delivery of a well-considered design solution. There are no material considerations which outweigh this conclusion.

## Links

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

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LEN03, LEN08, LEN09, LEN12, LEN15, LEN16, LEN18, LEN20, LEN21, LEN22, LEMP01, LEMP09, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LRET01, LRET06, LTRA02, LTRA03, LTRA04, LTRA08, LTRA09, LTRA10, LRS06, NSHAFF, NSOSS, HEPS, HESSET, NSGD02, DBBON,

# Report

## **Application for Planning Permission 20/01932/FUL at 2-4, 6, 14 Bonnington Road Lane and, 200 Bonnington Road, Edinburgh.**

### **Demolition of existing buildings and redevelopment comprising build to rent residential accommodation, commercial uses, associated landscaping and infrastructure (As Amended)**

#### **Recommendations**

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

#### **Background**

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##### **2.1 Site description**

The site is located on the east of Bonnington Road Lane and west of Anderson Place and is approximately 2.2 hectares in size.

The Water of Leith, a designated local nature conservation site, forms the site's northern boundary. The riverside edge is tree lined, and the northern portion of the site is designated open space.

The majority of the site is the former depot (storage and distribution use) for John Lewis, with a former restaurant and Council office block to Bonnington Road. All existing buildings are proposed for demolition. An area of open space is located to the north of the site and provided amenity space for the businesses.

The site wraps around the event space known as The Biscuit Factory and an existing warehouse known as the Soap Works on Anderson Place. These buildings are not included within the site.

The site is within a wider area of mixed industrial uses, which is undergoing significant change with a number of new residential developments proposed, or under construction, in the immediate vicinity.

There are no listed buildings within the site; a category B listed warehouse bond converted to residential and commercial use is opposite the site on Anderson Place (LB reference: LB27016, listed on 29 April 1998).

## 2.2 Site History

7 August 2008 - Bonnington Development Brief approved for the area including this site.

20 September 2018 - Application minded to grant for Planning Permission in Principle for residential development (up to 220 units) together with commercial space and associated works (including demolition of building). Currently pending decision subject to conclusion of appropriate legal agreements (application reference: 17/05742/PPP).

18 November 2019 - Proposal of Application Notice was submitted for the demolition of existing buildings and redevelopment comprising build to rent residential accommodation, commercial uses, associated landscaping and infrastructure (application reference: 19/05515/PAN).

### Other relevant applications in the area:

13 May 2016 - Minded to grant subject to legal agreement for the proposed development of 14 flats (as amended) at 2-4 Bonnington Road Lane (application number: 14/05146/FUL)

7 Nov 2016 - Permission granted for residential development consisting of 201 dwellings and 2no. commercial spaces with associated parking and landscape works (as amended) at 5,15,15A Bonnington Road Lane (application number: 15/05457/FUL)

23 Mar 2017 - Permission granted to construct 98 No. residential units with commercial space, ground floor frontage, associated parking, landscaping and accesses at 54 metres southeast of 20 West Bowling Green Street (application number: 16/03138/FUL)

## **Main report**

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### **3.1 Description of the Proposal**

The application proposes the erection of a new 'build to rent' (BTR) development, comprising 453 flats, with on site concierge and communal amenity spaces including resident lounges, communal workspaces and a gymnasium. Block A comprises of 178 units, Block B comprises of 176 units and Block C comprises of 99 units. The proposed accommodation mix will comprise 17 studio flats, 208 one bedroom flats, 135 two bedroom flats and 93 three bedroom flats. The type of housing is flatted accommodation, including 14 duplexes. Within the development, 113 of the proposed flats (25%) will be delivered as affordable housing in the form of affordable build to rent units and will be tenure blind across all three blocks.

The application also comprises other commercial uses including Class 1 Retail, Class 3 Food and Drink and Class 4 Office Use with associated access roads, landscaping/public realm works. The total commercial floor space, comprising retail, food and drink uses created by the development will be 1,173sqm and located at key nodes on the ground floor.

The applicant proposes a development of three urban blocks of varied height between four and six storeys. Landscaped communal spaces will be provided between the

blocks and a new public pocket park will be created at the north west of the site adjacent to the Water of Leith, accessed by a new segregated cycleway and footway from Bonnington Road. The development will be spread over three separate blocks, divided by two streets; one existing and one proposed. Additional private open space is to be provided in the form of resident roof terraces and balconies. The external space around the blocks will form new public realm. Brick is the predominant building material.

Internal cycle parking provision is proposed which will provide 988 spaces, with 32 on-street vehicle parking spaces proposed, including three disabled spaces and six electric charging points.

### Scheme One

A number of significant amendments have been made during the assessment of the proposals. Without listing all the changes, the main ones relate to:

- The unit numbers and density of the proposals have reduced from 527 to 453 representing a circa 15% reduction;
- Affordable housing to be provided throughout the three blocks;
- Block A has moved 4.8m to the east towards Anderson Place to increase the pocket park size;
- Block A has moved 2m to the south towards Block B increasing the distance from the Water of Leith and pocket park size;
- Two Internal bike stores have been added to the ground floor of Block A to provide an even distribution of bike stores across the blocks;
- The total number of bike spaces has increased to 988;
- The parking provision has decreased to 32;
- Changes to the external landscaping;
- The proposed re-built boundary stone wall along Anderson Place to be in brick, reduced in height and landscaping added to enhance active frontage;
- The new street between Blocks A and B, linking Bonnington Road Lane and Anderson Place, revised to create a pedestrian priority landscaped street;
- Partial pedestrianisation of the existing street between Block C and B;
- Height reduced to Block A fronting Water of Leith to address the profile of topographical river valley;
- Sedum roofs added;
- Roof access strategy reduced to minimise the impact to the roof scape,
- Vertical brick feature detail added to break up and enhance the brickwork façade;
- Saw toothed pitched roof relocated to Western most roof of Block A;
- Balconies added to the units facing Water of Leith to provide private amenity;
- Swift bricks added to the northern elevation of Block A;
- Trees to the south west of the pocket park retained;
- Internal bike store provision increased within Block B;
- Reduction in height of Block B and Block C to address the key view and relate better to the existing tenement townscape and listed warehouse;
- Aluminium metal cladding omitted from upper levels to simplify material palette;
- Duplex units with main door access added to the ground /first floors along Bonnington Road Lane. A two storey glazed / spandrel entrance has been added to enhance active frontage. Private gardens increased in width;
- New segregated cycle and foot way provided along the full length of Bonnington Road into the new pocket park;

- Units omitted along Bonnington Road and additional class 4 space added to enhance active frontage;
- Unit omitted at junction of Bonnington Road and Bonnington Road Lane with class 1. shop and glazing wrapping around the corner to enhance active frontage;
- Communal open space designed into the rear of Block C.

### Supporting Information

The following documents were submitted in support of the application:

- Design and Access Statement;
- Surface Water Management Plan;
- Flood Risk Assessment;
- Daylight and Sunlight Report;
- Air Quality Impact Assessment;
- Noise Impact Assessment;
- Planning Statement;
- Site Investigation Report;
- Sustainability Form;
- Transport Statement;
- Heritage Impact Assessment; and
- Townscape and Visual Impact Assessment

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.

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 on this site;
- b) the proposals preserve and enhance the setting of the neighbouring listed buildings;
- c) the design, scale and layout are appropriate to the site and creates a sense of place;
- d) the proposals safeguard the amenity of existing occupiers and provide a satisfactory standard of amenity for future occupiers;
- e) there are any transport issues;
- f) any other material considerations are addressed;
- g) any impacts on equalities or human rights are acceptable and
- h) representations raised have been addressed.

#### a) Principle of development is acceptable

The site is in the Urban Area, as identified in the Edinburgh Local Development Plan (LDP), where housing and compatible uses are appropriate. The site is also covered by the 2008 Bonnington Development Brief (referred to hereinafter as the Brief). While the Brief was prepared over ten years ago, the objectives remain valid; to guide appropriate mix of uses (including the introduction of residential uses and flexible small business space), coordinate and connect missing links in the network of pedestrian/cycle routes and greenspaces.

#### **Residential use**

The application proposes a build to rent (BTR) scheme, which is considered a strand of mainstream housing and all relevant LDP policies and guidance apply, including those relating to housing mix, parking, open space and affordable housing.

Within the urban area, LDP Policy Hou 1 gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan. The proposal for residential flats at this site, complies in principle with the requirements of this policy (subject to other policy considerations).

LDP Policy Hou 6 sets out the requirement for affordable housing amounting to 25% of the total number of units proposed. Affordable housing will account for 25% (113) of the proposed new homes. The affordable housing would consist of flatted apartments of a range of sizes from one to three bedrooms, and these will be pepper-potted throughout the development. This offers a representative and integrated mix of affordable homes that can be delivered on site.

Furthermore, the tenants of the affordable homes will have access to the same amenities and services as the tenants of the market rent housing. This approach is supported.

The affordable housing will be delivered by the applicant as "intermediate rent" and would be secured by a Section 75 Agreement as affordable housing for a minimum of 25 years. Rents would be restricted to Scottish Government's published Broad Rental Market Area 30th Percentile. Rents at the 30th Percentile are affordable to people within the defined client group and significantly less than average market rents.

The Council's Enabling and Partnerships section has indicated that they have no objections to the proposals with regards to the provision of affordable housing on this site. The application complies with LDP Policy Hou 6. The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

### **Commercial and business use**

The site's last use was an employment use and LDP Policy Emp 9 applies. This allows for the introduction of non-employment uses that will not prejudice or inhibit the nearby activities in employment use and where the proposal is part of a comprehensive regeneration of the wider area. This policy requires sites over one hectare to include floorspace designed to provide for a range of business users.

The Economic Statement submitted with the application states that there is currently low demand for office accommodation in the Bonnington area, and this has existed for several years. However, the Brief requires all new sites for development to include a significant element of new small business space on the ground floor with residential units above. The format of the small business space should be able to accommodate a range of light industrial uses on the ground floor with residential units above, though other formats may be equally suited to a range of business types.

The application proposes 734sqm (gross) of Class 4 (office) space, 289sqm of Class 1 space (retail) and 150sqm (gross) of restricted Class 3 space (café). According to the Council's Economic Development Service, it is estimated that the proposed development would support approximately 133 FTE jobs and £6.86million of GVA per annum (2018 prices). When the impact of the existing buildings is accounted for, the projected net impact is a net fall of 23 FTE jobs but a net increase of £0.22 million of GVA per annum (2018 prices).

The proposed locations for the two ground floor Class 4 units are in visually prominent locations at Anderson Place and Bonnington Road. It is considered that this amount of Class 4 business space is sufficient to address LDP Policy Emp 9.

### **Retail use**

As stated in LDP Policy Ret 6, there are benefits in providing small scale convenience stores (up to 250sqm gross floorspace) in locations easily accessible on foot, by cycle or public transport. The application proposes a unit on Bonnington Road with a floorspace of 212.21sqm at ground floor.

This will meet the needs of an expanding residential population and is not considered to have a significant adverse effect on the vitality and viability of the Leith Town Centre to the south and Ferry Road East and Ferry Road West Local Centres to the north. This will complement the role of these identified centres, creating a more sustainable community. The application complies with LDP Policy Ret 1 and Ret 6.

### **Open space**

The northern part of the site is designated Open Space in the LDP. The loss of this open space is required to be assessed and justified under the criteria of LDP Policy Env 18. The application proposes to reshape the existing greenspace and define a portion of it as publicly accessible open space. The creation of a pocket park in the north west corner of the site accords with LDP Policy Env 18 and the requirements of the Brief.

In conclusion, the proposed uses comply in principle with LDP Policies Hou 1, Ret 6, Emp 9, Env 18 and the Brief.

### **b) Impact on the setting of the neighbouring listed buildings**

A Heritage Impact Assessment was submitted which considers the impact of the proposed development upon the setting of three listed buildings located in the immediate vicinity of the site; 2 Anderson Place and 3-33 Breadalbane Street (former Bonnington Bond) (category B listed building reference: LB2701614), 138A Bonnington Road, Bonnington Primary School with play shelters, gatepiers and railings (category C listed building reference: LB2702715), and 250 Bonnington Road, Cardboard Box Works (category C listed building reference: LB2704716).

To the east of Anderson Place is the red brick B listed four to eight storey former Bonnington Bond, converted to residential use in 2004. It is the largest surviving example of a bonded warehouse in Edinburgh and an example of the industrial fabric of Leith. The proposed heights remain within the range of heights of historic neighbouring properties and continuing a frontage onto Anderson Place is considered appropriate.

Section 59 (1) the Planning (Listed Buildings and Conservation Areas) (Scotland) (Act) states that the proposals are required to preserve the setting of the listed building including any special architectural or historic interests it possesses. The ability to experience, understand and appreciate the special interest of the listed buildings would not be harmed by the proposed development. The application, therefore, complies with Section 59 of the Act as well as the relevant requirements of LDP policy Env 3.

### **(c) The design, scale and layout are appropriate to the site and creates a sense of place**

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

The advice given by the Edinburgh Urban Design Panel (Appendix 1) is reflected in the revised proposals. The application encourages more activity at street level, reconfigures the layout and massing of Block A into fingers of development, offers a cohesive approach to the public realm and landscaping and proposes an architectural response which reflects on the industrial heritage. The design is assessed fully under the headings below.

## **Height, scale and massing**

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

The spatial character of the area is mixed. The Brief offers guidance on the height of new development. It supports a four to five storey tenement scale development to enable the protection of city wide and local views. Although central parts of the development are six storeys in height, the introduction of some modulated, saw-tooth roof features and a stepped roof profile complement the topographic profile and visual character of the river valley. Likewise, the reduction in height of Block C to five storeys along Bonnington Road and four storeys along Anderson Place relate better to both the existing tenement townscape and the adjacent listed warehouse.

The consented West Bowling Green Street developments (application reference numbers: 16/03218/FUL and 16/00427/FUL) impacts on the key view N4b (South Fort Street to Salisbury Crags), obscuring the view of the Calton Hill monuments. Whilst the reduced height of the three blocks in Scheme Two will continue to obscure the wooden horizon line between Calton Hill and the vertical face of the Salisbury Crags, the profile of the crags is now legible within this view. By stepping down from west to east, the proposed development is responding positively to both its historic and landscape context. The applicant has provided detailed sections and elevations to demonstrate that the heights are appropriate in their immediate context, thus complying with LDP Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features and LDP Policy Des 4.

The submitted TVIA demonstrates that the proposed buildings will be visible below the skyline and will merge with the existing buildings. Furthermore, as the proposal is below the height of the listed former Bond building, views of this landmark building will be protected. Whilst the height and scale in parts exceeds the Brief, the overall effect is a positive addition with no significant adverse effects on any long views.

LDP Policy Hou 4 Housing Density seeks an appropriate density of development on each site having regard to a number of factors. The approximate density of the proposed development is 210 dwellings per hectare, which is relatively high. This exceeds the density of many recent residential developments in the immediate area such as Tinto Place (188 dwelling per hectare) and Bonnington Road Lane (126 dwelling per hectare). However, it is similar to more historic tenement developments like Gorgie (288 dwellings per hectare). High density developments help Edinburgh be a compact and vibrant city. The density is considered appropriate to the immediate site conditions and to the neighbourhood.

As explained in later sections, it meets other Council's policies, for example in relation to open space, unit mix, daylight, sunlight, privacy, car parking and the design and site layout. This indicates that the proposed density is appropriate, providing efficient use of the site whilst also supporting the regeneration of previously developed land.

The application complies with LDP Policy Des 3, 4a) and Hou 4.

### **Design and materials**

LDP Policy Des 1 Design Quality and Context states that proposals should be based on an overall design concept that draws on the positive characteristics of the surrounding area.

Whilst the elevational treatment of the blocks is relatively uniform, there are areas which benefit from increased modulation, relief and texture with balconies introduced to Block A to offset the massing and provide a more engaging elevation to the Water of Leith.

The sawtooth roof form of the western wing of Block A references Leith's industrial heritage, adding interest to the view from Bonnington Road. This roof profile moderates the impact of the other relatively flat-roofed blocks. The reduction in height of Block C better relates to the tenement scale along Bonnington Road. The application proposes large vertically proportioned windows akin to the tenements. The proposed material palette of brick across the three blocks ensures consistency between the elevations. The use of brick and choice of three colours references not only the industrial heritage of the site and the former Bond building, but also the tones and textures of Edinburgh sandstone and the neighbouring tenements. The application complies with LDP Policy Des 4d).

Community security over all footpaths, streets and open spaces is promoted through a combination of active frontages at ground floor and natural surveillance at higher levels. The ground floor commercial units provide activity to the street, whilst 33 ground floor residential units have direct access from a public footpath or communal open space. This accords with the Brief and LDP Policy 5d).

### **Relationship to the Water of Leith**

LDP Policy Des 10 Waterside Development supports development adjoining a watercourse where it provides an attractive frontage to the water, maintains, provides and improves public access to and along the water's edge, maintains and enhances the water environment, its nature conservation or landscape interest including its margins and river valley.

The Brief sets a requirement for the green space that forms part of this site to be re-shaped and re-defined as an area of publicly accessible open space, enabling the creation of a new active travel link between Bonnington Road and the nearby footbridge. The application proposes a new publicly accessible pocket park which responds sensitively to the topography and ecology of the river valley, whilst also enhancing the sense of place. The 24.5m distance between Block A and the Water of Leith, coupled with the reduced height fronting the river, maintains and enhances the water environment.

The design incorporates the existing broadleaf trees at the base of Bonnington Road Lane, aiding navigation to the Water of Leith in accordance with section 1.7 of the Edinburgh Design Guidance (EDG) and LDP Policy Des 3. The park provides a legible active green corridor between Bonnington Road Lane and the bank of the Water of Leith. It facilitates a future connection to the bridge via the adjacent site.

The proposed development successfully maintains the existing soft and vegetated character of the riverside, thus complying with LDP Policy Des 10.

## **Layout**

An objective of the Brief is to integrate new development with the area as a whole and to promote improved movement through the site and to the wider city beyond.

Similarly, LDP Policy Des 7 Layout Design promotes safe and convenient access and movement in and around the development, supporting a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces, services and SUDs features.

In accordance with the Brief and LDP Policy Des 7, a new legible and direct route for pedestrians and cyclists from Bonnington Road to the new pocket park is proposed which will form a key part of a strategic link, with the final leg of its route being delivered by the adjacent site. By offsetting the proposed building line further away from the western site boundary, it supports the potential for effective development of the adjacent site. This complies with LDP Policy Des 2 Co-ordinated Development.

The Brief illustrates the potential for side street access from Bonnington Road Lane and Anderson Place frontages. A new street between Blocks A and B has been designed to prioritise pedestrian and cycle movement in accordance with LDP Policy Des 7. The layout of this street incorporates design features which will restrict traffic speeds to an appropriate level, thus minimising potential conflict between users. It will also ensure ease of access for future occupiers of the site and the wider area to the local centres and public transport. The existing street (Anderson Place) between Block B and C is proposed to be partially pedestrianised through the use of retractable bollards, enabling safe and convenient movement for residents between the blocks, whilst also enhancing its setted street character.

Although the layout of Block C fails to fully reflect the established urban grain for residential development by filling the entire site with building, the creation of a primary frontage onto Bonnington Road will repair a gap in the townscape. The design of Block C has taken the warehouse to the rear into account through the provision of a set back and consideration of window provision. The applicant has demonstrated that this street could be appropriately faced by smaller scale buildings, for example a row of townhouses, thereby complying with LDP Policy Des 2.

## Public realm and landscaping

LDP Policy Des 8 Public Realm and Landscape Design supports development where all external spaces and features, including streets, footpaths, civic spaces, green spaces, boundary treatments and public art have been designed as an integral part of the scheme as a whole.

The landscape has been designed to provide a series of relaxed and informal social spaces for residents and visitors to the development. The planting strategy enhances the proposals sense of place and increases the site's biodiversity through the creation of new habitats. By providing a vibrant species selection, with a variety of seasonal interest, it creates a high quality, visually aesthetic environment. The concept of incorporating the old railway line tracks as a historical reference within the landscape design is positive and will help to provide a sense of identity. In accordance with the Brief, public art and the use of interpretation boards in the pocket park are proposed to reflect the industrial and medieval heritage of the area.

As assessed in the previous section, the application demonstrates how the site can facilitate a welcoming, safe and direct pedestrian and cycle link along Bonnington Road Lane and into a new and welcoming pocket park. The two streets running east-west within the development also play an important role in connecting the development together and ensuring good pedestrian circulation. The new landscaped street between Blocks A and B provides a direct connection between Bonnington Road Lane and Anderson Place. It has been designed as a central part of the landscape design, comprising of shared surfaces broken up using street trees and parking bays, with pedestrian access and crossing points being prioritised. The soft landscaped communal courtyards in Block A overlook this new street.

The courtyard to Block B has been designed to serve as a central hub and gathering space for residents. The design offers a more organic informal space. The space has been broken up into smaller segments allowing more intimate zones to gather in smaller groups, whilst also being flexible enough to accommodate social events.

The additional roof terraces provide residents with small plots to plant herbs and vegetables within raised timber planters coupled with seating elements and tables for outdoor gatherings. This layout will help create a strong space for community involvement and reinforce the development's ethos of community living.

17 ground floor units have direct access to a private front garden. In accordance with LDP Policy Des 5d), a clear distinction is made between the public and private spaces, enclosing them with clear defensible masonry walls and landscaping.

All the landscape and public realm elements have been coordinated to avoid a sense of clutter and integrate with the wider area.

The application complies with LDP Policy Des 8.

d) the proposals safeguard the amenity of existing occupiers and provide a satisfactory standard of amenity for future occupiers

## **Existing neighbours - daylight**

The application site is near several residential properties. Representations have been made concerning the development's impact on residential amenity.

An updated Daylight and Sunlight Assessment has been submitted to reflect Scheme Two. Vertical Sky Component (VSC) modelling was used on residential properties directly surrounding the site. The model shows that 68% of windows tested meet the requirements of the EDG in relation to retention of daylight levels. Of the 286 windows assessed, 91 windows in 63 rooms did not meet the VSC standard.

As recommended in the EDG, the Average Daylight Factor (ADF) assessment was applied to these 63 rooms, which are spread across 38 properties; 7-15 Bonnington Bond, 145a Bonnington Road, 145b Bonnington Road, 147 Bonnington Road, 149 Bonnington Road, 151 Bonnington Road, 202-206 Bonnington Road, 1 Bonnington Road Lane, 6-12 Tinto Place, and 5-7 Bonnington Road Lane.

It is important to note that in 39 of these 63 rooms, existing daylight levels do not currently meet minimum EDG requirements, with 11 only marginally below standards. This is mainly a result of the window sizes being relatively small. This amounts to 62% of all rooms assessed. Any reduction in ADF will, therefore, continue to infringe on the guidance thresholds. However, some daylight loss is inevitable as a result of an existing frontage change from a boundary wall and a 1.5 storey building to a continuous frontage that is in similar scale to the surrounding townscape. The ADF assessment shows that daylight levels in all 63 rooms will be reduced by the development, with six only slightly below the required minimum level.

Although VSC modelling shows that most existing windows tested satisfy EDG daylight requirements, the ADF assessment shows that development will cause daylight to drop below EDG thresholds in some neighbouring rooms. The proposal is therefore at odds with LDP Policy Des 5. This is largely due to existing daylight levels being already lower than minimum EDG requirements. It is also a result of the existing site frontage changing from a boundary wall or low building to a continuous frontage that is similar in scale to the surrounding townscape.

The EDG states that the layout of buildings in an area will be used to assess whether the proposed spacing is reasonable, and that achieving reasonable amenity needs to be balanced against achieving good townscape. Considering the relatively high density of the surrounding context and the prevailing character of the existing townscape, this infringement of policy and guidance is not considered significant enough to merit refusal of planning permission.

## **Future occupiers - daylight**

The daylight to all the habitable rooms from ground to fifth floor levels in the proposed development have been assessed. The tests were undertaken in accordance with the methodology set out in the EDG. The daylight results show that 1,113 (92%) of the 1,212 rooms tested achieve the guideline No Skyline (NSL) values.

The results of the NSL test for Block A show that of the 496 rooms assessed, 425 (86%) would achieve the NSL guidelines as set out by the EDG. The remaining 71 rooms include 25 Living/Kitchen/Diners and 46 bedrooms located on the ground to fourth floors. However, a number of these rooms fall only marginally below the guideline values. For example, 12 of the Living/Kitchen/Diners and 15 of the bedrooms which do not meet the 50% guideline value achieve NSL values between 40% and 50%. Overall, the daylight results in Block A show good levels of adherence to the EDG.

The results of the NSL test for Block B show that of the 466 rooms assessed, 444 (95%) would achieve the NSL values set out by the EDG. The remaining 22 rooms include eight Living/Kitchen/Diners and 14 bedrooms located on the ground to fourth floors. It is worth noting that six of the Living/Kitchen/Diners and four of the bedrooms which do not meet the 50% guideline value achieve NSL values between 40% and 50%. Overall, the daylight results in Block B show very good levels of adherence to the EDG.

The results of the NSL test for Block C show that of the 250 rooms assessed, 245 (98%) would achieve NSL values as set out by the EDG. The remaining five rooms are Living/Kitchen/Diners located on the ground and first floors, four of which achieve NSL values between 40% and 50%. Overall, the daylight results in Block C show excellent levels of adherence to the EDG guidelines. There is an existing warehouse building along Anderson Place Lane which sits directly to the north of the Block C massing. The daylight levels have been assessed with the existing warehouse building in place. As there are no current development plans for the site, the impact of a potential future building on the light levels within Block C hasn't been assessed. Given the proximity to the boundary, any future massing on the site is likely to be stepped back from the boundary unlike the current massing, meaning that there may therefore be increases in daylight availability to the lower floors of Block C.

The marginal infringement to LDP Policy Des 5 Development Design - Amenity is acceptable.

## **Sunlight**

The EDG target is for 50% of a space to achieve two hours or more of sunlight on 21 March. The assessment shows that 10 of the 13 amenity spaces exceed the guideline values, achieving two hours of sunlight to greater than 50% of their areas on the 21 March. This includes the pocket park which will achieve 92%. One of the three amenity spaces (north of Block A), which falls marginally short of the guideline values, achieves 41% and therefore, will provide the recommended sunlight levels to a large portion of its area. The amenity space to the rear of Block C will receive no sunlight and the section of private garden to the east of Block A along Anderson Place will receive only 18%. Nevertheless, if the percentage of space achieving the guideline values is considered across the entire site, the site achieves two hours of sunlight to 58% of its total amenity space and therefore exceeds the guideline value.

The sunlight assessment for the proposed amenity spaces indicate that most spaces exceed the BRE's recommended two hours of sunlight to 50% of their amenity areas. This also includes a choice of roof terraces where the percentage of sunlight is between 60% and 91%. On balance, this complies with the EDG and LDP Policy Des 5a).

## **Privacy**

In terms of privacy and outlook, the proposed layout of the development broadly reflects the existing townscape pattern. The proposed development is located a sufficient distance away from the existing residential properties so as not to result in any significant overlooking or loss of privacy to the neighbouring dwellings. The distance from the former Bond building to Block A is between 16.89m and 17.18m, and between 12.43m and 12.51m to Block B.

The application complies with LDP Policy Des 5a).

## **Noise impact**

The applicant has submitted a Noise Impact Assessment and updated Acoustic Statement outlining a series of mitigation options in response to concerns raised over the impact from the Biscuit Factory. Over the last few years, this building has held occasional licenced and unlicensed music events which can take place during the daytime, evening and night-time. The building, by its very nature, is not well acoustically insulated with noise breakout from the windows, roof, doors and walls being a major factor in the noise breakout experienced by neighbours. Environmental Protection and Licencing Services have had a recent history of noise complaints due to entertainment noise emanating from the Biscuit Factory. The view from Environmental Protection is that there will be many more units exposed to what will be break-out noise from this venue. It is for this reason that Environmental Protection are objecting to the application.

Unfortunately, the applicant has not been able to undertake a noise break-out measurement exercise due to COVID-19 restrictions . An event was measured in December 2019 but this was not considered the potential worst case. The applicant has confirmed that the BTR management company will be working in partnership with the Biscuit Factory to actively market their business offering to future residents, whilst also seeking to protect their amenity.

An acoustic statement has been submitted which details the acoustic enhancements that will be provided to demonstrate how the design of the proposed development mitigates the impact of noise and upholds the 'Agent of Change' principles as a result of its proximity to the Biscuit Factory. In this regard, the applicant has taken the responsibility of mitigating any detrimental noise impacts. These measures are considered reasonable to allow the development to proceed. For example, they have removed several residential units on the gable end near the Biscuit Factory building, removed and sealed some windows and introduced a recessed balcony for those units closest to the Biscuit Factory. It is recognised that the applicant has, therefore, made some efforts to reduce the potential exposure, whilst also ensuring a high-quality scheme, in accordance with the EDG and LDP Policy Des 5a).

There is currently an active planning application for the Biscuit Factory (4-6 Anderson Place)(application reference number: 20/03841/FUL) to diversify and formalise operations, with an application currently being considered for the change of use of Class 5 General Industrial to a mixed-use development incorporating artisan workshops, events space, office space, gymnasium and business space. Although it is likely that this application will be required to incorporate appropriate mitigation measures, limited weight can be attached to this as planning permission has not been granted or implemented.

As it has not been possible to quantify the level of noise break-out during a typical event, the application does not fully comply with LDP Policy Des 5a). However, the introduction of residential use on the site contributes to the vibrancy and regeneration of the area, justifying an exception in this case.

### **Dual and single aspect**

The application proposes a long corridor on each floor level with access taken directly from this. In this regard, where a flat is classed as dual aspect, the alternative aspect is generally located within the same elevation. The proposals provide 40% dual aspect flats. This is only marginally under the 50% standard and is justified by the open plan layouts and tall windows, which allows light to penetrate more deeply into the flats. This complies with the EDG, which justifies a limited increase in single aspect units for Build to Rent developments.

### **Housing mix and size**

LDP Policy Hou 2 seeks the provision of a mix of house types and sizes to meet a range of housing needs, including those of families, older people and having regard to the character of the surrounding area and its accessibility. This mix should respond to the differing needs of residents, immediate site conditions and to citywide objectives. The EDG states that in schemes with 12 units or more, 20% of the total number of homes should be designed for growing families. These types of homes should have three or more bedrooms, a minimum internal floor area of 91 square metres, have good levels of storage and have direct access to private gardens or safe play areas for children.

The proposal comprises a mix of studio (3.8%), one bed (45.9%), two bed (29.8%) and three bed flats (20.5%) which includes 14 duplex flats. In this regard, the proposal achieves a good mix of house types and sizes, including 20% family housing. 15 of the 93 three bed flats have direct ground level access to private or communal open space and 24 of the three bed flats are located at first floor level. This equates to 42% of all the family units having ground or first floor access to an area of private or communal open space. Furthermore, 30% of the three bed flats have direct access to private balconies and 26% of the three bed flats are located on the same level or the level below a communal roof terrace. It is important to note that all the units have access to a lift, allowing for convenient access to any of the open space being provided. Therefore, although not all the three bed units have direct access to a private garden from either ground or first floor level, as specified in the EDG, their internal size, storage and convenient access to a variety of open space complies with the requirements of LDP Policy Hou 2.

Section 2.12 of the EDG includes a section on 'Purpose built homes for rent', where it acknowledges that there tends to be key differences in the design of Build to Rent developments which may justify a more flexible approach to the Council's design standards. In particular, the EDG allows for flexibility in unit sizes for BTR under exceptional circumstances and only if fully justified. This specifically relates to the standards for minimum internal floorspace.

The scheme proposes the following flat sizes:

- Studio: 33sqm
- One bed: 48sqm to 56sqm
- Two bed: 63sqm to 73sqm
- Three bed: 90sqm
- Three bed plus with enhanced storage designed for growing families: 96sqm

Although the unit sizes proposed for the studios, one bed and two bed flats are in some cases marginally below the minimum internal floor areas set out in the EDG, the development achieves efficiency in floor area by removing circulation, increasing storage, and producing a plan that allows light deeper into the units. There is also the additional provision of 945sqm of internal communal facilities, for example a concierge, ground floor level facilities including workspaces, bike café, gymnasium and games room. It is considered that the proposed units are of sufficient size to provide an acceptable standard of accommodation, complying with LDP Policy Hou 2.

### **Open space**

All residents will have access to a variety of amenity spaces across the site. Private garden spaces, balconies, secure communal courtyards and an ecological quiet zone adjacent to the river are provided.

Block A provides 2,844sqm of communal greenspace, of which 1,874sqm is a riverside ecological zone and 970sqm is communal courtyards; Block B provides 1,780sqm of communal greenspace; and Block C provides 154sqm of open space. Although Block C has a limited amount of dedicated communal open space, it also provides an additional 132sqm roof terrace.

Given that the development will be operated and owned as one Build to Rent site, residents can move freely across all amenity areas, made more convenient by the provision of two pedestrian priority streets. In this regard, the entire site has been assessed as a whole in terms of open space provision. The total area of communal open space equates to 4,778sqm; this is shared between the 453 residents and accessed directly from 33 ground floor flats. This results in an open space provision of 10.5 square metres per flat and 22% of the total site area. However, in addition to this, the development also provides 315sqm of private front gardens for 17 units, 108sqm of private balconies and 582sqm of roof terraces. In this regard, the overall provision exceeds the requirements of LDP Policy Hou 3. Furthermore, the site delivers high quality public greenspace in the form of a new pocket park to the north west of Block A.

In addition to external spaces, the development also proposes 945sqm of communal internal amenity space for use by all the residents.

In terms of the operational aspects of all private and public open space, the development will benefit from an on-site management team 24 hours a day, seven days a week. The role of the management team includes managing the operational aspects of the private and public open space.

The overall provision of private amenity space, public realm and internal amenity space will create a high-quality living environment which also contributes to the amenity of the wider area. In this regard, the application complies fully with LDP Policy Hou 3.

#### e) Transport issues

The site has good accessibility, located within 400m of bus stops for two services (Lothian buses number 11 and 36) and within approximately 900m from Leith Walk where further bus services are available. The site connects into the Core Path Network (CEC 18) and the Water of Leith Walkway via Anderson Place. The proposals include a segregated cycleway on Bonnington Road Lane as per the Brief. This is designed in line with the Edinburgh Street Design Guidance Fact Sheet C4 - Segregated Cycle Tracks. This is a future proofed active travel connection between the Water of Leith Walkway and the proposals related to Leith and City Centre (East) Cycle Route (LDP Action Programme - February 2020). Also included as part of the active travel improvements are "continuous footway" crossing points which indicate priority to pedestrians and cyclists across junctions. These have been designed in line with Edinburgh Street Design Guidance Fact Sheet G7- Priority Junctions Side Street Crossings.

A minimum of 988 cycle parking spaces are required. The application proposes 988 secure internal cycle spaces distributed throughout the site, easily accessible by residents in all three buildings. Block A provides 178 spaces in two stores, Block B provides 566 spaces in five stores and Block C provides 244 spaces in two stores. The cycle parking comprises of high density two tier racks with level access provided. The cycle parking provision and format complies with the required minimum set out in the current parking standards.

A maximum of 470 car parking spaces are required. The application proposes 32 on-street parking spaces between Blocks A and B and along Bonnington Road Lane, three of which are disabled spaces and six with electric vehicle charging points. This complies with the EDG. The low provision of car parking is justified. The applicant has provided a breakdown of car parking provision from the other sites that they operate, showing an average provision of 31% and a 10% usage. The applicant has drawn comparisons to their Exeter site due to the good public transport accessibility. It is important to note that a Controlled Parking Zone is to be implemented in this area by the end of 2021 to address an existing parking issue. This further aids the justification for the lower level of proposed car parking.

A minimum of 18 motor-cycle spaces are required under the EDG. The application proposes no motor-cycle spaces. This is acceptable given that the application does not propose a dedicated car parking area to accommodate such provision.

The new street between Blocks A and B is now proposed as a two-way street with integrated chicanes to enable speed reduction and facilitate pedestrian priority.

The western section of Anderson Place to the rear of Block C is proposed to be pedestrianised with access restricted to service and emergency vehicles. This will allow safer and more convenient pedestrian movement between Blocks C and B.

In accordance with LDP Policy Del 1 and Tra 8, a transport assessment was submitted. Several actions are identified in the LDP Action Programme that are relevant for this site. These are detailed in section 3.3f) and will be secured via a suitable legal agreement.

The Roads Authority raise no objections.

#### f) Other material considerations

##### **Trees**

A Tree Survey was carried out for the site. Of the 59 trees (and hedges) surveyed, 37 trees and two hedges are being removed and 20 are being retained. All except one are category B or lower, and all are being removed for reasons of safety, condition or they are non-native. The application proposes the planting of 80 new trees, resulting in a net increase of 41. In this regard, the replacement of appropriate species and numbers will offset any loss to amenity.

The application complies with LDP Policy Env 12.

##### **Ecology**

The site's northern boundary is the Water of Leith, which is identified under LDP Policy Env 15 as a Local Nature Conservation Site. The key issue is the maintenance of this important green network. In accordance with LDP Policy Des 10 and EDG, this application maintains and enhances the water environment, its nature conservation and landscape interest including its margins and river valley by providing at least a 15m setback between the river and the building line, extending to 24m in parts. The application also proposes a linear greenspace along the site's northern edge.

A transient overshadowing assessment to the Water of Leith has been carried out and shows no significant change in the extent or amount of time that a shadow would be cast upon the watercourse or the associated riparian habitat. In this regard, there is unlikely to be any notable effect on flora or fauna within the area.

The application proposes four green sedum roofs and three roof terraces which include opportunities for biodiversity. Bug hotels, for example, will also be proposed for the roof terraces. Likewise, 15 swift bricks are to be installed in five locations in clusters of three on the northern elevation of Block A adjacent to the river and out of direct sunlight. They will all be located at eaves height away from windows so as not to be disturbed by human activity.

Bat and bird roosting surveys were all undertaken prior to demolition.

The application complies with LDP Policies Env 15 and 16.

## **Flooding**

Scottish Water raise no objection to the planning application. With regards to surface water capacity, they confirm that for reasons of sustainability and to protect their customers from potential future sewer flooding, they will not accept any surface water connections into their combined sewer system. They state that there may be limited exceptional circumstances where they would allow such connection for brownfield sites only, however they will require significant justification, taking account of various factors including legal, physical and technical challenges. The proposal includes a mixture of SUDS including downpipes and permeable roofs, permeable paving and gullies with roof flows being routed through bioretention areas and rain gardens designed within the landscaping, prior to final discharge to the Water of Leith. Restricted flow is being attenuated within a detention basin or cellular storage structure. Flood Planning have raised no objections.

It is unknown at this time whether Scottish Water will allow surface water to discharge at a reduced rate into the combined sewer system. Scottish Water confirm that this would be considered and decided once the applicant has submitted to them a full Pre-Development Enquiry (PDE). It would not be reasonable to delay the determination of this planning application until the applicant has obtained permission from Scottish Water to connect surface water from the site into the combined sewer system. The applicant has submitted two options which Flood Planning support in principle, subject to the necessary agreement by Scottish Water. In this regard, a condition has been included which enables the applicant to provide details of the finalised drainage arrangement for approval by the Planning Authority in consultation with Scottish Water.

The application complies with LDP Policy Env 21.

## **Waste management**

The bin stores have been integrated into each of the buildings so as not to impact on external amenity space. The presentation points for the bins and bin store information has been agreed by the Waste and Cleansing Service. Within each bin store, is a variety of bin types for recycling and general waste. All calculations for waste and recycling provision have been based on the Council's Waste Management Guidance.

The Waste and Cleansing Service has confirmed that all the information provided in relation to waste provision is acceptable.

## **Air quality**

An Air Quality Impact Assessment was undertaken. Due to the relatively low number of anticipated vehicle trips associated with the proposals, road traffic exhaust impacts were predicted to be negligible. Nevertheless, several mitigation measures have been included within the proposals to encourage the use of sustainable transport modes, manage vehicle flow and reduce pollution around the site. The application does not raise any significant issues in relation to air quality.

The application complies with LDP Env 22.

## Ground contamination

The applicant has submitted an initial Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed, it is recommended that a condition is attached to ensure that contaminated land is fully addressed.

## Archaeology

The site has been identified as occurring within an area of archaeological significance both in terms of its buried potential but also its upstanding industrial heritage. Accordingly, this application must be considered under terms of LDP policies Env 8 and Env 9. 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.

A condition is recommended to secure the programme of archaeological works.

## Sustainability

The applicant has submitted a sustainability statement in support of the application. Part A of the standards is met through the provision of a Combined Heat and Power system. The proposal is a major development and has been assessed against Part B of the standards.

The points achieved against the essential criteria are set out in the table below:

Essential criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential criteria. In addition, the applicant has provided a commitment to further sustainability measures as set out in the 'desirable elements' sections. Additional measures include the installation of a combined heat and power plant, the inclusion of green sedum roofs, of car club spaces and electric car charging points. The application complies with LDP Policy Des 6.

## Developer contributions

### *Education*

The site falls within Sub-Area D-1 of the 'Drummond Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The assessment is based on 228 flats (225 one bedroom/studio flats are excluded).

In line with Circular 3/2012 and LDP Policy Del 1, the proposed development is required to contribute £195,168 towards the delivery of those actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

### *Transport*

The applicant will be required to:

- Contribute the sum of £238,279 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;
- Contribute the sum of £89,241 to the Leith and City Centre (East) Cycle Route as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- Contribute the sum of £62,061 to the Water of Leith Path - Commercial Street to Warriston as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- Contribute the sum of £70,668 to the Bonnington Road - Great Junction Street junction improvements as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment; and
- In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £29,000 (£1,500 per order plus £5,500 per car) towards the provision of 5 car club vehicles in the area.

### *Healthcare*

The site is not within a Healthcare Contribution Zone. The site falls within the catchment for seven GP practices and it is anticipated that the additional patients can be absorbed in existing practices and no new actions are required. In this regard, no contribution is required at this time.

### g) Any impacts on equalities or human rights are acceptable

The proposal has been considered in terms of equalities and no adverse effects have been identified. The applicant will be required to comply with the provisions of the Equality Act 2010 and Building Standards. The site is accessible for those with mobility issues and could create an environment where public spaces can be used safely. The proposed development will provide good access to new high-quality open space. The proposed development has also been assessed against the LDP which is compatible with the Human Rights Act.

### h) Representations raised have been addressed

Thirty-three representations were received in relation to Scheme One. Of these, 27 were in objection, three in support and three raised neutral comments. 47 representations were received in relation to Scheme Two. Of these, 39 were in objection, three in support and five were neither supporting or objecting.

## Material representations - objection

- Insufficient provision of open space - This is addressed in section 3.3d);
- Loss of daylight and sunlight to neighbouring properties - This is addressed in section 3.3d);
- Excessive height and density - This is addressed in section 3.3c);
- Excessive provision of car parking spaces - This is addressed in section 3.3e);
- Insufficient provision of car parking spaces, including disabled parking spaces - This is addressed in section 3.3e);
- Negative impact on neighbouring air quality - This is addressed in section 3.3f);
- Construction and operational noise impact from future occupiers and noise impact from the existing businesses on future occupiers - This is addressed in section 3.3d);
- Affordable housing provision should not be located within a single block and should be distributed throughout the development - This is addressed in Scheme Two and assessed in section 3.3a);
- Loss of privacy and overlooking from future occupiers of the proposed development - This is addressed in section 3.3d);
- Adverse impact on the setting of the listed buildings - This is addressed in section 3.3b);
- Inappropriate existing road surface conditions and infrastructure for cyclists - This is addressed in section 3.3c), d) and e);
- The scale of the proposed 'Pocket Park' fails to deliver the aims of the Bonnington Development Brief - This is addressed in Scheme Two and assessed in section 3.3c) and d);
- Loss of trees - This is addressed in Scheme Two and assessed in section 3.3f);
- Adverse impact on the city skyline - This is addressed in section 3.3c);
- Insufficient provision of new small business space to meet the requirements of the Bonnington Development Brief - This is addressed in section 3.3a);
- Over provision of proposed one-bedroom flats and insufficient family accommodation - This is addressed in Scheme Two and assessed in section 3.3d);
- Impact on healthcare and education infrastructure - This is addressed in section 3.3f);
- Impact on coordinated development of adjacent sites - This is addressed in section 3.3c);
- Increase in local traffic movements and congestion - This is addressed in section 3.3e);
- Inappropriate location of bin and bicycle stores - This is addressed in section 3.3f);
- The proposed new through road should be walking/cycling only and space given to increased open space provision - This is addressed in section 3.3c) and d);
- Closure of Anderson Place - Anderson Place is not proposed to be closed to traffic. The western end of the Anderson Place side street between Blocks B and C (also known as Anderson Place) will be partially pedestrianised via retractable bollards. This is addressed in section 3.3c) and e);
- Inappropriate design for its context - This is addressed in Section 3.3c);
- There is a need for more affordable housing - This is addressed in Section 3.3a);

- Impact on neighbouring amenity during the construction period due to noise and dust - An informative is included which requires a Construction Environment Management Plan to be submitted;
- Different housing types should be provided - Scheme Two introduced duplex flats. This is addressed in Section 3.3d);
- Requests that a new 5m wide pedestrian link should be created from Anderson Place to the Water of Leith walkway - This is addressed in Section 3.3c). A new street will be created between Blocks A and B which links into the new pedestrian and cycleway link to the Water of Leith on the west side of the site;
- Considers that the new cycleway and pedestrian link to the pocket park should be wider (10m) - This is addressed in Section 3.3c) and e). The new cycleway meets the minimum standards and for the most part exceeds them.

### **Material representations - general comment**

- Swift bricks should be included - This is addressed in section 3.3f).

### **Material representations - support**

- Supportive of the walking/cycling focus of the development - This is addressed in section 3.3c) and e);
- Scheme Two looks like a more attractive scheme - This is addressed in section 3.3c);
- Support the choice of materials and brick finishes - This is addressed in section 3.3c).

### **Non-material comments**

- Loss in value of neighbouring properties - This is not a material planning matter;
- Lack of clarity and inaccuracies over mutual boundaries - This is not a material planning matter;
- Loss of existing private views from residential properties - This is not a material planning matter;
- Anderson Place is not currently cycle friendly with double parked cars meaning the road isn't of sufficient standard to meet the Council "8-80" goal - This is not a material planning matter;
- Insufficient details of how the EV points will be funded by future occupiers - This is not a material planning matter;
- The surrounding streets should be brought into the control of the Peripheral Controlled Parking Zones - This is not a material planning matter;
- Existing poor broadband provision in the local area - This is not a material planning matter - This is not a material planning matter;
- Increase in vermin from proposed bin stores - This is not a material planning matter;
- Structural impacts on neighbouring existing buildings - This is not a material planning matter;
- Impacts of social distancing on ability to use narrow footpaths - This is not a material planning matter;

- Loss of existing community hub for disabled adults with no replacement - This is not a material planning matter. The site is identified as a development site in the Bonnington Development Brief. The proposed mix of uses is appropriate;
- Loss of historic railway tracks on Anderson Place - This is not a material planning matter.

### Conclusion

The proposed development will make a significant contribution to the overall housing mix in Edinburgh and mix of uses within the wider Bonnington regeneration area, supporting the aspirations of the Bonnington Development Brief. The building massing and form are acceptable. The proposed development is acceptable in terms of amenity and will provide a modern development with high quality public and private spaces for the benefit of future occupiers. Although it infringes on LDP Policy Des 5 in terms of daylight and noise impacts, it makes a positive contribution to the regeneration of the area and provides a mix of housing sizes which are compatible with the area. It will enhance the character of the area through the delivery of a well-considered design solution. There are no material considerations which outweigh this conclusion.

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

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

#### **Conditions:-**

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before above ground work is commenced on site. A full size sample panel of all facade components should be erected at a location agreed with the Planning Authority.
2. Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out by the applicant to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
    - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (recording, excavation, reporting and analysis, publication, public engagement, interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. Cooking, heating and reheating operations on the premises shall be restricted to the use of a Panini machine, toasty machine, baked potato oven, soup urn and one microwave only; no other forms of cooking, heating and reheating shall take place without prior written approval of the Planning Authority.
5. No development shall take place until a scheme for protecting the residential development (hereby approved) from noise from the road and commercial/entertainment/plant noise ('Biscuit Factory') has been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.
6. Within six months of the commencement of development, the applicant shall submit and gain approval from the Planning Authority for the public interpretation boards/signage within the new public pocket park.
7. By first occupation of any part of the accommodation, the approved public interpretation boards/signage shall be completed on site.
8. The agreed public realm design, furniture, planting, landscaping and materials in all of the private, communal and public areas, including the new pocket park, shall be completed prior to first occupation of any part of the development.
9. The agreed layout and design of the new segregated cycleway connecting Bonnington Road with the new pocket park shall be completed prior to first occupation of any part of the development.
10. The approved soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.
11. Prior to construction, the applicant shall provide details of the finalised drainage arrangement for approval by the Planning Authority in consultation with Scottish Water.
12. The approved drainage arrangement shall be implemented prior to first occupation.

## **Reasons:-**

1. In order to enable the Planning Authority to consider this/these matter/s in detail.
2. In order to protect the development's occupants and human health.
3. In order to safeguard the interests of archaeological heritage.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. To comply with the Bonnington Development Brief
8. To comply with the Bonnington Development Brief
9. To comply with the Bonnington Development Brief
10. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
11. Confirmation that Scottish Water will allow surface water to discharge at a reduced rate into the combined sewer system has been delayed due to covid restrictions
12. To ensure the required infrastructure is in place

## **Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to transport, education and affordable housing, as set out below:

### *Transport infrastructure:*

The proposed development is required to:

- Contribute the sum of £238,279 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;
- Contribute the sum of £89,241 to the Leith and City Centre (East) Cycle Route as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- Contribute the sum of £62,061 to the Water of Leith Path - Commercial Street to Warriston as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

- Contribute the sum of £70,668 to the Bonnington Road - Great Junction Street junction improvements as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment; and
- In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £29,000 (£1,500 per order plus £5,500 per car) towards the provision of 5 car club vehicles in the area.

A number of TROs may be required under the provisions of the Roads (Scotland) Act 1984:

- All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
- Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
- Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary; and
- Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed.

*Education infrastructure:*

- The proposed development is required to contribute £195,168 towards the delivery of those actions in the Drummond Education Contribution Zone.

*Affordable housing:*

- The proposed development is required to deliver 113 affordable units

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

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

4. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
5. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
6. A Quality Audit, as set out in Designing Streets, is to be submitted prior to the grant of Road Construction Consent.
7. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
8. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment
9. The works to carry out footway widening and improvements to adopted roads must be carried out under permit and in accordance with the Council's specifications.
10. Any proposed signage will be subject to advertisement consent.
11. The contractor must contact the Waste and Cleansing Service a minimum of 12 weeks prior to any occupation to allow time to arrange a site visit and for ordering the required bins.
12. The applicant shall submit and follow a Construction Environment Management Plan to the satisfaction of the Planning Authority.
13. All car parking spaces shall have provision for electric vehicle charging points and installed in accordance with The Institution of Engineering and Technology's Code of Practice for Electric Vehicle Charging Equipment Installation 2nd Edition (2015)
14. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
15. The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

16. Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
17. Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
18. All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
19. Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
20. This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
21. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
22. 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.
23. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.

## **Financial impact**

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

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

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

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application. As part of the pre-application process, the proposal was also presented to the Edinburgh Urban Design Panel on 30 October 2019. The comments have been considered in the assessment of this application and are contained in full within Appendix 1.

A Proposal of Application Notice was submitted and registered in November 2019. Copies of the Notice were also issued to local Councillors and a number of community groups.

Community consultation events were held in December 2019. Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online services.

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

Neighbours were notified of the planning application on 12 May 2020 and the application was advertised on 22 May 2020, with 21 days allowed for comments. The application also appeared in the Weekly List on 18 May 2020.

The proposals that formed scheme one received 33 representations. Of these, 27 were objections to the proposals, three were in support, and three made general comments to the proposals.

All neighbours were re-notified on 31 December 2020, with 21 days allowed for comments. Scheme two was also re-advertised on 31 December 2020, with 21 days allowed for comments. Two additional days were added onto the period for comments to take account of the two public holidays. Scheme Two received 47 representations; 39 were objections, three were in support and five were providing general comments. Leith Central Community Council, as statutory consultee, submitted comments to Scheme Two, which can be found in Appendix 1.

All of the comments received have been considered in the assessment of the application. An assessment of these representations can be found in the main report in section 3.3h).

## **Background reading/external references**

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

<b>Statutory Development Plan Provision</b>	The site lies within the Urban Area and Open Space as defined in the adopted Edinburgh Local Development Plan (LDP).
<b>Date registered</b>	8 May 2020
<b>Drawing numbers/Scheme</b>	01A,02A,03B,04A,05A,06A,07B,08B,09A,10B,11B,12A,13A,14B,15B,16B,17A,18A,19B,20B,21B,22B,23B,24A,25B,26A,27A,28B,29B,30B,33B,34A,35B,36B,37A,38A,39A,41B,42B,43A,44A,45A,46A,47A,49A,,50,51A,

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

Contact: Emma Fitzgerald, Senior Planning Officer  
 E-mail:emma.fitzgerald@edinburgh.gov.uk

## **Links - Policies**

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### **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 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

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

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

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

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

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail 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.

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

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

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

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

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

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

The Open Space Strategy and the audit and action plans which support it are used to interpret local plan policies on the loss of open space and the provision or improvement of open space through new development.

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.

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

The Bonnington Development Brief sets out planning and design principles to guide the redevelopment of an area currently occupied predominantly by business and industrial uses.

# Appendix 1

## **Application for Planning Permission 20/01932/FUL At 2-4, 6, 14 Bonnington Road Lane And, 200 Bonnington Road, Edinburgh Demolition of existing buildings and redevelopment comprising build to rent residential accommodation, commercial uses, associated landscaping and infrastructure (As Amended)**

### **Consultations**

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#### **Edinburgh Urban Design Panel Report - 30 October 2019**

##### *1 Recommendations*

*The Panel welcomed the opportunity of commenting on this proposal at an early stage in the design process.*

*In progressing proposals, the Panel recommends the following issues should be addressed:*

- o encourage as much activity as possible at street level and break of the mass of the buildings to mitigate against large mono use;*
- o consider alternative layout and massing of the northern block to allow fingers of development ;*
- o place Anderson Place at the heart of the development;*
- o a cohesive approach to the public realm and landscape with respect to the wider brief area;*
- o an architectural response which reflects on the industrial heritage;*

##### *2 Planning Context*

*The application will be for the demolition of existing buildings and redevelopment comprising build to rent accommodation, commercial uses and associated landscaping and infrastructure.*

*A previous proposal for a smaller part of this site, excluding the existing buildings fronting Bonnington Road, was reviewed by the Panel in 2017.*

##### *Site description:*

*The site is located on the east of Bonnington Road Lane and west of Anderson Place. The Water of Leith, a designated local nature conservation site, forms the site's northern boundary. The riverside edge is tree lined. The majority of the site is the former depot (storage and distribution use) for John Lewis, with a former restaurant and Council office block to Bonnington Road. All existing buildings are proposed for*

*demolition. The site sits within a wider area of mixed industrial uses which is undergoing significant change with a number of new residential developments proposed, or under construction in the immediate vicinity.*

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

#### *Planning Policy:*

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

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

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

*Views across the site to landmark features are also protected, with the site included in Skyline Key View N4. There are a number of mature trees along the Water of Leith boundary which contribute to the character, biodiversity, amenity and green networks in the area. The proposals should not have a damaging impact on trees worthy of retention.*

#### *General*

*No declarations of interest were noted by Panel members.*

*This report should be read in conjunction with the pre-meeting papers.*

*This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations represented at the Panel forming a differing view at the proposals at a later stage.*

### *3 Panel Comments*

*The Panel's detailed comments are as follows:*

#### *Design Concept*

*The Panel were generally supportive of the design concept to deliver a 'Build to Rent' housing use for the site. However, the Panel encouraged as much activity as possible at street level and breaking of the mass of the buildings as much as possible to mitigate large mono use.*

*It was also noted that the development brief encourages the retention of some business use in the area.*

*The Panel supported the approach of hard landscape to the south moving to a more soft and green landscape towards the Water of Leith.*

### *Boundary Strategy*

*Anderson Place (eastern boundary):*

*The Panel supported the approach on Anderson Place (eastern boundary) which recognises and maintains the primacy of the Listed bonded warehouse on this street.*

*Water of Leith (northern boundary):*

*The Panel noted that a tree survey is still to be carried out which may affect the building line on this edge. This survey should be the starting point of the design of this edge.*

*The Panel supported the design concept to this boundary of gable ends, addressing this sensitive edge with landscape between the buildings. However, the Panel were not convinced that these finger blocks should be linked on their southern boundary. The height, mass and scale of the southern boundary, addressing the new east west street could restrict daylight and sunlight to the landscape areas between the blocks, potentially the Water of Leith corridor and the building to the south. Therefore, the Panel suggested that there needed further consideration and that the finger blocks could remain open on their southern boundary.*

*Anderson Place (east west street):*

*The Panel welcomed that the proposals have recognised and are trying to integrate the Biscuit Factory and its community use into the proposal. The Panel encouraged the design team to place Anderson Place at the heart of their development, by using this street to provide amenity and act as a hub /main entrance to the development. This cobbled street with the Biscuit Factory could be used to enhance the heritage aspect of the proposal.*

*Bonnington Road (south street):*

*The Panel generally welcomed the loss of the existing City of Edinburgh Council building located on this street as it does not contribute to the character of the area. An increased building height on this street frontage will be a positive contribution to the street scape.*

### *Urban Form*

*The Panel as noted above advocated that the urban form addressing the new east-west street should be broken to allow fingers of development, a visual connection to the Water of Leith and landscape area and will assist in providing daylight and sunlight to both the landscape areas and buildings to the south of this new east-west street. Further design development and assessment with sectional drawings will be helpful in understanding and developing the setting of the building to the Water of Leith.*

#### *Ground Floor Uses and Street Activation*

*The Panel noted concern that the configuration of the residential access arrangements with communal reception areas could result in very dead street frontage. The Panel advocated that where possible the street frontage should be activated with uses to support the residents and wider community.*

#### *Vehicular strategy*

*The Panel noted that the proposals included 12% parking. It was noted that this is still a large number of cars given the proposed density of development. This level was generally supported providing all of the parking can be accommodated and integrated into an appropriate street design.*

#### *Amenity*

*The Panel noted that the plan form what will be primarily single aspect units accessed off a central corridor. Achieving good levels of daylight will therefore be very important. The Panel noted that this could be another reason to break the southern linkages of the finger blocks to allow more daylight to the lower floors of accommodation.*

*Noise from the activities in the adjacent Biscuit Factory will require to be considered as part of the planning application in the context of the 'agent of change' principle.*

#### *Permeability*

*The Panel supported the increased east-west permeability across the site and forming of new streets.*

#### *Public Realm and Landscape*

*The Panel advocated a cohesive approach to the public realm and landscape with respect to the wider brief area and noted a good example of such an approach in the Holyrood North site in the Old Town.*

*The opportunity to create an urban area for wider community use next to the Biscuit Factory should be explored.*

#### *Architectural Character*

*The Panel welcomed the typologies study and encouraged an architectural response which reflects on the industrial heritage of the areas.*

## **Communities and Families response to the revised scheme - received January 2021**

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

*In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).*

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

### *Assessment and Contribution Requirements*

*Assessment based on:  
228 Flats (225 one bedroom/studio flats excluded)*

*This site falls within Sub-Area D-1 of the 'Drummond Education Contribution Zone'.*

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

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

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

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

*Total infrastructure contribution required:  
£195,168*

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

## **Economic Development response to the revised scheme - received January 2021**

The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 20/01932/FUL for a mixed-use development at 2-4, 6, 14 Bonnington Road Lane and 200 Bonnington Road, Edinburgh.

#### *Commentary on existing uses*

The application relates to a 2.22-hectare site bound by the Water of Leith to the north, Anderson Place to the east, Bonnington Road to the south, and Bonnington Road Lane to the west. The existing site is made up of the following elements:

14 Bonnington Road Lane, a 5,386 sqm (net) 1940s warehouse. This building was most recently occupied by the John Lewis Partnership as a depot, supporting 78 jobs. Based on the average GVA per employee for the transport and storage sector in Edinburgh (£62,535 in 2018 prices), the building could be expected to support £4.88 million of GVA per annum if fully occupied (£62,535 × 78). In principle this impact could be increased if the buildings were used for higher value activities (such as manufacturing), but it is recognised that its advanced age is likely to mean it is unsuited to these activities.

200 Bonnington Road, a 938 sqm (net) 1970s office building most recently used for Health and Social Care. Based on the average employment density for a public sector office (one FTE employee per 12 sqm), the building could be expected to support 78 FTE jobs if fully occupied (938 ÷ 12). Based on the average GVA per employee for education, human health and social work activities in Edinburgh (£22,528 in 2018 prices), the building could be expected to support £1.76 million of GVA per annum if fully occupied (£22,528 × 78).

It is therefore estimated that the existing site could be expected to support approximately 156 FTE employees (78 + 78) and £6.64 million of GVA per annum (2018 prices) (£4.88 million + £1.76 million) if fully occupied.

There are pressures on the supply of industrial space in Edinburgh due to an ongoing loss of space to alternative uses and a weak development pipeline. However, it is recognised that the units in question are of advanced age and not well suited by design or location to modern industrial uses.

As the site is over one hectare in area, policy EMP 9 of the Edinburgh Local Development Plan applies. This requires that any redevelopment incorporate (among other things) "floorspace designed to provide for a range of business users".

#### *Commentary on proposed uses*

The application proposes the comprehensive redevelopment of the existing site, delivering three blocks of flats with commercial space on the ground and basement floors of blocks B and C.

#### *Class 1 - Shops*

The development as proposed would deliver 190 sqm (net) of class 1 space. The Employment Densities Guide (3rd edition) published by the Homes and Communities Agency states that shops support on average one full-time equivalent employee per

17.5 sqm. This suggests that the retail space could be expected to directly support approximately 11 FTE jobs if fully occupied ( $190 \div 17.5$ ). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the retail sector in Edinburgh is £21,046 per employee (2018 prices). This suggests that the retail space could be expected to directly add approximately £0.23 million of gross value added to the economy of Edinburgh per annum (2018 prices) if fully occupied ( $£21,046 \times 11$ ).

#### *Class 3 - Food and Drink*

The development as proposed would deliver 133 sqm (gross) of class 3 space. It is estimated that this would translate to 120 sqm of net space. The Employment Densities Guide (3rd edition) published by the Homes and Communities Agency states that restaurants and cafés support on average one full-time equivalent employee per 17.5 sqm. This suggests that the food and drink space could be expected to directly support approximately 7 FTE jobs if fully occupied ( $120 \div 17.5$ ). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the food and beverage service sector in Edinburgh is £17,634 per employee (2018 prices). This suggests that the food and drink space could be expected to directly add approximately £0.12 million of gross value added to the economy of Edinburgh per annum (2018 prices) if fully occupied ( $£17,634 \times 7$ ).

#### *Class 4 - Office*

The development as proposed would deliver 633 sqm (gross) of class 4 space. It is estimated that this would translate to 522 sqm of net space. The Employment Densities Guide (3rd edition) published by the Homes and Communities Agency states that offices occupied by technology companies (the single largest source of office demand in Edinburgh) support on average one full-time equivalent employee per 11 sqm. This suggests that the office space could be expected to directly support approximately 47 FTE jobs if fully occupied ( $522 \div 11$ ). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the information and communication sector in Edinburgh is £88,324 per employee (2018 prices). This suggests that the office space could be expected to directly add approximately £4.15 million of gross value added to the economy of Edinburgh per annum (2018 prices) if fully occupied ( $£88,324 \times 47$ ).

#### *Sui generis (flats)*

The development as proposed would deliver 527 new flats. These would not be expected to directly support any economic activity. However, the flats could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 527 flats could be expected to collectively spend approximately £13.92 million per annum. Of this £13.92 million, it is estimated that approximately £7.12 million could reasonably be expected to primarily be made within Edinburgh. This £7.12 million of expenditure could be expected to directly support approximately 68 FTE jobs and £2.36 million of GVA per annum (2018 prices), primarily in the hospitality and retail sectors. It is noted that some of this economic impact would be expected to be absorbed by the retail and food and drink units on the site.

## Overall economic impact

*The development as proposed would be expected to directly support 65 FTE jobs (11 + 7 + 47) plus a further 68 FTE jobs via the impact of residents' expenditure, representing a total projected impact of 133 FTE jobs (65 + 68). The development as proposed would also be expected to directly support £4.50 million of GVA (2018 prices) (£0.23 million + £0.12 million + £4.15 million) plus a further £2.36 million of GVA (2018 prices) via the impact of residents' expenditure, representing a total impact of £6.86 million of GVA per annum (2018 prices) (£4.50 million + £2.36 million).*

*As set out above, it is estimated that the existing buildings could be expected to support approximately 156 FTE jobs and £6.64 million of GVA per annum (2018 prices). This suggests that the development would have a negative net impact of approximately 23 FTE jobs (156 - 133) but a positive net impact of £0.22 million of GVA per annum (2018 prices) (£6.86 million - £6.64 million).*

## Other considerations

*The development surrounds two existing class 4 properties: 10 Bonnington Road Lane, an 878 sqm (net) 1970s warehouse, and 4-6 Anderson Place, a 1,587 sqm (net) 1960s warehouse. Policy EMP 9 of the Edinburgh Local Development Plan therefore applies. This requires that the redevelopment "not prejudice or inhibit the activities" of these existing industrial uses.*

## SUMMARY RESPONSE TO CONSULTATION

*It is estimated that the proposed development would support approximately 133 FTE jobs and £6.86 million of GVA per annum (2018 prices). When the impact of the existing buildings is accounted for, the projected net impact is a net fall of 23 FTE jobs but a net increase of £0.22 million of GVA per annum (2018 prices).*

## Archaeology response to the revised scheme - received January 2021

*Reconsulted on this application. I've attached my response to Karen issued back in May. Since this date parts of the required programme of works have been undertaken by CFA archaeology to an agreed brief namely the Historic building survey and phase one of the excavation namely evaluation. The evaluation was undertaken just before Christmas last year and I've yet to get the results. However I did visit the site and although most of the area has been significantly affected by recent developments there are I believe isolated areas requiring targeted further excavation.*

*As such my earlier recommendations still remain true i.e. a condition should be attached requiring a programme of works though this now does not require the undertaking of the building recording element now.*

## Environmental Protection response to the revised scheme - received January 2021

*The applicant has submitted an updated noise impacts assessment looking at further mitigation options. The noise consultant has not been able to undertake a noise break-out measurement exercise due to COVID-19 restrictions at the Biscuit factory. The consultant also made the point that prior to the lockdown arrangements events at the Biscuit Factory were very irregular (as an example the next advertised event at the time of the original survey was circa 6 months forth). The consultant is of the opinion that the Biscuit Factory therefore does not produce high levels of noise each and every weekend only when certain events are in progress. The noise consultant continues to reiterate that given the infrequency of current events (even pre-COVID-19), it is clear that the likelihood of disturbance is not a weekly occurrence, and based on previous events equates to circa 1 event per month as acknowledged in the EP comments dated 27/10/2020. Therefore, consideration of the appropriateness of the mitigation needs to be cognisant of the frequency of these events. The events that have caused disturbance have been investigated by the Councils Licensing Standard Officers as the events have all had temporary Licenses for each event. Environmental Protection have now received information from Licensing that confirms the number of Licensed event is significant and does exceed 1 per month.*

*We cannot rely on Licencing to control the noise outbreak now or in the future, at this Planning stage we are also looking to protect amenity which is a higher level of protection.*

*The applicants noise consultant has highlighted that an open window approach will be difficult to achieve and raised concerns with the suitability of the site being developed out for residential use if open window assessment remained a requirement. Environmental Protection would agree with this and cannot support the use of mechanical ventilation as a form of noise mitigation. Windows will remain openable and tenants will open them especially on warm nights. If complaints are made by future residents to either Licensing or Environmental Health then an assessment of the impact through either Licensing legislation or the Environmental Protection Act (Nuisance) would be done allowing for the tenant to have their window open.*

*The consultant has pointed out that if the proposed development was erected it would provide an acoustic barrier for the existing complainants. This is true but is not a position we can fully support as the proposal will introduce more receptors much closer and creates a courtyard type setting with the Biscuit Factory in the middle. This has been discussed in more detail in our previous response*

*The noise consultant has raised the fact that there is an active Planning Application for Biscuit Factory (4-6 Anderson Place) (20/03841/FUL) to diversify operations, with an application currently being considered for the change of use of Class 5 factory building to proposed mixed-use development incorporating artisan workshops, events space, office space, gymnasium and business space. The consultant states that most importantly, they (The Biscuit Factory) no longer intend to hold the late night events for which the EP Team has managed complaints for in the past. It should be noted that the Biscuit Factory have advised that this is not the case and late night event will continue and are part of their long-term plans.*

*We can't base a decision on an assumption on what the noise from the Biscuit Factory might be or what the Biscuit Factory may become. Its use seems to be established with*

*confirmation on frequency and level of disturbance confirmed through licencing applications and complaints being submitted.*

*It is recognised that the applicant has made some efforts to reduce the potential exposure by sealing some windows, however there are still many units exposed to what will be noise from this venue.*

*Therefore Environmental Protection continue to have concerns and recommend the application is refused.*

## **Affordable Housing response to the revised scheme - received January 2021**

### *1. Introduction*

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

*Housing Management and Development are the consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).*

*o Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.*

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

*o The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:*

*<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>*

### *2. Affordable Housing Provision*

*This application is for a Build To Rent (BTR) development, and this subsequent revision of the scheme now consists of up to 453 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (113) homes of approved affordable tenures.*

*The applicant entered into dialogue with the Council on the design, mix and location of the affordable housing from an early stage, and this is welcomed. The applicant has stated that the affordable housing will account for 113 (25%) of the new homes.*

*On 29 January 2020 Planning Committee noted the report "Support for Build To Rent", which had been approved by Housing, Homelessness and Fair Work Committee on 20 January 2020. This report set out that BTR developments can bring institutional investment and placemaking as well as delivering housing at a scale and pace which is rarely matched by traditional housing for sale providers.*

*The affordable housing within this development would consist of flatted apartments of a range of sizes from one to three bedrooms, and these will be pepper-potted throughout the development. This offers a representative and integrated mix of affordable homes that can be delivered on site. Furthermore, the tenants of the affordable homes will have access to the same amenities and services as the tenants of the market rent housing. This approach this is welcomed by the Housing Service.*

*The affordable housing will be delivered by the applicant as "intermediate rent" and will be secured as affordable housing for a minimum of 25 years. The applicant has agreed that the affordable homes would not include any studio flats and are providing an increased number of affordable one bedroom properties instead, which is welcomed. Rents would be restricted to Scottish Government's published Broad Rental Market Area (BRMA) 30th Percentile.*

*BRMA 30th Percentile is significantly less than average market rents in Edinburgh; between £910 and £4,470 less per annum, depending on house size. Institutional investment in this development means that the affordable homes can be delivered without grant subsidy; the grant freed up by BTR can be channelled into delivery of social rented homes.*

*The Council's Affordable Housing Policy sets out a "Definition of Priority Clients"; those people who are in housing need and who cannot afford to access accommodation through the regular functioning of the housing market and earn below average household income. Rents at the 30th Percentile are affordable to people within the defined client group, and significantly less than average market rents.*

*The affordable homes are required to be tenure blind and fully compliant with latest building regulations. They are situated within close proximity of regular public transport links and next to local amenities. An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.*

### 3. Summary

*The applicant has made a commitment to provide 25% on site affordable housing as intermediate rent, which will be managed by the applicant and requires no grant subsidy. This department welcomes this approach which will assist in the delivery of a mixed sustainable community:*

- o The applicant will deliver 113 affordable homes (25% affordable housing) as "intermediate rent" for a minimum of 25 years.*
- o The affordable housing includes a variety of sizes to reflect the provision of homes across the wider site.*
- o In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be identical in appearance to the market housing units, the homes will be pepperpotted throughout the development and the tenants of the affordable housing will be able to access the same amenities as the tenants of the market housing.*
- o There is no grant funding required for the affordable homes. The grant funding freed up by BTR developments will be targeted to delivering social rented homes within the city.*

- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

*This department is supportive of this application for the reasons set out above.*

### **Roads Authority Issues response to the revised scheme - received January 2021**

*Further to the memorandum dated the 31st of July 2020 and the subsequent amendments made transport have no objections to the application subject to the following being included as conditions or informatives as appropriate:*

- 1. The applicant will be required to:*
  - a. Contribute the sum of £238,279 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
  - b. Contribute the sum of £89,241 to the Leith and City Centre (East) Cycle Route as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
  - c. Contribute the sum of £62,061 to the Water of Leith Path - Commercial Street to Warriston as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
  - d. Contribute the sum of £70,668 to the Bonnington Road - Great Junction Street junction improvements as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
  - e. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
  - f. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
  - g. Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;*
- 2. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £29,000 (£1,500 per order plus £5,500 per car) towards the provision of 5 car club vehicles in the area;*
- 3. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*

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

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

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 applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

9. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

Note:

1. The application has been assessed under the current parking standards (updated January 2020). These permit the following:

a. A maximum of 470 car parking spaces (1 space per residential unit, 1 space per 385m<sup>2</sup> of class 4 use, 1 space per 50m<sup>2</sup> of class 1 use and 1 space per 14m<sup>2</sup> of class 3 use) A total of 32 car parking spaces are proposed;

b. A minimum of 988 cycle parking spaces are required (1 space per 1 room residential unit, 2 spaces per 2/3 room residential unit, 3 spaces per 4+ room residential units. 1 space per 150m<sup>2</sup> of Class 4. 1 space per 250m<sup>2</sup> of class 1. 1 space per 75m<sup>2</sup> of class 3) 988 cycle parking space are proposed;

c. A minimum of 1 of every 6 car parking spaces is required to be equipped for electric vehicle (EV) charging. This results in a requirement for 6 EV spaces. 6 EV Spaces are proposed;

d. A minimum of 8% of the car parking is required to be designated as accessible parking. This results in a requirement for 3 accessible spaces. 3 accessible spaces are proposed;

e. A minimum of 18 motorcycle parking spaces (1 space per 25 units). 0 dedicated cycle parking spaces are proposed;

II. In justification for the proposed level of car parking the Applicant has provided data related to car parking provision and uptake at other Build to Rent (BTR) sites that they manage this is as follows:

	Bedford	Bracknell	Crawley	Exeter	Stevenage
Residential Units	154	87 185	92 90		
Parking Provision (Spaces)	73	123 138		30	71
Average Usage (%)	43%	44% 32%	13%	37%	

This data demonstrates that car parking uptake at other BTR sites is generally quite low, particularly the Exeter site in which the Applicant has drawn comparisons to in terms of location to and public transport accessibility whereas the other sites noted above tend to be on the "outskirts" where access to public transport is lacking. The Applicant has also highlighted that the demographic of BTR residents generally fall into groups that tend to have lower car ownership. It should also be noted that the Bonnington area is earmarked for a Controlled Parking Zone as per the Strategic Parking Review Implementation Plan (September 2019) and is currently target for implementation towards the end of 2021. The proposed level of car parking complies with the current parking standards and based on the justification provided is considered acceptable;

III. The cycle parking is proposed over a number of internal stores across the development blocks, this is as follows:

- a. Block A (2 stores) = 178 spaces
- b. Block B (5 stores) = 566 spaces
- c. Block C (2 stores) = 244 spaces

The cycle parking is made up of high-density two-tier racks and all the stores have level access provided. The cycle parking provision complies with the required minimum set out in the current parking standards and the proposed style and format of the cycle parking stores is considered acceptable;

IV. The proposals include a segregated cycle track on Bonnington Road Lane as per the Place Brief. This is designed in line with the Edinburgh Street Design Guidance Fact Sheet C4 - Segregated Cycle Tracks. This is a future proofed active travel connection between the Water of Leith Walkway and the proposals related to Leith and City Centre (East) Cycle Route (LDP Action Programme - February 2020);

V. Also included as part of the active travel improvements are "continuous footway" crossing points which indicate priority to pedestrians and cyclists across junctions, these have been designed in line with Edinburgh Street Design Guidance Fact Sheet G7- Priority Junctions Side Street Crossings;

VI. It is considered that the pedestrianisation of the section of Anderson Place (Biscuit Factory) will have a negligible impact in terms of vehicular traffic and will provide a bit more benefit to pedestrians and cyclist moving through this area;

VII. In order to determine a trip rate for this the development the Applicant has utilised the trip generation assessment that was developed as part of the 2017 PPP application (220 resi units). This proposed that a development of this size and nature would generate 1,119 person trips per day and applying a factor based on the increase of the residential units to give an indication on the person trips. This estimates that the person trips generated by this development (as per previous proposals of 527 residential units) will be 2,680 person trips per day. Applying 2011 census data related to mode share, this anticipates that 23.5% is car driver, meaning this development can be estimated to generate 630 vehicle trips per day. The applicant also provided the trip generation for the existing use that was set out in the 2017 PPP application, which estimates the existing use (Depot) generates 265 vehicle trips, of which 120 are HGV movements. Transport has some concerns regarding the method of determining the trip generation related to this development and the utilisation of data used for an application submitted in 2017. However, the proposed trip rate does appear to be of a reasonable amount and taking into consideration the low level of car parking proposed this could be considered an accurate reflection of a "worst case" scenario in terms of car trips. It should also be noted that improvements have recently been made to the Bonnington Road - Pilrig Street Junction and the Great Junction Street - Bonnington Road Junction is earmarked for improvements as per the LDP Action Programme (February 2020)

VIII. The Tram contribution is calculated as a Net contribution, which takes into consideration the level of contribution generated by the existing use. The application site is within zone 3 of the tram contribution zone (625m walking distance from the proposed stop/halt on Balfour Street), the proposed use consisting of the following:

- a. 453 residential units
- b. 664m<sup>2</sup> of class 4 (Business);
- c. 212m<sup>2</sup> of class 1 (retail);
- d. 150m<sup>2</sup> of class 3 (bike café);

This generates a contribution level of £359,892. The existing use of 6,000m<sup>2</sup> of Depot/Warehousing use and 1,650m<sup>2</sup> of office use generates a contribution level of £121,613. Net Contribution = Proposed use - Existing use = £359,892 - £121,613 = £238,279;

IX. Transport contributions have been calculated by firstly identifying the relevant actions within the LDP Action Programme (February 2020) that are considered to mitigate the transport impact of this development. These are as follows (total action cost is included):

- a. Leith and City Centre (East) Cycle Route (£918750);
- b. The Water of Leith Path - Commercial Street to Warriston (£637,000);
- c. Bonnington Road / Junction Street Improvement (£245,000);

To determine a reasonable level of contribution a per residential unit rate was determined for each action by dividing by the housing capacities of the surrounding development sites identified in the LDP and the Land Housing Audit. These are as follows:

d. Central Leith Waterfront Area (LDP) - 2,720 units

LHA:

e. Proposed capacity of this site - 453 units

f. Bonnington (Miller homes) - 201 units

g. Bonnington (Ashley Place) - 58 units

h. Newhaven Road - 52 units

i. West Bowling Green St - 198 units

j. Shrubhill - 376 units

k. Powderhall (Waste Facility) - 378

l. Steads Place - 227

m. Total LHA - 1,943

Calculations are as follows:

n. Leith and City Centre (East) Cycle Route =  $\text{£}918,750 / (2720+1,943) = \text{£}197$  per resi unit x 453 =  $\text{£}89,241$  (40.2%)

o. The Water of Leith Path - Commercial Street to Warriston =  $\text{£}637,000 / (2720+1,943) = \text{£}137$  per resi unit x 453 =  $\text{£}62,061$  (28%)

p. Bonnington Road / Junction Street Improvement =  $\text{£}245,000 / (\text{LHA} - \text{Shrubhill}) 1567 = \text{£}156$  per resi unit =  $\text{£}70,668$  (31.8%)

Percentages provided for the purpose of the legal agreement.

## **Leith Community Council response to the revised scheme - received January 2021**

*From our point of view, the planning progress for this application was characterised by very early engagement with the developer in the form of an initial briefing on site (OCT19) which allowed us to point out to the developer important aspects and constraints of the site, as well as to indicate general community aspirations that we have been articulating (not always successfully) for other planning applications in the vicinity on either side of the Water of Leith. This was followed by a PAN presentation (JAN20) at a regular LCCC meeting where - in response to the developer's PAC presentation - our aspirations for the site were further developed and communicated.*

*The subsequent lockdown (MAR20 to date) did hamper LCCC's further engagement with the application considerably in terms of democratic accountability (in the absence of properly constituted meetings or the means of conducting these "online"), as well as the possibility to study full size drawings at a presentation to LCCC (which would have been our normal method of engagement for such a major application). We are therefore extremely grateful to you, as the Case Officer, for filling this void and taking many of our views on board, as you steered the application to evolve substantially, culminating in the present Scheme 2 (DEC20), presumably informed by the minutes of LCCC's JAN20 meeting (item 5).*

*This was followed by an online briefing on Scheme 2 by the developer to a number of LCCC members (JAN21) and a subsequent very helpful call with yourself and Lesley Carus to confirm and clarify a number of points.*

*Less positive: that a significant number of application documents with revisions appeared on the planning portal on 22 January 2021, one day before the deadline for comments.*

*We note the following positive changes in the evolution of the application:*

- o reduced height*
- o increased set back from Water of Leith and public circulation space, producing a new walking/cycle route to the south side of site to Water of Leith (disappointingly, previous local applications upstream and downstream along Water of Leith did not benefit from the same in-depth engagement from CEC planning - perhaps reflecting resource issues already evident during pre-lockdown times).*
- o reduction of total number of units (453), of which 25% to be "affordable" and pepper-potted throughout the development*
- o several "green" roofs and a number of roof terraces and one sawtooth roof (acknowledging the site's industrial past)*
- o more trees and green borders around the site, which together with less (surface-only ) car parking (now c. 8%) and 1000 indoor bike parking spaces will declutter the human experience of walking inside and past the site*
- o the development is expected to be on site DEC 21 and will be delivered within 30 months in a single-phase (before occupation) thus allowing maximising productivity while minimising site noise and traffic impacting on neighbours*
- o a credible modelling of key view across and to and from the site*

*Altogether we are broadly supportive of the present scheme, but would like the following considerations adequately reflected in planning conditions and legal agreements and firm commitments by CEC:*

*1. CPZ timing: the low car parking ratio (and current inadequate public transport provision in the area given the explosive increase in population density) and has been justified by both the developers and CEC planners with a forthcoming CPZ. It is essential, in our view, that this is in place contemporaneously with the completion of the Platform development to shape habits from the very beginning. There is - in our view - an excellent case for asking for a developer contribution to achieve this (to allow this CPZ to be brought forward without delaying other crucial local CPZs in the workstream).*

*2. Transparency of affordable element: to achieve sufficient transparency and public accountability, we would like to see a carefully worded S75 agreement regulating provision and accountability of the 25% of "affordable units" managed by Platform; while there are a small number developments in Edinburgh using the relatively new Build-to-Rent concept, we understand that the S75 template regulating affordability has not been "stress-tested" yet and would therefore urge that this is closely monitored and their success (or otherwise) is reported regularly to relevant CEC committees*

*3. Day-Lighting: while the present scheme may meet Edinburgh Design Guidelines, we urge the upgrading to BRE recommendations, especially for single-aspect ground floor flats to improve the long-term health and well-being of residents (the ongoing lockdown has demonstrated the importance of such "technical details")*

*4. Public accessibility: it is not clear to us if there will be a pedestrian route from Anderson Place to Bonnington Road Land along the Water of Leith. This should be a sine-qua-non for all developments along the Water of Leith.*

## **Environmental Protection response - received October 2020**

*Environmental Protection have provided comments on part of this site before for an application for planning permission in principle (17/05742/PPP ) for residential development (up to 220 units) together with commercial space and associated works (including demolition of building) at the former John Lewis Depot, 14 Bonnington Road Lane. That PPP application was consented even though Environmental Protection raised concerns due to the juxtaposition of the Biscuit Factory. This detailed application now extends into the neighbouring Bonnington Centre, with the Biscuit Factory now located in what would appear to be a new courtyard type setting.*

*This extension allows the density to increase significantly from what was consented under the PPP. This detailed application proposes demolition of existing buildings prior to development of 527 residential units, 341m<sup>2</sup> of retail use, 633m<sup>2</sup> of business use and 133m<sup>2</sup> for a bike café. Parking consists of a total of fifty-seven car parking spaces with ten Electric Vehicle (EV) charging points and provisions for cycle storage.*

*It was recognised at the PPP stage the development site is located within a mixed use residential and commercial/industrial area that is undergoing significant redevelopment towards more residential lead accommodation. A major problem for Environmental Protection is noise from The Biscuit Factory. If this proposal is built out the venue will be surrounded by high buildings containing mainly residential units with bedrooms and living-rooms with a direct line of sight into the Biscuit Factory.*

*The venue has occasional licenced and unlicensed loud music events (in the region of once a month pre-COVID) which can take place during the daytime, evening and night-time. Environmental Health and Licencing have a recent history of noise complaints due to entertainment noise emanating from this venue and affecting existing neighbouring residents as far away as Tinto Place. The level of activity at the venue has decreased due to the COVID restrictions.*

*Environmental Protection have continually raised serious concerns regarding the suitability of this site being developed out for residential use. Noise impacts from the Biscuit Factory were a cause for concern at the pre-planning and PPP stage but are now an even bigger concern. As stated, this new layout now including the neighbouring site will wrap around the Biscuit Factory and will trap noise inside the what appears to be a courtyard type area. The number of future residents that will be exposed has increased significant from 220 (PPP) to 527 (this detailed application) residents. The Biscuit Factory site is outside the applicants site boundary so no conditions can be imposed on them. There are no conditions restricting the hours of use in the Biscuit Factory.*

*The applicant has submitted various supporting noise impact assessments, which have assessed the possible entertainment/plant noise impacts. The latest noise impact assessment only managed to assess a smaller event being held at the Biscuit Factory and the applicant has recognised that this is not a worse case scenario assessment. However due to the COVID restrictions it has not been possible to assess a larger noisier event and this is something we have taking into account. The applicant has advised that further noise assessments will be required in the future. As this is a detailed planning application it will not be possible to recommend such a condition requiring a future noise impact assessment especially when is likely going to flag up issues that cannot be mitigated by the applicant. The applicant has recommended that*

*the internal noise levels will meet the British Standard criteria levels for internal noise with a closed window standard. They have conducted a ventilation study and state that tenants will only need to open the windows for 2 hours each year.*

*Environmental Protection cannot support this for several reasons. We require this type of noise to be inaudible in new developments. We also require this type of noise to be assessed with an open window. The levels of noise recorded already are a cause of concern as an open window will not be able to even abate the noise levels to that stipulated in the British Standards. We also don't believe that all residents will only allow for windows to be open for 2 hours each year. It should be noted that if a complaint is received that Environmental Health or Licencing Standard Officers would assess the noise inside a habitable room allowing for the windows to be open.*

*This latest application is going to be exposing an increased number of residents to the noise from the Biscuit Factory. There are bedrooms and living-rooms with a direct line of sight onto the Biscuit Factory. The numbers have significantly increased now the neighbouring site has been included in this detailed application. The layout and design with the Biscuit Factory set in almost a courtyard will mean any noise will reverberate around this area.*

*The applicants noise impact assessments have modelled that noise levels across the site will require acoustic attenuation measures in order to reduce the exposure of future residential occupants to the potentially harmful effects of music noise in the immediate proximity of the site boundaries. If consented a further detailed noise impact assessment will be required further assess this and provide detailed information on mitigation measures. The applicant has not provided specific details on the required glazing units or on the proposed ventilation strategy. So it's not even possible to provide a condition on the glazing and ventilation.*

*The Biscuit Factory does operate non- licenced events that can have music. This type of event has generated complaints. The variety of events operating in the Biscuit Factory make it difficult to ensure that the worst-case scenarios have been fully considered as different musicians will use their own equipment. The Biscuit Factory building is not well acoustically insulated with noise breakout from the windows, roof, doors and walls a major factor in the noise breakout experienced.*

*Due to this, it is possible that elevated noise levels were incurred during the most recent noise survey. As such the impact of the Biscuit Factory has been assessed based on best available survey data and information know to the applicant and Environmental Health. There are some doubts on the validity of the noise impact assessment and it should be highlighted that a further noise impact assessment would be required and there may be parts of the site that may not be possible to develop, for example there shall be units developed that would have a direct line of site into the Biscuit Factory. This was highlighted at the PPP stage but now the applicant has increased the number of units that will be affected by the noise.*

*The applicants PPP noise impact assessment had identified some possible noise mitigation measures. Environmental and building design noise control methods have been suggested for protecting outdoor living areas and the internal noise environment of noise-sensitive premises built in areas with high noise exposure. The line of site must be broken by either careful design and layout of the proposed residential units*

*and the location of commercial units to act as an acoustic barrier and/or the introduction of a specific acoustic barrier. None of this has been done and the mitigation measures now being suggested by the applicant are that as the proposal will initially be a Build to Rent facility that will give the building managers controls over their residents. Environmental Protection understand that tenants will have protection under the lease and have a right to contact licencing or Environmental Health if they are affected by noise. The units may not always remain under the management of the factor or management company.*

*The latest noise impact assessment has further considered external noise levels, the proposed residential dwellings will also be required to meet the internal noise criteria set out in British Standard 8233:2014 within living rooms and bedrooms during daytime hours and in bedrooms during the night-time period. The latest levels are lower than that previously measured for the PPP application. It is thought that this may be due to the latest measurements being conducted when traffic levels were less due to COVID restrictions. Further consideration of detailed façade/layout design of the units were meant to be provided at the detailed design stage. No information has been provided on the glazing specifications only the required sound reduction levels. Outdoor amenity space has not been highlighted with details showing that they will be able to meet the required noise criteria. This mostly concerns traffic noise.*

*According to the noise impact assessments the noise from the Biscuit Factory indicate that several the proposed residencies will require a passive attenuated ventilation strategy in combination with appropriate glazing package. It should be noted that Environmental Protection had highlighted at the pre-planning and the PPP stage that we only accept a closed window standard for transport noise. All other noise sources must meet the internal noise levels with an open window assessment.*

*The applicants detailed noise impact assessment was meant to advise on how external noise can be further reduced through careful consideration to internal room layout (i.e. orientating bedrooms away from the noise sources), maximise screening from site layout and intervening buildings, and maximise distance by setting-back the build-line from the Biscuit Factory. Environmental Protection required that there shall be no line of site between any proposed residential development onto the Biscuit Factory. This was meant to be demonstrated in the detailed plans when submitted in the form of a noise impact assessment. The applicant has significantly increased the number of people that will be exposed to the noise from when events are held at the biscuit factory, they have also created a design that will trap any noise.*

*The applicants noise impact assessment states that based on the findings of this report, it is recommended that the site may be suitable for residential development, subject to suitable mitigation measures alongside management of the development and its residents. Liaison between the development and the Biscuit Factory site will be of critical importance in ensuring the protection of future residents and to protect the continued use of the Biscuit Factory events space.*

*If this proposal is consented then it will put considerable pressure on the Biscuit Factory and the type of events, they normally host will no longer be possible, due to the likely noise impacts it will have on the future tenants. The applicant has highlighted the 'Agent of Change' as a form of protection but this is not something we can support.*

*Environmental Protection recognise that there has been an increase in the number of residential units in the area and the removal of the John Lewis and Partners depot could be considered a planning gain on its own merits. However, Environmental Protection have serious concerns regarding noise impacts from the Biscuit Factory.*

*As mentioned above the proposed development has significantly increased in density since the PPP application. However, it is welcomed that the number of car parking spaces (57) has reduced significantly too. The applicant has also provided drawing highlight where the EV charging points will be located. Environmental Protection would recommend that the provision of EV chargers is increased to include all other parking spaces to future proof the development.*

*The scale of the development would be significant, and the likelihood of disturbance being caused during the construction phase is high. The applicant will be requested to submit a Construction Environment Management Plan (CEMP) that will be conditioned. This will stipulate control measures on the construction to limit noise and dust exposure. We would recommend that the hours of construction noise are limited through this CEMP to Monday to Friday 0800 to 1800 and on Saturdays 0900 to 1700 with no noisy work on Sundays permitted.*

*We would also recommend that the applicant ensure that they maximise the use of renewable energy. They should maximise the use of solar/PV Panels and ground/air sourced heat pumps linked to energy storage. The use of fossil fuels including gas should not be considered. Edinburgh is signed up to the Climate Change Emergency and Zero Carbon initiatives.*

*The application form mentions that that Class 3 use is being included, however the drawings and plans don't show a specific Class 3 use or the required commercial ventilation system that is needed to facilitate a full class 3 use. There is a café on the drawings that could be conditioned to restrict the use within a class 3, this would limit the cooking in this unit.*

#### *Contaminated Land*

*The applicant has submitted an initial Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.*

*Therefore, Environmental Protection has serious concerns with regards to noise impacts the Biscuit Factory will have on future tenants' general conditions are provided below;*

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

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

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

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

*2. No development shall take place until a scheme for protecting the residential development hereby approved from noise from the road noise and commercial/entertainment/plant noise ('Biscuit Factory') has been submitted to and approved in writing by the Head of Planning; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning before any part of the development is occupied.*

*3. All car parking spaces shall be installed with a fully operational 7Kw (Type 2) electric vehicle charging point prior to occupation.*

*4. The applicant shall submit and follow a Construction Environment Management Plan to the satisfaction of the Planning Authority.*

*5. Class 3 use - Cooking, heating and reheating operations on the premises shall be restricted to the use of a Panini machine, toasty machine, baked potato oven, soup urn and one microwave only; no other forms of cooking, heating and reheating shall take place without prior written approval of the Planning Authority and no odours shall be exhausted into any neighbouring premises.*

#### *Informative*

*1. All car parking spaces shall have provision for electric vehicle charging points and installed in accordance with The Institution of Engineering and Technology's Code of Practice for Electric Vehicle Charging Equipment Installation 2nd Edition (2015),*

*2. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.*

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

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

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

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

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

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

9. No bonfires shall be permitted.

## **SEPA response - received June 2020**

### *Advice for the planning authority*

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

#### *1. Flood risk*

*1.1 We previously commented on a similar application on this site in June 2018 (PCS159702, 17/05742/PPP) and did not object as the site was sufficiently elevated above the Water of Leith. We would note that the previous application was for up to 220 residential units and this application is for 527 residential units. The site is downstream of the Water of Leith Flood Protection Scheme.*

*1.2 Review of the drawings submitted with the current application, the water's edge on day of survey was approximately 3.88metres Above Ordnance Datum (mAOD), the site boundary is a minimum of 6mAOD, development is taking place on ground levels of 9.5mAOD and above, and finished floor levels are a minimum of 9.748mAOD. As such, we do not object to the development, but would note that a study along the Water of Leith is on-going and may better inform flood levels along this reach once completed.*

*1.3 We would like to clarify that the information submitted in the Flood Risk Assessment regarding fluvial flood levels is not correct and therefore we do not accept the FRA in its current form. Section 3.7.2 mentions "In their previous response, SEPA have confirmed an approximate 1 in 200-year flood water level for the area of 3.98 mAOD based on extreme still water level calculations using the Coastal Flood Boundary Method." While this value is correct, it is not for use within river systems. This value relates to still-water coastal flood levels only. To be clear, the water's edge on the day of survey is only 100mm below this level therefore it is not the 1:200 year level at the site.*

1.4 The applicant may wish to consider potential erosion issues along the banks as they are identified as being relatively steep along this reach.

### **Scottish Water response - received May 2020**

#### *Audit of Proposal*

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

#### *Water Capacity Assessment*

*Scottish Water has carried out a Capacity review and we can confirm the following:*

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

#### *Waste Water Capacity Assessment*

*This proposed development will be serviced by Edinburgh PFI Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via our Customer Portal or contact Development Operations.*

#### *Please Note*

*The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

#### *Surface Water*

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

*There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.*

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

## *Next Steps:*

### *All Proposed Developments*

*All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.*

### *Non Domestic/Commercial Property:*

*Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk).*

### *Trade Effluent Discharge from Non Dom Property:*

*Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.*

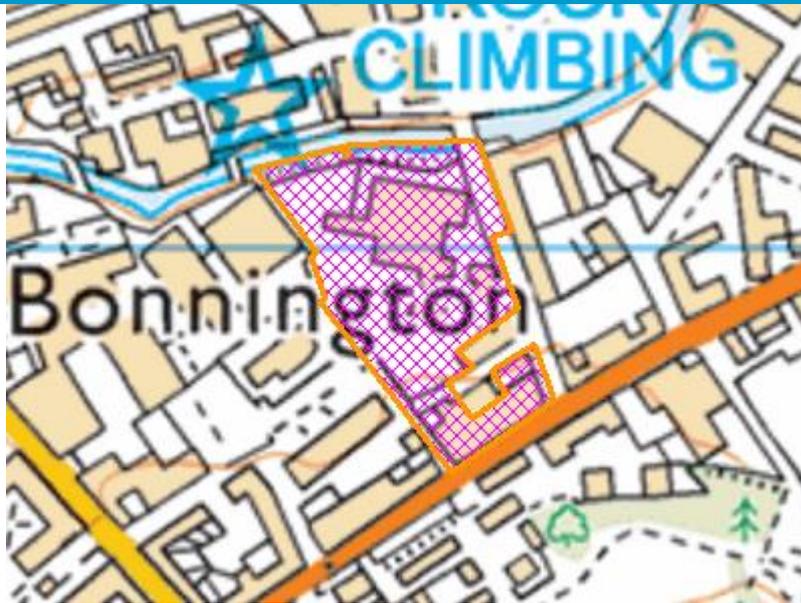
*Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.*

*For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.*

*The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com).*

## Location Plan

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**END**

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## Development Management Sub Committee

Wednesday 17 February 2021

**Application for Planning Permission 20/03560/FUL  
at 10 Craigmillar Park, Edinburgh, EH16 5NE.  
Roof garden and terrace over existing first floor north  
extension with landscaped enclosure features. Alter  
dormer windows to form door onto roof.**

**Item number**

**Report number**

**Wards**

B15 - Southside/Newington

### Summary

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The proposal would be unacceptable by virtue of its impact on neighbouring privacy and the resultant loss of residential amenity. The proposal is contrary to the relevant Local Development Plan policies. There are no material planning considerations which would justify approval.

### Links

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[Policies and guidance for this application](#)

CRPCMP, LDES01, LDES05, LDES12, LEN06, NSGD02, NSLBCA,

# Report

## **Application for Planning Permission 20/03560/FUL at 10 Craigmillar Park, Edinburgh, EH16 5NE. Roof garden and terrace over existing first floor north extension with landscaped enclosure features. Alter dormer windows to form door onto roof.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site lies to the west of Craigmillar Park, at the corner of Suffolk Road.

The stone-built villa is elevated above Craigmillar Park and has undergone a number of alterations to its rear and side elevations. The building is set within its own grounds with a 2m high stone boundary wall to the side and rear and a gated driveway entrance off Craigmillar Park. A parking area exists to the south of the site, along the boundary with Suffolk Road. The premises are currently operating as a Class 10 use (Non-residential institutions).

There are residential properties to the north and west of the site and St. Margaret's School is on the opposite side of Craigmillar Park.

Craigmillar Park is a busy thoroughfare to the city centre, with Greenways on both sides of the road.

This application site is located within the Craigmillar Park Conservation Area.

#### **2.2 Site History**

15 June 2020 - Application withdrawn for the creation of a new roof terrace (20/01753/FUL)

09 July 2003 - Planning permission granted for the change of use from hotel to a Non-Residential Institution and alterations and extensions (02/04594/FUL)

## Main report

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### 3.1 Description of the Proposal

Planning permission is sought for the alteration of a flat roof rear extension to form a new roof terrace. The new area would be used for additional external play space.

The proposed works include the erection of a 1.75m wire and post safety balustrade around the perimeter of the flat roof and the alteration of a dormer window to form a new entrance onto the proposed roof terrace. The application also proposes to run a 950 mm high boundary hedge along the west elevation of the roof terrace and other minor landscaping in relation to the new play space.

### 3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) the scale, form and design of the proposal are acceptable and would preserve or enhance the character and appearance of the conservation area;
- b) there would be any unreasonable effect on neighbouring residential amenity and
- c) any comments have been addressed.

#### **a) Scale, Form, Design and the Character and Appearance of the Conservation Area**

The Craigmillar Park Character Appraisal emphasises the predominance of high-quality, stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing, the use of traditional materials and the predominant residential use. Front gardens and large rear gardens are a feature of the area; and the relationship of the natural landscape with the built development is a key element to the character and appearance of the conservation area.

LDP Policy Env 6 (Conservation Areas - Development) requires development to preserve or enhance the special character and appearance of the conservation area and to contribute positively to the character of the area.

LDP Policy Des 1 (Design Quality and Context) requires development to draw upon positive characteristics of the area and create a sense of place. The policy states that planning permission will not be granted for poor quality or inappropriate design or for proposals that are damaging to the character or appearance of the area around it.

LDP Policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations to existing building which in their design, positioning and materials are compatible with the character of the existing building and will not be detrimental to neighbourhood character.

The proposed extension forms a modern addition to the building. It does not make a significant or positive contribution to the character of the conservation area. The proposed balustrade has been reduced in height (from 2 metres to 1.75 metres) when assessed against the previous scheme, which was withdrawn (20/01753/FUL). The form and appearance of the balustrade would be understated and modest. The design seeks to reflect the architectural form of the extension and would be distinct from the more ornate architecture of the original building. It would not create an over-dominant element to the roof of the building and would be a subservient addition.

The proposal would not be readily visible from public views and would not have an adverse effect on the character and appearance of the conservation area.

The proposal would comply with LDP Policies Env 6, Des 1 and Des 12.

## **b) Neighbouring Residential Amenity**

LDP Policy Des 5 (Development Design- Amenity) requires that the amenity of neighbouring properties is not affected by development in terms of noise, daylight, sunlight, privacy and immediate outlook. LDP Policy Des 12 (Alterations and Extensions) requires that development will not result in an unreasonable loss of privacy or natural light to neighbouring properties.

Concerns have been raised in relation to potential noise disturbance due to the development and the applicant has suggested that the hours of use of the terrace could be restricted by condition. However, the proposal is restricted to operational development only. It does not constitute a material change of use or an intensification of use. This assessment must be restricted to the impact of the development and cannot consider the broader operational characteristics of the lawful Class 10 use. Moreover, the imposition of a condition restricting the use of the terrace would be difficult to enforce in practical terms and would fail to meet the tests set out in the relevant circular.

The proposal would be to the rear of the property and would be set one metre from the mutual boundary wall, shared by neighbours at number 7 and 8 Gilmour Road. The proposed balustrade would facilitate the use of the roof as a terrace, which currently stands approximately 1.5 meters above the boundary wall.

Although there is a degree of overlooking already from top floor windows of the building, this type of overlooking is typically passive. The proposed terrace would allow individuals using the terrace to come close to the boundary. The proposed hedge planting along the west elevation would not be guaranteed to provide adequate screening due to it being natural and susceptible to disease or lack of foliage cover. Any attempt to condition its retention and effectiveness as a screen to the terrace would be unenforceable and impractical. The proposal would fail to provide adequate screening and would have the potential to significantly affect the ability of residents to enjoy their gardens without being subject to relatively intrusive overlooking.

The proposal would result in the overlooking of neighbouring gardens and an unacceptable loss of neighbouring residential amenity. This is contrary to LDP Policies Des 5 and Des 12.

### **c) Public comments**

#### **Material Considerations- Objections**

- size and scale not subservient-addressed under Section 3.3a.
- incongruous appearance of balustrade - addressed under Section 3.3a
- Proposal represents over-development - addressed under Section 3.3a
- noise pollution; - addressed under Section 3.3b
- impact upon neighbour privacy and outlook - addressed under Section 3.3b

#### **Material Considerations- Support**

- has created new attractive garden space for the benefit of children in attendance addressed under Section 3.3a
- uses sympathetic materials in keeping with the area -addressed under Section 3.3a
- the development has improved the appearance of the formally neglected area and the appearance is better than previous arrangement -addressed under Section 3.3a

#### **Non-Material Considerations- Objections**

- Impact on parking provision and road safety - this application relates solely to operational development and does not constitute a change or intensification of use

### **Conclusion**

The proposal complies with LDP Policies Env 6, Des 1 and Des 12 in relation to design, scale, materials and impact on the conservation area. However, the proposal would be unacceptable by virtue of the effect that it would have on privacy, to the detriment of neighbouring residential amenity, contrary to LDP Policies Des 5 and Des 12.

## **Addendum to Assessment**

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

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

#### **Reasons:-**

1. The proposal is contrary to Edinburgh Local Development Plan Policies Des 5 and Des 12, as the formation of a roof terrace would result in overlooking of neighbouring gardens, to the detriment of neighbouring residential amenity.

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

The application was advertised on 14.9.2020.

In total, 65 representations have been received. Of these, 35 are in objection, 30 are in support and one is neutral. 3 comments are repeated and discounted from the overall tally. The matters raised are addressed in part 3.3.

## Background reading/external references

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

**Statutory Development****Plan Provision**

The site lies within the urban area of Edinburgh Local Development Plan where it is designated as within Craigmillar Park Conservation Area.

**Date registered**

27 August 2020

**Drawing numbers/Scheme**

01-03,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Adam Gloser, Assistant Planner

E-mail: adam.gloser@edinburgh.gov.uk

**Links - Policies**

---

**Relevant Policies:**

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

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

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

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

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

**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.



## Development Management Sub Committee

Wednesday 17 February 2021

**Application for Planning Permission 20/04531/FUL  
at 3 Easter Kinleith Farm, Harlaw Road, Balerno.  
Change the use of a cottage from a dwelling house to self-  
catering holiday accommodation for short term lets.**

**Item number**

**Report number**

**Wards**

B02 - Pentland Hills

### Summary

---

Due to the nature of the site and the size of the property, the proposal will not have a significant and materially detrimental impact on the living conditions of nearby residents of the neighbouring residential properties.

The change of use will not detract from the landscape quality or rural character of the area.

The proposal is an acceptable change of use under the adopted Local Development Plan. There are no material considerations which outweigh this conclusion.

### Links

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[Policies and guidance for this application](#)

LDPP, LEN10, LEN11, LEN17, LHOU07, NSG, NSBUS, NSGCGB,

# Report

## **Application for Planning Permission 20/04531/FUL at 3 Easter Kinleith Farm, Harlaw Road, Balerno. Change the use of a cottage from a dwelling house to self- catering holiday accommodation for short term lets.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is a detached cottage forming part of a group of three houses to the south of Easter Kinleith Farm. The site is accessed from Harlaw Road. The surrounding area is in agricultural and countryside use.

The site is within the green belt, Pentlands Special Landscape Area and the Pentland Hills Regional Park.

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

---

#### **3.1 Description of the Proposal**

The application proposes the change of use of the cottage to a short-term holiday/commercial visitor accommodation (SCVA). This is a sui generis use.

No external alterations are proposed.

#### **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 acceptable in principle;
- b) the development will have a materially detrimental effect on the living conditions of nearby residents;
- c) the development raises any issues in respect of car and cycle parking and road safety and
- d) any comments raised have been addressed.

#### a) Principle

#### **Green belt, Special Landscape Area and Regional Park**

The application site is situated in the green belt, Pentlands Special Landscape Area and the Pentland Hills Regional Park as defined in the adopted Edinburgh Local Development Plan (LDP). The proposal relates to the change in the occupation of the site from domestic residential use to a short term let.

LDP policy Env 10 (Development in the Green Belt and Countryside) states that development will only be permitted where it meets set criteria in addition to not detracting from the landscape quality and/or rural character of the area.

In cases of a change of use, the most relevant element of policy Env 10 is criteria b). This states change of use will only be permitted:

*provided the building is of architectural merit or a valuable element in the landscape and is worthy of retention. Buildings should be of domestic scale, substantially intact and structurally capable of conversion.*

The building is domestic in scale and entirely intact and the change of use would not involve any conversion. Whilst the building does not hold any particular architectural merit or form a valuable element in the landscape, there is no suggestion that the building is not worthy of retention.

As no physical changes are proposed there will be no visual impact on the landscape quality or rural character of the area.

The non-statutory supplementary Guidance on Development in the Countryside and Green Belt (2019) does not list short term lets as a particular countryside use or one which requires a rural location.

LDP policy Env 11 (Special Landscape Areas) states the planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscape Areas shown on the Proposals Map.

LDP policy Env 18 (Pentlands Hills Regional Park) states that development which supports the aims of the Pentlands Hills Regional Park will be permitted provided it has no unacceptable impact on the character and landscape quality of the Park.

The proposed change of use is compatible with criteria b) of LDP policy Env 10 and retains an existing domestic scaled building. The scale of development and lack of visual change means that it will not impact on the landscape quality or rural character of the area which is the key test for all proposals in the green belt and countryside areas.

The proposed change of use will not have a significant impact on the special character and qualities of the Pentlands or have an unacceptable impact on the character and landscape quality of the regional park.

## **Tourism**

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits are a material planning consideration.

LDP policy Emp 10 (Hotel Development) states that hotel development will be permitted in locations within the urban area with good public transport access to the city centre.

Short term lets are not within use class 7 which includes hotels and as such this policy does not directly apply. However, as indicated in LDP paragraph 220, this policy broadly relates to tourism and accommodation. The site is not in the urban area and does not have good public transport access to the city centre. Guests are likely to rely on use of private vehicles to access the site. However, this is unlikely to result in a greater demand than that associated with the existing domestic use of the property.

### b) Impact on residential amenity

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

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

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. However, the majority of these cases relate to flatted properties within the urban area. The main determining issues in these cases relate to the following:

- The location of the property and, in particular, whether it is part of a common stair shared by residents. Typically, appeals are successful where the property has its own private access.
- The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupancy. For flats, generally, the smaller the flat the less likelihood of disturbance to neighbours.
- The impact on the character of the neighbourhood. Again, this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long-term tenant.
- The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/ disturbance.

These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas.

The application site is part of a row of three residential properties and is in close proximity to a working farm whilst the wider area is a mixture of fields in agricultural use and general countryside.

The property itself is detached with its own access, garden ground and parking. The applicant has indicated that the property has three bedrooms, and this is not expected to change. There would be a maximum occupancy of five people.

The proposed use would enable new individuals to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. The development's rural location means that there could be the potential for disturbance to the living conditions of neighbouring occupiers more than would be expected and tolerated in a more urban location. However, the self-contained nature of the site, being a detached dwelling with its own parking and garden ground, will minimise this.

On balance, any disturbance to residential amenity is likely to be minor.

#### d) Transport

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

The proposal has existing parking within the site which would remain unchanged. Cycle storage can be accommodated within the site.

There are no comments from the Roads Authority.

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

#### e) Public comments

There are no public comments.

### **Conclusion**

Due to the nature of the site and the size of the property, the proposal will not have a significant and materially detrimental impact on the living conditions of nearby residents of the neighbouring residential properties.

The change of use will not detract from the landscape quality or rural character of the area.

The proposal is an acceptable change of use under the adopted Local Development Plan. There are no material considerations which outweigh this conclusion.

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

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

#### **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**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

No representations have been received.

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

**Date registered** 20 October 2020

**Drawing numbers/Scheme** 01,

Scheme 1

### **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynne McMenemy, Senior Planning Officer

E-mail: [lynne.mcmenemy@edinburgh.gov.uk](mailto:lynne.mcmenemy@edinburgh.gov.uk)

## **Links - Policies**

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### **Relevant Policies:**

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

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

LDP Policy Env 17 (Pentlands Hills Regional Park) identifies the circumstances in which development will be permitted in the Pentlands Hills Regional Park.

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

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

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

**Non-statutory guidelines** DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

# Appendix 1

**Application for Planning Permission 20/04531/FUL  
at 3 Easter Kinleith Farm, Harlaw Road, Balerno'  
Change the use of a cottage from a dwelling house to self-  
catering holiday accommodation for short term lets.**

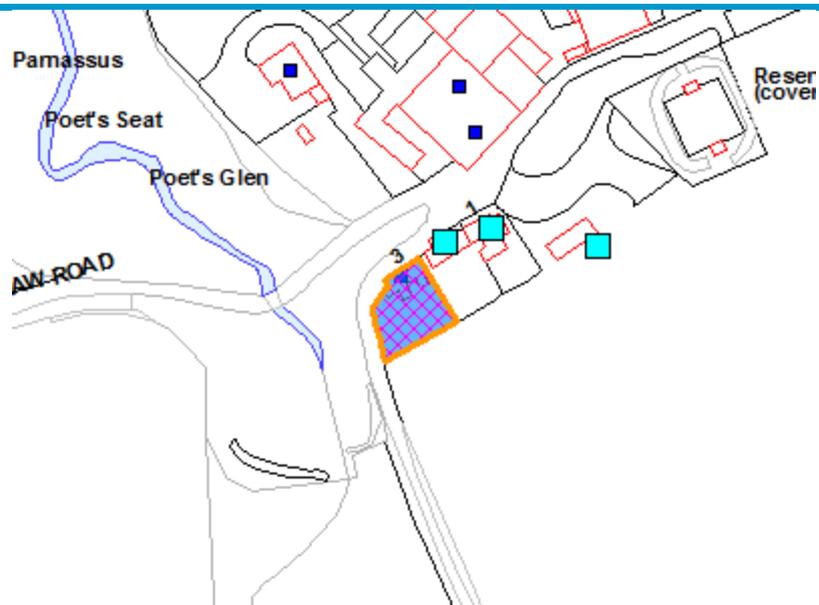
## Consultations

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No Consultations received.

## Location Plan

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END

## Development Management Sub Committee

Wednesday 17 February 2021

**Application for Planning Permission 20/03850/FUL  
at 1 Essex Road, Edinburgh, EH4 6LF.**

**Proposed erection of a 4 bedroom, 1 and a half storey family home to the South corner of the existing garden at 1 Essex Rd, EH4 6LF.**

**Item number**

**Report number**

**Wards**

B01 - Almond

### Summary

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The principle and design of the proposed dwelling are acceptable in this location. The proposal will not significantly impact on the amenity of neighbours and offers a suitable level of accommodation for future occupants. The Roads Authority has not objected to the proposal.

The development complies with the adopted Local Development Plan and there are no material considerations which outweigh this conclusion.

### Links

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[Policies and guidance for this application](#)

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

# Report

**Application for Planning Permission 20/03850/FUL  
at 1 Essex Road, Edinburgh, EH4 6LF.  
Proposed erection of a 4 bedroom, 1 and a half storey family  
home to the south corner of the existing garden at 1 Essex  
Road, EH4 6LF.**

## Recommendations

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

## Background

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### 2.1 Site description

The application site is part of the rear garden ground of number 1 Essex Road, a detached villa occupying a corner plot. Whitehouse Road lies to the east of the site.

The rear of the garden ground is bound by a private road known as Ewerland which serves approximately 11 existing residential properties including bungalows, detached and semi-detached dwellings.

The surrounding area is residential.

### 2.2 Site History

There is no relevant site history for the site.

Relevant applications on neighbouring sites include:

3 November 2005 - Planning permission granted for house with integral garage and erect new double garage along with other associated works (as amended) at 12 Essex Road (05/02444/FUL)

27 February 2017 - Planning permission granted for erection of 2 x 2-storey houses at 5 Essex Road (16/05913/FUL)

## **Main report**

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### **3.1 Description of the Proposal**

It is proposed to divide the garden ground of 1 Essex Road and form a detached dwelling accessed from the private road.

The dwelling would be one and a half storeys in height with five bedrooms. The dwelling would have a pitched roof and have a contemporary appearance with white render walls and a zinc roof.

A replacement retaining wall is proposed to separate the dwelling from 1 Essex Road. The remainder of the boundaries would be surrounded by 1.8m fencing, with a gated access to the private road, Ewerland.

#### Supporting Documents

The applicant has submitted the following supporting documents which are available to view on Planning and Building Standards on-line services:

- Design Statement
- Tree plan and root protection area
- Surface Water Management Plan

#### Revised Scheme

The scheme has been revised to meet parking requirements.

### **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 acceptable in principle;
- b) the proposal would have a detrimental impact on the character and appearance of the surrounding area;
- c) the impact on neighbouring amenity is acceptable;

- d) the amenity for future occupiers is acceptable;
- e) the proposal will have any parking, traffic or road safety issues;
- f) there are any other material considerations and
- g) any comments raised have been addressed.

a) Principle of development

Policy Hou 1 Housing Development in the Edinburgh Local Development Plan (LDP) supports housing on suitable sites in the urban area, provided that the proposals are compatible with other policies in the Plan. The application site is in the urban area of the LDP and the surrounding area is residential in character.

The proposal is a suitable site within the urban area. Compliance with other plan policies is assessed in turn below.

b) Character and appearance

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) requires new development to be informed by an understanding of the site and incorporate existing features.

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

LDP Policy Hou 4 (Housing Density) states that the density of a development on a site will be dependent on its characteristics and those of the surrounding area.

The Edinburgh Design Guidance states that backland development must be designed to ensure that any proposed building is subservient to surrounding buildings and it does not have an adverse impact on spatial character.

Backland development may be acceptable where it would not disrupt the spatial character of the area and the amenity of future residents, and residents of adjacent properties. Proposals will be considered on a case by case basis and will take into account the cumulative impact of proposals in an area (including the cumulative impact on surface water drainage and biodiversity, including trees)

The surrounding area is residential with a range in size, style and age of houses. Essex Road is characterised by larger properties with generous garden ground, whilst development over the last 30 years in Ewerland and at Templar's Cramond display a range of styles including other properties built within garden grounds.

At one and a half storeys the dwelling will appear subservient to number 1 Essex Road and minimise impact within Ewerland itself. The density will be comparable to that of existing development in Ewerland.

The proposed design and materials using a light render and a standing seam roof which, though more contemporary than those in the surrounding area, will not be out of place as the area already contains a mixture of styles. Materials have been conditioned to further ensure suitability.

The placement of the building to the rear of the plot maintains the spacious appearance of the wider townscape. Existing mature trees and will be retained to plot boundaries and the position of the house has been placed outwith their root protection areas. The loss of six younger trees will not have a detrimental impact in this already heavily planted location.

The proposal complies with policies Des 1, Des 2, Des 4 and Hou 4.

c) Neighbouring amenity

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

The proposed dwelling will sit approximately 1.8 metres below that of 1 Essex Road. The mutual boundary with this existing property will be surrounded by a retaining wall and fencing. The windows of the proposed dwelling are minimised on this elevation. At ground floor level these will be obscured by the retaining wall. At the upper level there will be three rooflights serving a stairwell and bathroom nearest the existing house. The western most rooflight will serve a bedroom. However, due to the positioning of the building it will not directly overlook the existing property. A further window on the western gable will be 15 metres to the garden ground 3 Essex Road and will also be obscured by mature trees. The windows on the front elevation will look out onto proposed fencing and the private but publicly accessible Ewerland and are in excess of 25 metres to other dwellings.

As the proposed dwelling will sit at a lower level than neighbouring properties, this in combination with the buildings position within the plot, will not cause any significant loss of daylight and sunlight to neighbouring dwellings or their garden ground.

The proposal will ensure that a suitable level of amenity is maintained to existing dwellings.

d) Amenity for future occupiers

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

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

The Edinburgh Design Guidance states that private open space/gardens should be designed for a range of functions.

Edinburgh Design Guidance requires a minimum internal floor area of 91 square metres for properties with more than three bedrooms. The proposed internal floor space of 174 square metres exceeds this minimum requirement and provides enhanced storage.

Living spaces within the proposed development will be capable of receiving adequate levels of daylight as windows and doors are suitably located to ensure habitable rooms will receive an adequate level of daylight. The large window on the west elevation will provide a good amount of daylighting and the floor to ceiling windows on the front elevation will provide a satisfactory level of daylighting to the rooms. The proposal will provide good quality internal amenity for future occupiers.

As the proposed dwelling will not be located directly behind 1 Essex Road there will be limited overlooking to windows. These and the garden ground will also be screened by walls, fencing and planting.

The proposed garden ground is to the front and side of the dwelling. However, the garden ground will be well screened and secluded offering a suitable level of privacy and ensuring that this will receive a good level of sunlight over what would otherwise have been a north facing garden. The garden ground measures approximately 400 square metres.

The proposal complies with policies Des 5 and Hou 3 and will, therefore, provide adequate amenity space for prospective occupants.

d) Parking and road safety

LDP Policies Tra 2 - Tra 3 set out the requirements for private car and cycle parking. The Council's Parking Standards are set out in the Edinburgh Design Guidance.

One parking space is set out on the proposed site plan in line with the Edinburgh Design Guidance and there is a suitable amount of garden ground to provide cycle storage.

The road Ewerland is in private ownership. Previous applications have been consented for development of houses along the road.

The Roads Authority has advised in this instance that it has no objections to the application and have not requested any conditions or informatives.

e) Other considerations

## Flooding and drainage

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

A Surface Water Management Plan has been submitted which includes acceptable drainage arrangements and has been accepted by the Council's flood officer.

Scottish Water have been consulted and have confirmed current drainage capacity.

## Waste

No details have been provided regarding the location of bin stores. However, there is sufficient space for the storage of domestic waste on site.

### f) Public Comments

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

- Development will detract from character - addressed in 3.3b);
- Design and materials not in keeping with surroundings - addressed in 3.3b).
- Overdevelopment of site - addressed in 3.3b);
- Road safety concerns including width of access, junction with Whitehouse Road, safety of pedestrians and cyclists, capacity and turning space - addressed in 3.3d and
- Setting of listed building 124 Whitehouse Road - the listed building is over 50 metres away and separated by existing buildings and will not be affected by the proposed development.

#### **Non-material - Comments:**

- No established access - the access is proposed through the application site.
- Plans inaccurate - plans have been confirmed as accurate by the applicant.
- Infringement on neighbouring land - land ownership disputes are a civil matter.
- Trees already cut down - tree removal prior to the application is not restricted.
- Wear and tear of lane - this is a private matter.
- Disruption during construction - this is not a material planning consideration.
- Should be accessed from Essex Road - the application is assessed as presented and
- Road should be adopted - this is outwith the consideration of the application.

## Conclusion

The principle and design of the proposed dwelling are acceptable in this location. The proposal will not significantly impact on the amenity of neighbours and offers a suitable level of accommodation for future occupants. The Roads Authority has not objected to the proposal.

The development complies with the adopted Local Development Plan and there are no material considerations which outweigh this conclusion.

## **Addendum to Assessment**

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

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

#### **Conditions: -**

1. 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 trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".
3. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.

#### **Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard existing trees.
3. In order to safeguard existing 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. 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**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

The application received 10 objections raising material and non-material issues. These are addressed in section 3.3.

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

**Date registered** 11 September 2020

**Drawing numbers/Scheme** 01, 02, 03A, 04A, 05 - 09,

Scheme 2

### **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynne McMenemy, Senior Planning Officer

E-mail:lynne.mcmenemy@edinburgh.gov.uk

## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

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

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

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

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

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

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

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

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

### **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 20/03850/FUL  
At 1 Essex Road, Edinburgh, EH4 6LF  
Proposed erection of a 4 bedroom, 1 and a half storey family  
home to the South corner of the existing garden at 1 Essex  
Rd, EH4 6LF.**

## **Consultations**

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### Roads Authority

*No Objections.*

### City Archaeologist

*Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of a 4 bedroom, 1 and a half storey family home to the South corner of the existing garden*

*The site is located adjacent to the B-listed early 17th century Whitehouse, close to the historic Long Row settlement and within an area suspected of lying along the Roman Road leading from Cramond Southwards. The site therefore occurs within an area of archaeological significance. However, it has been concluded that this development is unlikely to have a significant archaeological impact.*

### Flood Officer

*11/12/20*

*Thank you for sending through the additional information. Flood Prevention have no major concerns over this application. For completeness, we would request that Scottish Water provide confirmation they accept the proposed surface water discharge rate to the surface water sewer. As you mentioned in your email, I suspect this will not be an issue due to the size of the development.*

*Once Scottish Water provide confirmation, they accept the proposed surface water discharge rate, this application can proceed to determination with no further comments from our department.*

*22/01/21*

*The proposals satisfy our requirements. We have no further comments and this application can proceed to determination, with no further comments from our department.*

## Scottish Water

08/01/21

### Capacity Assessment

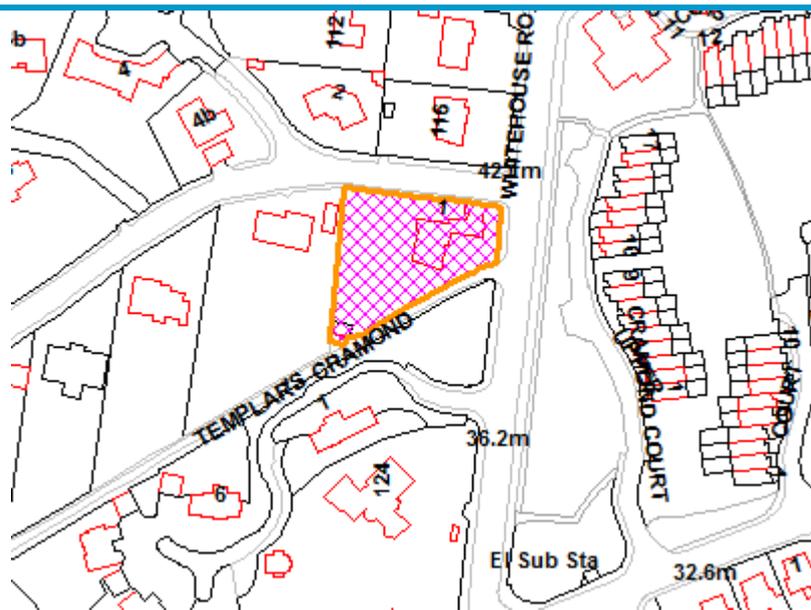
Scottish Water has carried out a Capacity review and we can confirm the following:

- There is currently sufficient capacity in the Marchbank Water Treatment Works to service your development.
- -There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment works to service your development.

### Network Assessment

- There are no issues currently identified within our water and wastewater network that would adversely affect the demands of your development.

## Location Plan



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## Development Management Sub Committee

Wednesday 17 February 2021

**Application for Planning Permission 20/05486/FUL  
at 296 Milton Road East, Edinburgh, EH15 2PH.  
Proposed single storey rear / gable extension with internal  
alterations.**

**Item number**

**Report number**

**Wards**

B17 - Portobello/Craigmillar

### Summary

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

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[Policies and guidance for this application](#)

LDPP, LDES12, NSG, NSHOU,

# Report

## **Application for Planning Permission 20/05486/FUL at 296 Milton Road East, Edinburgh, EH15 2PH. Proposed single storey rear / gable extension with internal alterations.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The property is a single storey bungalow located on the south side of Milton Road, on the corner with Brunstane Mill Road. The property has a large rear garden area with fencing and planting on all boundaries. The area is predominantly residential in nature.

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

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#### **3.1 Description of the Proposal**

The proposal is for a single storey flat roofed extension that partially wraps around the side and rear of the property. The extension measures approximately 5.9 metres by 9.6 metres and will be 4.2 metres in height. Given the topography of the site, the extension will sit above the ground level by approximately 1 metre and will incorporate a small terraced area with steps down into the garden. Glazing is proposed on the south and west elevation and a high level window on the east elevation. Materials will be a mixture of smooth off white render, facing brick base and single ply membrane for the roof.

#### **3.2 Determining Issues**

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

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- (a). The proposed scale, form and design is acceptable and would accord with neighbourhood character;
- (b). The proposal will cause an unreasonable loss to neighbouring amenity;
- (c). Any comments raised have been addressed.

#### a) Scale, form and design

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and the surrounding area.

The proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

#### b) Neighbouring Amenity

The proposals have been assessed against requirements set out in the non-statutory Guidance for Householders to ensure there is no unreasonable loss to neighbouring amenity with respect to privacy, overshadowing and loss of daylight or sunlight.

The proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders.

#### c) Public Comments

No comments were received.

#### Conclusion

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

The application requires a Committee decision as the applicant is an employee of the Council and is involved in the planning process but has taken no part in the processing of the application.

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**

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

There are no financial implications to the Council.

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

---

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

#### **Equalities impact**

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##### **6.1 The equalities impact has been assessed as follows:**

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

#### **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

No representations have been received.

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

Edinburgh Local Development Plan - This site is in an Urban Area.

### **Date registered**

8 December 2020

### **Drawing numbers/Scheme**

01-02,

Scheme 1

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

E-mail: [lynsey.townsend@edinburgh.gov.uk](mailto:lynsey.townsend@edinburgh.gov.uk)

## **Links - Policies**

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### **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 20/05486/FUL  
At 296 Milton Road East, Edinburgh, EH15 2PH  
Proposed single storey rear / gable extension with internal alterations.**

## Consultations

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No consultations undertaken.

## Location Plan

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## Development Management Sub Committee

Wednesday 17 February 2021

### Application for Planning Permission 20/04338/FUL at Land Adjacent To, 107 Newcraighall Road, Edinburgh Application to construct 2 No. new dwellings.

**Item number**

**Report number**

**Wards**

B17 - Portobello/Craigmillar

#### Summary

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The proposals comply with the Edinburgh Local Development Plan. The proposal is acceptable in principle and will not have a detrimental impact on the quality and character of the local environment or the spatial character of the surrounding area. The proposal will result in the creation of a satisfactory residential environment and will not have a detrimental impact on the amenity of neighbouring residents. An infringement of the parking standards is acceptable in this location and sustainable modes of transport are encouraged through cycle provision. The proposal does not raise issues in respect of landscaping, protected species or flooding. The submission and implementation of remedial works is required to ensure the land is safe and stable for its use.

#### Links

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[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU03, LHOU04, LDES01, LDES03, LDES04, LDES05, LDES08, LEN03, LEN08, LEN09, LEN16, LEN18, LEN21, NSG, NSGD02,

# Report

## **Application for Planning Permission 20/04338/FUL at Land Adjacent To, 107 Newcraighall Road, Edinburgh. Application to construct 2 No. new dwellings.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The proposal site is an area of vacant grass land.

The site lies adjacent to residential properties no 113-113c Newcraighall Road to the east; two storey dwellings consisting of two modern builds and an inter-war dwelling. Beyond these properties lies Niddrie Bowling Club, comprising two bowling greens and pavilion, with the main Edinburgh to London railway line beyond that.

To the south, the site is bordered by the gardens of properties 109 and 111 Newcraighall Road. These are two single storey detached dwellings that front onto the A6095.

To the north, the site is bordered by land of the former Wanton Walls Farm (Category C Listed, Item No. LB46550). The Wanton Walls Farm site was granted planning permission and listed building consent for the erection of 11 dwellings, including a three-sided 'mews courtyard' to the east of the site. This proposal would take its access from the courtyard that leads onto Newcraighall Road.

The approved scheme and subsequent variations, for the Wanton Walls Farm redevelopment identifies an improved access junction with Newcraighall Road and internal road works that are a condition of that consent.

#### **2.2 Site History**

The proposal site:

7 September 2006 - Planning permission granted for the construction of two dwelling houses (application reference: 05/02230/FUL)

The land adjoining to the north:

28 August 2002 - Planning permission refused for the erection of 11 houses, alteration to an access road and the demolition of outbuildings. Permission subsequently granted on appeal by the Directorate for Planning and Environmental Appeals (DPEA) on 25 November 2003 (application reference: 01/02628/FUL).

28 August 2002 - Listed Building Consent refused for the demolition of farm outbuildings and a boundary wall. Consent subsequently granted on appeal by the Directorate for Planning and Environmental Appeals (DPEA) on 25 November 2003 (application reference: 01/02628/LBC).

10 August 2007 - Planning application for alteration to access, restoration and conversion of farmhouse to residential use and the demolition of derelict outbuildings and erection of 10 new dwellings withdrawn (application reference: 07/02946/FUL).

26 November 2007 - Listed building consent application for alteration to access, restoration and conversion of farmhouse to residential use and the demolition of derelict outbuildings and erection of 10 new dwellings withdrawn (application reference: 07/02946/LBC).

31 October 2007 - Non-material variation to application 01/02628/FUL approved reducing the number of dwellings from 11 to 10 and altering the road layout (application reference: 01/02628/VARY).

4 June 2019 - Non-material variation to application 01/02628/FUL approved amending design of units to east (application reference: 01/02628/VAR2).

4 September 2019 - Non-material variation to application 01/02628/FUL approved (application reference: 01/02628/VAR3).

23 September 2020 - Listed building consent application for the demolition of Wanton Walls Farmhouse withdrawn (application reference: 19/04907/LBC).

23 September 2020 - Planning application for the demolition of Wanton Walls farmhouse and construct two new semi-detached dwellings withdrawn (application reference: 19/04098/FUL).

29 October 2020 - Non-material variation to application 01/02628/FUL approved (application reference: 01/02628/VAR4).

The land adjoining to the east:

23 May 1990 - Outline planning permission was granted for the erection of two houses on land to the rear of 113 Newcraighall Road (application reference 377/90).

20 April 1994 - Planning permission was granted for the erection of a dwelling house (now No 113C Newcraighall Road) (Ref A/00395/94).

8 November 1995 - Planning permission was granted for the erection of a dwelling house (now No 113B Newcraighall Road) (application reference: A/02217/95).

8 November 1995 - Planning permission was granted for the erection of a dwelling house (now No 113B Newcraighall Road) (application reference: Ref A/02217/95).

Planning enforcement history includes:

17 December 2020 - No breach for alleged unauthorised development involving site clearance works - (Ref: 20/00715/EOPDEV)

26 May 2020 - No breach of planning control for enquiry relating to alleged drilling on site - (Ref: 20/00139/EOPDEV)

## **Main report**

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### **3.1 Description of the Proposal**

The application proposes the erection of two new dwelling houses.

Plot 1 has four bedrooms with an internal floor area of 168 square metres (excluding the garage), with two car parking spaces including an integral garage and driveway. The rear garden area is over 180 sqm.

Plot 2 has four bedrooms with an internal floor area of 209 square metres (excluding the garage), with two car parking spaces including an integral garage and driveway. The rear and side garden area is over 290 square metres.

The proposed materials include white render walls with brick detailing on the principal elevation, dark grey framed windows and doors. Plot 1 includes a dark grey tiled pitched roof, and plot 2 includes a red tiled pitched roof.

Previous Scheme:

#### Site Plans

- addresses and position of neighbouring properties corrected
- boundary dimensions corrected and distances to boundaries added
- refuse storage added

#### Elevation and Floor Plans

- Cycle provision included
- Floor space detailed
- Heights (floor level, eaves and ridge) added
- Street elevation plan received including 25 and 45 degree lines, boundary fencing and neighbouring property elevations.

### 3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) the proposed development is acceptable in principle in this location;
- b) the proposal will adversely impact on the setting of a listed building;
- c) the scale, design and materials are acceptable;
- d) the proposal will provide satisfactory amenity for future residents;
- e) the proposal will adversely affect neighbouring amenity;
- f) the proposal will result in road safety issues;
- g) the proposal will result in loss of open space;
- h) the proposal will result in adverse impact on protected species;
- i) the proposal will have any archaeological implications;
- j) the proposal is sustainable and flooding and surface water management issues have been addressed;
- k) the proposal is acceptable in terms of the safety and stability of the land;
- l) the proposal does not raise any contaminated land issues;
- m) the proposal has adequate waste provision and
- n) issues raised in public comments are have been addressed.

#### a) Principle

The proposal site is located in the urban area as designated in the Local Development Plan (LDP). Proposals in the urban area must accord with relevant policies in the LDP.

LDP Policy Hou 1 (Housing Development) prioritises the delivery of housing land supply and the relevant infrastructure and identifies four criteria (a-d) on where this can be achieved.

Criteria d) prioritises the delivery of housing on other suitable sites in the urban area in recognition that windfall sites can contribute to land supply. To comply with Hou 1 d), proposals must be compatible with other policies in the plan.

The site is located adjacent to existing residential dwellings, and to the south-east of a site with permission for to convert a farmhouse for residential use and ten new houses. The site is connected to existing public transport links on Newcraighall Road and is within walking distance to Newcraighall Train Station.

The site is also located between a larger site allocated for housing (HSG29) as identified in the LDP, with objectives to improve local education and transport infrastructure as part of this allocation.

The site is an appropriate and sustainable location for housing.

LDP policy Hou 4 (Housing Density) seeks an appropriate density of development having regard to its characteristics and those of the surrounding area, the need to create an attractive residential environment, accessibility and its impact upon local facilities.

The surrounding area is characterised by detached properties of varying scale, set within generous gardens. This pattern of development is replicated by the consented houses to the north-east of the site.

The proposal is a low-density form of development that is in keeping with the scale and layout of the surrounding residential development. An appropriate level of greenspace is achieved, by virtue of the side and rear gardens serving the two houses, which will help create an attractive environment for future residents. The site contains access to public transport links, and further infrastructure improvements have been identified as part of the adjacent site's allocation for housing. Residential development in this location, will help to support local facilities in Newcraighall.

As such, introducing a development of this density is considered compatible with the density of residential development evident in the area, contributing to the viability of the local area, and complying with policy Hou 4.

LDP Policy Hou 3 (Private Green Space in Housing Development) seeks to ensure adequate provision of green space will be provided to meet the needs of future residents.

Edinburgh Design Guidance (EDG) states that private gardens of over 9m in length are encouraged. Further, that gardens of a similar size to neighbouring gardens are likely to be required in order to preserve the character of the area.

The proposal achieves private gardens of over 9m in length and the size achieved is an appropriate level of amenity space provision for future occupants. The scale of development does not require contributions to the greenspace network. The proposal complies with policy Hou 3.

The proposal is an acceptable location for new housing as the site is connected to public transport links nearby. The density of development is compatible with the surrounding residential development and an appropriate level of greenspace is achieved. The development will support the viability and viability of local services through increased footfall. The proposals comply with LDP policies Hou 1, Hou 3 and Hou 4.

## b) Listed Building

LDP policy Env 3 states that planning permission will be granted for development within the curtilage of a listed building or affecting the setting of a listed building if not detrimental to the architectural character, appearance or historic interest of the building, or its setting.

The proposal site lies to the south-east of a listed farmhouse which has permission to be converted for residential use as part of a wider development, including ten new houses as part of the approved non-material variation (01/02628/VAR4) to scheme 01/02628/FUL.

The proposal is of a scale and position that is in keeping with the built form of this surrounding site. New residential development in proximity to the listed building, has been established as acceptable as part of these previous schemes.

The distance retained from the proposal site to the listed farmhouse is in excess of the majority of this approved residential layout. Its position to the eastern corner of this site will not result in any adverse impact on the setting of the listed building. The scale, form and position of the proposal will not interfere with oblique views of the listed building or disrupt formal approaches.

The proposal does not conflict with LDP policy Env 3.

## c) Scale, form, design and neighbourhood character

LDP Policy Des 1 (Design Quality and Context) supports new development where the design reflects the positive characteristics of the area.

LDP Policy Des 3 (Design Existing and Potential Features) supports development where existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

LDP Des 4 (Design- impact on Setting) requires new development proposals to have similar characteristics to the surrounding urban grain, paying close attention to scale, height and positioning of buildings, materials and detailing.

The Edinburgh Design Guidance (EDG) sets out key aims for new development to have a positive impact to the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings and site materials and detailing. Further, that in residential developments, car park dominated frontages are discouraged to minimise the visual impact and improve the quality of the public realm.

The surrounding area comprises primarily of detached dwellings of mixed character which vary in scale, form and material palette with no defined architectural style evident. There is range of modern, post war and older buildings in the area.

The proposal, in terms of layout and form, has been designed to tie with the surrounding approved residential development. The location of the houses completes the grouping of houses orientated around the courtyard to the front.

The height and scale of the buildings is compatible with this neighbouring permission and are of appropriate proportions in the context of the varying scale of existing houses in the immediate area. The material palette: including render walls with brick finishes and red/ grey tiling is consistent with properties in the surrounding area and appropriate. A condition will be applied to require full details of the final materials to be submitted to the planning authority for consideration prior to any development commencing on site, in order for the planning authority to consider these matters in detail.

Further, there is adequate space retained between the properties. There is range in the position of buildings within plots, and the proposed distances retained to the boundaries is not out of character in this location.

The development includes a paved surface to the front of the dwellings. Whilst this has the potential to be used for parking, the applicant has stated the design intention for this layout is as an extension to the approved neighbouring courtyard development. The design is in keeping with this neighbouring development therefore would not appear out of character and is acceptable in this location.

The proposal includes new timber fencing as boundary treatments to the north and west of the site and between the proposed gardens. The height, material and location of this fencing is appropriate and therefore complies with policy Des 8.

Overall, the design respects the surrounding urban pattern, scale and height and massing and in compliance with LDP Policies Des 1, Des 3, Des 4, Des 8 and the Edinburgh Design Guidance.

#### d) Creation of a Satisfactory Living Environment

Policy Des 5 (Development Design- Amenity) states that development will be permitted where future occupiers have acceptable levels of amenity in regard to noise, daylight, sunlight, privacy or immediate outlook.

In regard to space standards, EDG guidance states that residential dwellings of three bedrooms or more shall have a minimum floor area of 91 square metres. The proposed dwellings contain four bedrooms and have floor areas of 168 sqm (plot one), and, 209 sqm (plot two) respectively therefore meet these standards.

In terms of daylight, the dwellings will achieve a satisfactory level of daylight by virtue windows on the principal and rear elevation. The proposed dwelling on plot 2 will benefit from dual-aspect rooms by virtue of the windows on the north-east elevation and achieve satisfactory levels of daylight.

In terms of sunlight, both properties contain large south-east facing gardens. The size of these areas in tandem with the retained separation distances to the neighbouring properties is sufficient in order to achieve appropriate levels of sunlight.

In regard to private greenspace, the gardens exceed the minimum size guidance of the EDG, ensuring a good quality living environment for future residents.

The proposal complies with Hou 3 (Private Green Space in Housing Development) and exceeds the requirements of the Edinburgh Design Guidance, ensuring a good quality living environment for future residents. The proposed units all comfortably exceed the minimum internal floor areas set out in guidance.

Overall, the proposal will result in the creation of a satisfactory residential environment and complies with LDP Policy Des 5. The proposal will provide quality amenity space for residents, in compliance with LDP Policy Hou 3 and Edinburgh Design Guidance.

#### e) Impact on Neighbouring Amenity

LDP Policy Des 5 (Design-Amenity) supports proposals that have no adverse impact on neighbouring developments in regard to noise, daylight, sunlight, privacy or immediate outlook.

In regard to privacy and outlook, the Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. The rear side of development often offers better opportunity for privacy than the street side; which can be compromised by existing proximity of neighbours' windows. The guidance does not seek to protect the privacy of gables of existing housing.

All proposed windows on the principal elevation would face the street side of the wider site and raise no privacy issues. The distances retained from rear windows to the boundary are characteristic of separation distances in the area and would prevent any unreasonable impact on privacy from overlooking.

In regard to plot 2, windows in the north-east elevation at ground floor would be screened by the existing boundary wall, which would prevent an impact on the facing neighbour's property through overlooking. First-floor bedroom windows to this side, are 8m and 10m from the boundary respectively and the rear bedroom window would be approximately 10m from the facing window of property no.113b.

There is range in the pattern of development in the area. The distance retained between the east elevation of plot 2 and the north-east boundary, exceeds that of existing buildings (113a-113c) and the facing boundary to the south-west. The proposed retained distances are not at odds with the spatial character of the area and it would be unreasonable to withhold permission on privacy grounds, given the existing proximity of these neighbouring windows to the proposal site's boundary.

Appropriate separation distances are therefore retained in this location, and the proposal is not at odds with the spatial pattern of the area in accordance with the Edinburgh Design Guidance. No unreasonable impact on neighbour's privacy would occur as a result.

In regard to daylight, diagrams detailing the Vertical Sky Component 25-degree method have been submitted in relation to neighbouring properties. These demonstrate compliance with this criterion of the Edinburgh Design Guidance, and therefore would have no unreasonable impact on daylight to existing buildings.

In regard to sunlight, 45 degree diagrams have been submitted in relation to neighbouring gardens. These demonstrate compliance with this criterion, and therefore would have no effect on sunlight to neighbour's gardens.

The scale and location of the proposal will not block the immediate outlook of neighbouring dwellings in accordance with the Edinburgh Design Guidance.

Further, the proposed use of the site for two residential dwellings and is compatible with the predominantly residential character of the local area. It is therefore not anticipated that the development would give rise to an unreasonable level of noise.

Overall, the proposal will not result in an unreasonable impact on neighbour's amenity. It is therefore compliant with LDP Policy Des.

#### f) Transport

LDP policy Tra 2 states that car parking provision should comply with and not exceed the levels set out in Council guidance.

The proposal site is identified within the Edinburgh Design Guidance Parking Standards as being within Zone 3. The EDG identifies that residential properties within this area should have a maximum parking provision of 1 space per dwelling. There is no minimum parking provision.

The proposal includes provision for two car parking spaces per dwelling and therefore exceeds the maximum standard. The applicant has stated that the frontage has been designed in order to complement the approved courtyard style development of the neighbouring site. The site layout results in an infringement of current guidance.

The design of the paved surface will be in keeping with the appearance of the immediate area and is therefore acceptable in this location.

No objections have been received from the Roads Authority and an infringement of the parking standards is acceptable, in this instance, based on the layout of the required access and driveway.

LDP policy Tra 3 states cycle parking and storage provision should comply with the standards set out in Council guidance.

Edinburgh Design Guidance identifies that for four-bedroom residential properties in Zone 3, should have a minimum cycle parking provision of 3 spaces per dwelling.

The proposal includes three spaces per dwelling in the integral garages, therefore meets these standards.

LDP policy Tra 2 has not been complied with. A departure from the council parking standards is acceptable in this instance based on the courtyard design of the approved housing and the layout of the site.

The proposal is compliant with LDP policy Tra 3.

#### g) Open Space

LDP policy Env 18 states proposals involving the loss of open space will not be permitted unless it is demonstrated that it meets criteria (a-e) where applicable. Criteria include the impact on the quality or character of the local environment, the proportion of the area, its amenity value, impact on wider networks, biodiversity value, local benefit or community use.

Supporting paragraph 194 states that the policy seeks to protect all open spaces that contribute to the amenity of their surroundings and city.

The proposal site is a small area of land comprising of grass land and low-lying shrubs. Some surface vegetation has been cleared on site. Prior to the vegetation clearance, the area of land was overgrown in its appearance.

The unkempt nature of the land and its small scale is of limited amenity value in terms of its contribution to the wider landscape character or potential use. Loss of this space will not have a significant impact on the quality or character of the local environment or biodiversity value.

The proposal does not conflict with LDP policy Env 18

#### h) Protected Species and Ecology

LDP Policy Env 16 (Species Protection) aims to ensure development will not be to the detriment to the maintenance of a protected species and suitable mitigation is proposed.

The proposal site is an area of land consisting of grass, and shrubbery where some surface vegetation has been cleared from the site. There is no evidence of protected species on site and having regard to the nature of this land, this is not suspected.

An informative has been included that a nesting bird check should be undertaken on site by a suitably qualified ecologist, in order to prevent impacts on nesting birds and minimise ecological impacts from the proposal.

The proposal will therefore not adversely impact on protected species, and therefore does not conflict with LDP policy Env 16.

#### i) Archaeology

LDP Policy Env 9 (Development Sites of Archaeological Significance) aims to protect archaeological remains.

Accordingly, the aim should be to preserve archaeological remains in situ as a first option. A condition is recommended that a programme of archaeological work is undertaken during the demolition/development of this area to fully excavate, record and analysis any significant remains that may be uncovered.

#### j) Flood Risk and Surface Water Management

Policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudice to existing or planned flood defence systems. LDP policy Des 6 (Sustainable Buildings) states permission will be granted for development that incorporates low and zero carbon technologies and features that reduce or minimise environmental resource use.

The site is identified within the SEPA flood risk maps as containing a high surface water risk, and no specific river or coastal risks.

A Flood Risk and Drainage Assessment have been submitted in support of the application. The applicant has confirmed attenuation measures designed for surface water treatment. Further, that the wider surface water network has been designed to accommodate the run-off from the proposal, and attenuation has been sized to accommodate the proposal site.

No objections have been received from Flooding on receipt of this additional information.

Informatives have been recommended to manage surface water run-off, and water attenuation features, such as rain gardens, as part of the proposed development. Inclusion of these measures/ features will help support biodiversity and moderate environmental impact from the proposals in accordance with LDP policy Des 6.

Overall, the proposal has been designed to mitigate potential flood risk and accords with LDP Policy Env 21.

#### k) The Coal Authority

The site lies within a Development High Risk Area. The Coal Authority has been consulted on this proposal and have indicated that the site lies in an area where coal mining has taken place at shallow depth.

The applicant has submitted a 'Completion Report for Investigation and Consolidation of Underground Voids in Shallow Mineworkings' in support of the application which details remedial works proposed to consolidate shallow mine workings on the proposal site.

On receipt of this information, The Coal Authority have withdrawn their initial objection subject to the implementation of these remedial measures, in order to ensure the safety and stability of the development and confirmation of completion of these works for approval by the Local Planning Authority. These measures have been included by condition in order to ensure the safety and stability of the development.

#### l) Environmental Protection

Environmental Protection has been consulted on the proposal. The proposal site is within an area which is designated as potentially affected by coal mine workings and should be investigated to ensure that the site is made safe for the proposed use.

A site survey is therefore required to establish the level of risk to human health and the environment by contaminated land. Thereafter a schedule of remedial measures, if required, to be submitted for approval to the Local Planning Authority and implemented. These conditions are in order to ensure the site is made safe for its end use.

m) Waste

The applicant has submitted details regarding the location of refuse facilities and vehicle tracking. Final agreement of the Waste Strategy is to be agreed with the Waste Planning Team therefore an informative has been included in regard to this.

n) Public Comments

**Material Considerations - Objection** Summarised as the following:

- Insufficient information provided (scale, height, distances to neighbouring properties, insufficient photos of surrounding area,) : The planning authority has assessed the submitted documents and considers that they are sufficient to accord with the requirements of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- Inaccurate addresses on neighbouring properties: Revised plans have been received from the applicant which have correct the addresses of the neighbouring properties.
- Listed Building and setting / curtilage - Addressed in section 3.3 b)
- Design, height, scale, density, positioning of proposal is out of character with area contrary to LDP policies Des 3, Des 4 and Des 5 - Addressed in section 3.3 c)
- Boundary treatments not included; policy Des 8 detailed - Addressed in section 3.3 c)
- Impact on neighbouring properties not detailed. -Addressed in section 3.3 e)
- Impact on daylight and sunlight - Addressed in section 3.3 e)
- Impact on privacy and immediate outlook - Addressed in section 3.3 e)
- Noise - Addressed in section 3.3 e)
- Roads access requires separate approval - The applicant has confirmed that the road layout indicated on these drawings is consistent with the layout of the approved planning layout 01/02628/VAR4. Any final layout of the wider site will have to be agreed with the Roads Authority as part of a Road Construction Consent (RCC) prior to implementation.
- Biodiversity / Landscape Character and Policies Des 3, Des 4 and Env 16 - Addressed through sections 3.3 c, g and h)
- Lack of information in regard to impact on ecology, biodiversity, wildlife and status of site: The site is not a nature conservation site as identified within the LDP, therefore policies Env 13- 15 are not applicable to the proposal. No further information was required in regard to these environmental aspects.)
- Archaeological considerations - Addressed in section 3.3 i)
- Drainage, LDP policy Des 6 - Addressed in section 3.3 j)
- Coal Authority issues - Addressed in section 3.3 k)

- Developer Contributions - The number of units for the wider site cannot be accounted for as part of this proposal. The scale of this proposal does not incur developer contributions therefore policy Del 1 is not applicable.
- Affordable housing provision - The number of units for the neighbouring permission cannot be accounted for as part of this proposal. The number of units proposed do not require provision for affordable housing therefore policy Hou 6 is not applicable.
- Green Belt - The site is former green belt land therefore green belt policies are not applicable to this planning application.

### **Non-material Comments**

- Proposal differs in scale, design and position to previous consent on the proposal site: The proposal is assessed on its own merits having regard to relevant policy and guidance.
- Alters conditions of neighbouring development site which includes curtilage of listed building: The proposal is assessed on its own merits having regard to relevant policy and guidance.
- Applicant subject to existing planning enquiry from neighbouring site: This matter cannot materially be assessed as part of this planning application and would be for separate consideration by planning enforcement.
- Adjacent properties not built in accordance with the approved drawings: This matter cannot materially be assessed as part of this planning application.
- Impact on neighbouring permissions: This matter cannot materially be assessed as part of this planning application.
- Impact on existing views (Arthurs seat): Private views of the surrounding area cannot be protected under the planning process.
- Ground stability / foundations of neighbouring site - This matter is not controlled through the planning process.
- Impact of construction vehicles on road traffic, noise and dust during construction. Not a matter controlled through the planning process - This matter is not controlled through the planning process.
- Title Deeds This matter is a private, civil or legal consideration that cannot be assessed through the planning process.

### **o) Conclusion**

The proposals comply with the Edinburgh Local Development Plan. The proposal is acceptable in principle and will not have a detrimental impact on the quality and character of the local environment or the spatial character of the surrounding area. The proposal will result in the creation of a satisfactory residential environment and will not have a detrimental impact on the amenity of neighbouring residents. An infringement of the parking standards is acceptable in this location and sustainable modes of transport are encouraged through cycle provision. The proposal does not raise issues in respect of landscaping, protected species or flooding. The submission and implementation of remedial works is required to ensure the land is safe and stable for its use.

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

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

#### **Conditions:-**

1. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, recording and analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. No development shall commence until land remedial consolidation and stabilisation works to address land instability arising from shallow coal mining legacy has been implemented on site in order to ensure that the site is made safe and stable for the development proposal.

Evidence of these works shall be submitted to and agreed by the planning authority prior to the commencement of development on site.

3. Prior to the commencement of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority and thereafter approved in writing. This document shall confirm the completion of the remedial works necessary to address the risks posed by past coal mining activity.
4. (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and  
(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

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

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

## Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that the site is made safe and stable.
3. In order to ensure that remedial works have been carried out to an acceptable standard.
4. In order to ensure the site is made safe for the proposed use.
5. In order to enable the planning authority to consider this/these matter/s in detail.

## Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. A waste strategy shall be agreed with the Council's Waste Planning team in line with current instruction for architects and developers guidance, available at [www.edinburgh.gov.uk/wasteplanning](http://www.edinburgh.gov.uk/wasteplanning).
5. 1. Any off-street parking space should comply with the following:
  - a. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth).
  - b. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road.
  - c. Any gate or doors must open inwards onto the property.
  - d. Any hard standing outside should be porous.
  - e. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits.

<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

6. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.
7. A source control surface water attenuation and treatment measures should be considered in order to manage runoff from the two proposed buildings and to provide additional attenuation prior to discharge to the culvert.
8. Above ground surface water attenuation and treatment features should be considered, including features integrated into the landscape such as raingardens. In order to reduce storage capacity or blockages and encourage wider benefits to biodiversity and placemaking improvements.
9. Vegetation clearance works should be undertaken outside of the nesting bird season (March - August). If this is not possible, a nesting bird check should be undertaken by an ecologist prior to works commencing. Should it be necessary to clear ground during the bird nesting season the land should be surveyed (no more than 48 hours prior to works) by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

14 representations have been received. All are objections.

### **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

Policies - Edinburgh Local Development Plan - Urban Area

### **Date registered**

20 October 2020

### **Drawing numbers/Scheme**

01A, 02A, 03B, 04B, 05A, 06A, 07A, 08C, 09, 10,

Scheme 3

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer

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

## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

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

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

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

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

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

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

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

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

### **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 20/04338/FUL at Land Adjacent To, 107 Newcraighall Road, Edinburgh Application to construct 2 No. new dwellings.**

### **Consultations**

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Transport:

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

1. Any off-street parking space should comply with the following:
  - a. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
  - b. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
  - c. Any gate or doors must open inwards onto the property;
  - d. Any hard-standing outside should be porous;
  - e. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>
2. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

Note:

- The application states that a total of 4 car parking spaces will be provided. Whilst this does not comply with the Council's parking standards (maximum of 1 space per residential unit) it is considered acceptable based on the layout of the required access and driveway;

Archaeology:

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the construction of 2 new dwellings.

The site occurs formed part of the grounds surrounding the 18th century C-listed farm of Wanton Walls. According to Harris (The Place Names of Edinburgh) the name was first recorded as Wantounwallis in 1596 and suggests a likely early medieval date for occupation in this area. The present-day farmhouse dates to the early 18th century and it seems therefore to be one of two buildings depicted on John Laurie's 1766 plan of Edinburgh and the Lothians on the site situated on the eastern side of a burn. By the 1853 1st Edition OS map this original house has been adapted into a farmhouse with an open rectangular farm steading and enclosed gardens/paddocks to both the SW & NE, the site being located within one of these gardens/paddocks.

In addition, the fields lying immediately to the north of the site, between the farm and Brunstane House, contain a wide range of archaeological sites identified as cropmarks from aerial photographs. These include the remains of three probable prehistoric enclosures (NT37SW 60, 238 & 573), extensive evidence for coal mining (coal pits and shafts) and medieval/post-medieval rig and furrow. The scale of historic mining at Newcraighall which may date back to the medieval period has only come to light due to the results of recent (2014-16) excavations carried out by GUARD in advance of major housing developments to both the North and South of the village. Here extensive areas of previously unknown late/post-medieval mine workings have been identified alongside more modern industrial era (late 18th and 20th century) mining remains. In addition, these excavations have also produced evidence for prehistoric occupation dating to the Neolithic (c.4000 -2500BC) and Bronze Age (c.2500-750BC)

Accordingly, this site has been identified as occurring within an area of archaeological potential. This application must be considered under terms 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 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 ground-breaking works relating to removal of topsoil and construction of the new development. Considering the recent work at Newcraighall, in particular across the neighbouring plots, it is possible that these works will disturb significant remains associated with the area's pre-industrial (pre-19th century) mining heritage as well potentially earlier prehistory remains. Accordingly, it is recommended that programme of archaeological works is undertaken prior to/during development in order to fully excavate and recording any surviving archaeological remains including those relating to the sites mining heritage. This will also include analysis of any mine remediation works carried out to determine depth and extent of such workings.

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

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

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

Scottish Water :

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

## Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

## Waste Water Capacity Assessment

-There is currently sufficient capacity for a foul only connection in the Edinburgh Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

## Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

## Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
- Site Investigation Services (UK) Ltd
- Tel: 0333 123 1223
- Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
- [www.sisplan.co.uk](http://www.sisplan.co.uk)

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

-If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

-Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

-The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

-Please find information on how to submit application to Scottish Water at our Customer Portal.

#### Next Steps:

- All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

- Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- Trade Effluent Discharge from Non Dom Property:

-Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.

-If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

-Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

-For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

-The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on 0800 389 0379 or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

The Coal Authority:

Thank you for your consultation letter of 18 December 2020 seeking the further views of the Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

As you are aware, the application site falls within the defined Development High Risk Area. The Coal Authority's information indicates that the site lies in an area where coal mining is recorded to have taken place at shallow depth and where further historic unrecorded

shallow coal mining is likely to have taken place. You will recall that the Coal Authority objected to the proposal in our initial consultation

response letter of 30 November 2020 due to the lack of a Coal Mining Risk Assessment Report, or an equivalent report, to identify and assess the risks posed to the proposed development by coal mining legacy.

In response to our objection, we note that the planning agent has now submitted a letter from Hamish Martineau of Etive Consulting Engineers (dated 18 December 2020) along with a 'Completion Report for Investigation and Consolidation of Underground Voids in Shallow Mineworkings' (March 2020, prepared by FWS) in support of the application. Protecting the public and the environment in mining areas.

Mr Martineau highlights that as part of works to consolidate shallow mine workings on an adjacent development site, the current application site was subject to intrusive investigation by means of six boreholes, as detailed in the FWS report. These works were carried out under Coal Authority Permit 19444.

Mr Martineau indicates that all of the boreholes encountered the Splint Coal Seam, with the seam found to be intact / unworked coal in two boreholes and worked in the other four. He confirms that, subject to the outcome of the planning application, it is the applicant's intention to undertake remedial works to consolidate the identified shallow mine workings beneath the application site. The FWS report advises that the drilling and grouting consolidation works should be carried out on a 3m grid.

The Coal Authority welcomes the remedial measures recommended by Mr Martineau and FWS. These measures should be designed by a suitably competent person in order to satisfactorily remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The applicant is requested to note that Permission is required from the Coal Authority Permitting and Licensing Team before undertaking any activity that may disturb Coal Authority property, i.e. coal and mine workings.

The applicant does not appear to have provided an assessment of risk posed by mine gas migration at the application site. Given the presence of shallow mine workings beneath the site, the Coal Authority recommends that the LPA seek comments from the Council's Environmental Health / Public Protection Team on this matter and any resultant need for gas monitoring and/or the incorporation of gas protection measures within the proposed development.

#### The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the conclusions and recommendations of the applicant's technical consultants; that shallow coal mining legacy poses a risk to the proposed development and that remedial measures are required in order to ensure the safety and stability of the development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. No development shall commence until remedial consolidation/stabilisation works to address land instability arising from shallow coal mining legacy have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works necessary to address the risks posed by past coal mining activity.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of the above conditions. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

#### Environmental Protection :

The application proposes 2 new residential properties on an area of vacant land. Residential properties exist to the south and east and are consented to the north west and west. The site is within an area which is designated as potentially affected by coal mine workings and should be investigated to ensure that the site is made safe for the proposed end use. A condition is recommended below to this effect.

Prior to the commencement of construction works on site:

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

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

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

#### Communities and Families :

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

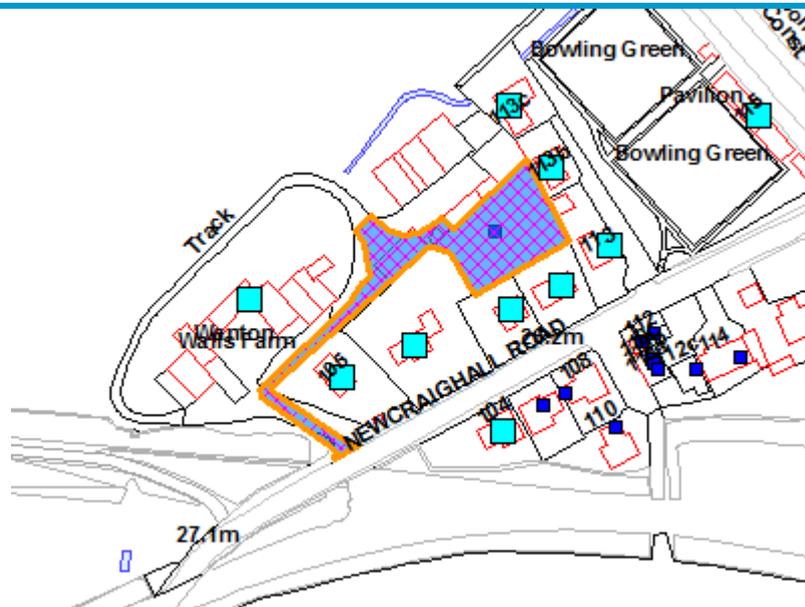
#### Flooding :

Thank you for forwarding the responses to our previous comments.

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

## Location Plan

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**END**

## Development Management Sub Committee

Wednesday 17 February 2021

### Application for Planning Permission in Principle 20/03225/PPP

at Western Harbour, Western Harbour Drive, Edinburgh.  
Section 42 application to amend the wording of condition 1 of planning permission ref: 09/00165/OUT to amend the time period within which applications for the approval of matters specified in conditions can be made.

**Item number**

**Report number**

**Wards**

B13 - Leith

### Summary

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Applications made under Section 42 of the Town and Country Planning Act can allow the Planning Authority to explore new issues, particularly if the original permission is a number of years old.

The applicant is seeking planning permission in principle for the part of the site that relates to the previous application for matters specified in conditions. This being the case, it is appropriate to restrict the development to that part of the site via a condition of the permission.

The previous legal agreement is a material consideration and development has been undertaken in relation to it.

Given that the current AMC can be implemented without any changes to the requirements of the legal agreement, and given that this development will be restricted in terms of site area to reflect that of the previous AMC, it is acceptable to secure a legal agreement on the same terms as previously granted.

Further to this, a time limit is imposed on this permission which restricts the permission to one year. This provides sufficient time for the submission of AMC applications for this part of the site and ensures that a new planning application will be required after that time where fresh requirements for planning obligations can be considered and a fresh legal agreement formed in relation to them.

The concerns raised by Environmental Protection in relation to noise and air quality arising from adjacent port uses have been addressed in conditions.

Transport issues have been addressed and no additional impacts arise from this application.

The levels of contribution, although lower than the current guidance, are acceptable in these unique circumstances.

The proposal is therefore acceptable, the principle is in accordance with the development plan, and there are no material considerations which may indicate otherwise.

## Links

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

LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES10, LEMP09, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA02, LTRA03, LTRA08, LTRA09, NSG, NSGD02,

# Report

## **Application for Planning Permission in Principle 20/03225/PPP**

**at Western Harbour, Western Harbour Drive, Edinburgh.  
Section 42 application to amend the wording of condition 1  
of planning permission ref: 09/00165/OUT to amend the time  
period within which applications for the approval of matters  
specified in conditions can be made.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The whole of the Western Harbour application site extends to over 40 hectares. However, the site that the applicant seeks to develop under this application is the site of the 19/00965/AMC which covers approximately 7.2 hectares. This is shown on drawing 2. This part of the site sits on reclaimed land, which predominantly contains areas of scrubland and unmanaged vegetation. The site boundary covers a central area of the site stretching from Sandpiper Road at the south to Western Harbour Drive at the north.

To the south and the west of the site are existing flatted residential developments, including some blocks that have recently been completed. To the west is an area of land which is proposed to be for Western Harbour Park use and further west are large flatted development blocks located on Western Harbour Drive. To the east is the Asda supermarket and associated filling station and parking. Also east of the site is vacant land for future phases of development. Further east of the site are the docks and associated uses including Chancelot Mill. To the north of the site is vacant land. This application site is located within the Newhaven Conservation Area.

#### **2.2 Site History**

A number of applications have been submitted and built out within the wider masterplan site. Initial phases of development included Platinum Point and the Asda superstore. More recently, 455 affordable homes have been built using National Housing Trust funding at the junction with Lindsay Road at the southern part of the masterplan site.

1 July 2002 - outline permission granted for a mixed-use development including residential, commercial, retail and public amenity development, public open space provision and associated reclamation, access, service and landscaping arrangements.

A condition attached to this consent required the approval of a detailed design brief prior to the submission of reserved matters or detailed proposals. The brief was required to set out general urban design principles and include more detailed urban design frameworks for individual areas (application reference: 01/03299/OUT).

8 September 2004 - The Western Harbour Masterplan Design Brief was approved. This included a masterplan (referred to as the Robert Adam Masterplan) and addressed issues such as car parking, landscape, key open spaces, character description, block detail studies, sustainability, wind studies and daylighting.

3 March 2009 - planning permission was granted to extend the period of time for the approval of reserved matters under planning permission 01/03229/OUT for a further 10 years (application reference: 09/00165/OUT).

10 October 2018 - Committee approved a new Revised Design Framework for the land at Western Harbour within Forth Ports Ltd ownership. This replaced the previously approved masterplan and design brief (linked to application reference: 09/00165/OUT).

14 August 2019 - permission minded to grant land to the southwest of the site for a new Victoria Primary School and nursery and associated playground spaces (application reference: 18/10570/FUL).

7 October 2019 - planning permission approved for approval of matters specified in condition 2 of planning permission 09/00165/OUT for a proposed park (application reference: 19/01040/AMC).

22 June 2020 - planning permission approved for approval of matters specified in condition 2 of planning permission 09/00165/OUT for residential and commercial development providing for Use Classes 1, 2, 3 and 4 and associated infrastructure (application reference: 19/00986/AMC). This is the application referred to above and its site area is the same as the area to which the current applications seeks permission for.

## **Main report**

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### **3.1 Description of the Proposal**

This is an application made under Section 42 of the Town and Country Planning Act to amend the time period within which further applications can be made.

Planning permission 09/00165/OUT was granted on 3 March 2009. It extended the previous outline planning permission 01/03229/OUT for a period of 10 years by means of a condition of the planning permission. Permission 01/03229/OUT granted permission for the mixed-use development of Western Harbour.

Development of Western Harbour has progressed following a number of applications for reserved matters and applications for matters specified in conditions (AMC) being taken forward. These applications have been in accordance with permissions 01/03229/OUT and 09/00165/OUT, including residential developments at Newhaven Drive, Goosander Place and Western Harbour Drive.

The most recent AMC application (19/00986/AMC) relates to an area within the wider masterplan site and was approved for the development of 938 housing units and 13 commercial units.

This application was approved in June 2020, and due to the timescales imposed by the 09/00165/OUT permission, no further AMC applications are able to be submitted. The applicants sought to make amendments to the approved scheme, however due to the imposed time limit, this is not possible, and no further AMC applications could be made to facilitate these amendments.

This application therefore seeks to allow additional time for further AMC applications to be submitted, in order to make amendments to the approved scheme.

The application site area is therefore the same as that of the previous outline planning permissions. The applicant has confirmed that permission is sought for the part of the site that relates to the previous AMC approval (19/00986/AMC).

The applicant has also stated that a short timescale for the submission of any further AMC applications in order to restrict the permission, limited to one year, is acceptable.

The following documents have been submitted in support of the application:

#### **Supporting Documents:**

- Planning Supporting Statement;
- Noise Impact Assessment;
- Transport Statement and
- Air Quality Impact Assessment.

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

### **3.2 Determining Issues**

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) The proposals comply in principle with the Development Plan.
- b) The proposed extension to the time period is acceptable.
- c) There are any other relevant issues relating to developer contributions, transport or air quality and
- d) Representations have been addressed.

#### **(a) The Principle of the Development**

The original outline planning permission was for a mixed use development. An indicative masterplan and design guide were submitted as part of the original application and showed potential locations for the proposed uses.

The original proposals in application 01/03229/OUT were as follows: -

- Up to 3,000 residential units; (18% affordable);
- Up to 50,000sqm business/commercial floorspace;
- Up to 7,500sqm (gross) local retail centre (supermarket restricted to 6000 sqm by condition)
- Commercial use for the lighthouse;
- A public amenity building such as a cultural centre or museum of up to 20,000 sqm which may include educational facilities;
- A public park
- Further public open spaces including a walkway around the perimeter of the site adjoining the water.

The Edinburgh Local Development Plan (LDP) identifies Western Harbour for a housing-led mixed use development. It is identified as Proposal EW1a in the Edinburgh Local Development Plan (LDP). This sets out a number of Development Principles including completing the approved street layout and perimeter block urban form and complete the partly implemented local centre, along with broader principles of housing mix and open space.

LDP Policy Del 3 (Edinburgh Waterfront) sets out that planning permission will be supported for development which will contribute towards the creation of new urban quarters at Leith Waterfront. This requires (amongst other matters) comprehensively designed proposals which maximise the development potential of the area, the provision of a series of mixed use sustainable neighbourhoods, proposals for a mix of house types, sizes and affordability and the provision of local retail facilities.

Housing-led development is supported, and a number of developments have already been approved or delivered, including residential units at the southern and eastern parts of the site. A supermarket has been delivered forming part of the local centre, the primary school is under construction and approval has been given for the central park.

There has been a move away from major commercial/business development on the site in the LDP. The 50,000 square metres of commercial space in the outline permission would not generally be supported through the current LDP at this location.

However, the previous Revised Design Framework for the central part of the site resulted in the change from the previous commercial uses in the Robert Adam Masterplan being altered to housing.

Aside from the commercial elements, the principle of a mixed use development is still acceptable on the site and progress has been made on the delivery of housing and the primary school in recent years.

The principle of the housing-led development is therefore acceptable.

### **b) The Proposed Extension to the Time Limit**

The circumstances relating to this application mean that the applicant is seeking to limit the scope of the planning permission in principle (PPP) to cover only the site of the previous application (19/00986/AMC). It is appropriate to allow a year for the submission of AMC applications, and this is done by a direction which is set out in the informatives.

This means that the scope of this application is narrow, and allows for focussed AMC applications to be made in order to deliver the housing quickly on this site.

The extension to the time limit is therefore acceptable.

### **c) Developer Contributions, Transport and Air Quality and Noise**

#### **Developer Contributions**

A planning permission which is granted in respect of a section 42 application is a new and separate planning permission from the original permission and is capable of separate implementation.

A new section 75 agreement will be required. Such a requirement is confirmed within Circular 3/2013 Development Management Procedures. Annex I at paragraph 2(d) sets out:

"Planning authorities will wish to note the following in relation to Section 42 applications:

d. The need to secure any section 75 legal obligation (or other agreement) to the new permission, where it is intended this should still apply."

Regard must be given to the LDP in terms of determining what developer contributions may be required. Since the granting of the original outline permission, there have been significant changes in Council policy on developer contributions and affordable housing.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) sets out the Council's approach to developer contributions and infrastructure provision. It states that proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development.

The Council's LDP Action Programme sets out how the infrastructure and services required to support the growth of the city will be delivered. The Council's Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out the Council's approach to infrastructure provision and what is expected in terms of developer contributions. The main areas are in relation to affordable housing provision, transport, education and healthcare.

However, that development has already been delivered under the previous outline permissions, 01/03229/OUT and 09/00165/OUT, for which planning obligations have been secured, is an important material consideration. This needs to be taken into account when determining appropriate levels of contribution arising from this application.

#### Affordable Housing:

Planning permission was originally granted in outline under 01/03229/OUT and then again under 09/00165/OUT for up to 3000 units. The affordable housing requirement for these permissions is the lesser of 434 units or 18% of all residential units. 447 affordable homes have been delivered to date.

This applicant has stated that the requirements of the legal agreement have been satisfied and there is no requirement for further applications made in accordance with the Western Harbour Masterplan to deliver affordable housing.

However, the current policy and guidance seeks 25% of the total number. As noted, the previous legal agreement has been satisfied, and the restrictions on this permission in terms of development area and timescale mean that the terms of the previous legal agreement will be applied in this case.

#### Education:

The existing legal agreement on the outline planning permission is for £821 per flat.

Current guidance requires:

Per unit infrastructure contribution requirement (index linked):

- Per Flat - £3,747
- Per House - £18,391

Per unit land contribution requirement (no indexation):

- Per Flat - £221
- Per House - £947

#### Healthcare:

There is no requirement for a healthcare contribution in the original outline permission legal agreement.

Current guidance requires £945 per dwelling Leith Waterfront Healthcare Contribution Zone .

## Transport:

The transport contributions attached to the original outline permission have now been discharged. The Transport contributions for Western Harbour were linked to the those at Granton Harbour (01/00802/OUT). The legal agreement for Granton Harbour states that these requirements are a substitution of the requirements set out in 01/03229/OUT (Western Harbour) and not in addition. These agreements identify a level of transport contributions to mitigate the impact of development proposed in these outline applications.

On 20 July 2012, Forth Ports paid the Council £25k towards Waterfront Corridor, £20k towards Eastern Corridor and £190k towards Lower Granton Road. The Council agreed that this discharged Forth Ports of all obligations under clauses 4.1 - 4.3 of the legal agreement 01/00802/OUT and therefore also 01/03229/OUT. Forth Ports agreed that the Council could use this money for any purpose.

Based on 938 units and with the current guidance, the applicant would be required to:

- a. Contribute the sum of £1,644,286 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- b. Contribute the sum of £1,647,128 to the Ocean Drive Eastwards Extension as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- c. Contribute the sum of £72,226 to the Water of Leith Walkway Improvements (Warriston to Commercial Street) as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- d. Contribute the sum of £96,614 to the Lindsay Road / Commercial Street Junction Improvements as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- e. Contribute the sum of £60,032 to the Ferry Road / North Junction Street Junction Improvements as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- f. Contribute the sum of £95,676 to the Hawthornvale Off-Road Cycle path to Lindsay Road and into Western Harbour as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

Other costs that generally need paid, include contributions towards Transport Regulation Orders (TROs) and an optional car club contribution.

The applicant has requested that the contributions of the original outline planning permission are applied in this case. This is due to the fact that the applicant considers that this application is only required due to fact that the time period for submitting further AMC applications under the previous planning permission in principle has expired, but that amendments are required in order to make the previous permission (19/00986/AMC) deliverable.

Under the circumstances, this is acceptable. It is noted that the previous AMC (19/00986/AMC) can be implemented, but the applicant is intending amendments in order to improve the scheme by making material changes, which will be reflected in further AMC applications, following this new PPP. This is a new planning permission, and current guidance levels of contribution would normally be sought under these circumstances. However, the scope of this application is so narrow as to only relate to a smaller plot within the wider harbour redevelopment area to reflect the previous AMC; and this application is only required due to the timing of the expiry of the ability to submit further AMC applications under the original permission. Taking these issues into account, accepting the lower levels of contribution is acceptable in this instance.

## **Transport**

The Roads Authority has no objections to the proposals but has stated that there is a requirement for electric car charging points, car and cycle parking and the submission of a travel plan to serve the proposed development. These matters are dealt with as informatives of this permission and will inform the submission of the future AMC applications. Similarly, the Roads Authority has requested that the applicant consults with the Tram team regarding the timing of the development.

With regards to technical design details, the Roads Authority has outlined the contributions required for road upgrades in line with the current LDP Action Programme. However, as noted above, a contribution has already been made as part of the original outline planning permission in order to enable the redevelopment of Western Harbour. Although the contribution levels have changed as part of the LDP Action Programme, the junctions and road capacities have been previously designed to accommodate this size of development.

The submitted transport information also included proposals for the potential redesign of the Lindsay Road/Sandpiper Drive/Newhaven Place junction layout. Further information would be required to understand how this proposed layout would comply with guidance. The Roads Authority has requested that the applicant examines and (as necessary) improves the operation of the junction prior to construction of the 600th residential unit, potentially though a condition.

However, as noted above the scope of this application is limited to the site that has the recent benefit of approval for 938 units. As the number of units arising from this permission, if granted, would continue to limit the number to 938 units on the same site, it is not considered appropriate to seek improvements to this junction through this application.

There is further development land at Western Harbour and if issues arise with the operation of this junction, then this matter can be considered as and when further applications come forward.

The transport matters are acceptable at this stage.

## **Air Quality and Noise**

With regards to air quality, there have been two Air Quality Management Areas declared near to the proposed development site, and Environmental Protection has raised concerns about the capacity available in the surrounding road network to accommodate the likely additional traffic flows associated with the proposed development.

The applicant has submitted a supporting noise and air quality impact assessment which have been assessed by Environmental Protection. This assessment has provided an updated understanding of the potential local air quality impacts the proposal may have, and the impacts pollutants in the local area may have on any new residents introduced as part of this development.

The development site is near the Bernard Street Air Quality Management Area, which has been declared for exceedances in NO<sub>2</sub>. The sources of NO<sub>2</sub> from this development will be mainly from transport sources and special heating as the applicant is proposing to use gas.

The development site offers good access to public transport, as well as walking and cycling infrastructure with good levels of amenity and employment already existing in the area. The applicant has demonstrated how the development will link into the existing travel networks. Environmental Protection advises that the applicant must keep car parking numbers to a low level, as this would be welcomed and would reduce the air quality impacts the development will have.

These comments from Environmental Protection are noted. As this application is for a new Planning Permission in Principle, parking numbers will be assessed in any forthcoming applications for matters specified in conditions, and conditions and informatives are recommended relating to electric car charging points and sustainability measures.

In relation to noise, Environmental Protection has advised that noise complaints have been received in relation to port noise and these are currently under investigation. Through this investigation, Environmental Protection has been advised by Forth Ports that over the years, vessels docking, which have previously been the source of the noise issues, have gotten quieter and more efficient. However, if noise issues continue with insufficient levels of mitigation for future residents, then this could adversely impact on both the operations of the dock and/or adversely impact the amenity of any future tenants in Western Harbour.

Environmental Protection does not object to this planning application, as it is generally accepted that residential use has been established in this area. However, several conditions and informatives relating to noise mitigation measures are recommended in order to minimise impacts on either the dock operations or future residential amenity.

### **(d) Public Comments**

One representation was received during the first notification period commenting on the process of this application. This is addressed in the sections above.

Second neighbour notification period:

### **Material Objections**

- Object to development at this location - this is addressed in section 3.3a).
- Traffic congestion - this is addressed in section 3.3c).
- Requirement for open space - this will be addressed in future AMC applications, notwithstanding the delivery of Western Harbour Park.

### **Conclusion**

Applications made under Section 42 of the Town and Country Planning Act can allow the Planning Authority to explore new issues, particularly if the original permission is a number of years old.

The applicant is seeking planning permission in principle for the part of the site that relates to the previous application for matters specified in conditions. This being the case, it is appropriate to restrict the development to that part of the site via a condition of the permission.

The previous legal agreement is a material consideration and development has been undertaken in relation to it.

Given that the current AMC can be implemented without any changes to the requirements of the legal agreement, and given that this development will be restricted in terms of site area to reflect that of the previous AMC, it is acceptable to secure a legal agreement on the same terms as previously granted.

Further to this, a time limit is imposed on this permission which restricts the permission to one year. This provides sufficient time for the submission of AMC applications for this part of the site and ensures that a new planning application will be required after that time where fresh requirements for planning obligations can be considered and a fresh legal agreement formed in relation to them.

The concerns raised by Environmental Protection in relation to noise and air quality arising from adjacent port uses have been addressed in conditions.

Transport issues have been addressed and no additional impacts arise from this application.

The levels of contribution, although lower than the current guidance, are acceptable in these unique circumstances.

The proposal is therefore acceptable, the principle is in accordance with the development plan, and there are no material considerations which may indicate otherwise.

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

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

#### **Conditions :-**

1. No permission is granted for any development out with the red line boundary area shown on approved plan (02).
2. The maximum number of residential units to be constructed within the site shown in approved plan 02 shall not exceed 938
3. Before any work on each phase of the site is commenced, details of the undernoted matters being submitted to, and approved by the planning authority, in the form of a detailed layout of that phase of the site (including landscaping and car parking) and detailed plans, sections and elevations of the buildings and all other structures.

#### **Matters:**

(a) Siting, design and height of development, including design of all external features and glazing specifications, (including acoustic capabilities), design and configuration of public and open spaces, all external materials and finishes, including their colour;

(b) Car ((including electric vehicle charging points) and Cycle Parking, access, road layouts and alignment, servicing areas;

(c) Footpaths and cycle routes;

(d) Boundary treatments;

(e) Hard and soft landscaping details, which shall include:

- i) existing and finished ground levels in relation to Ordnance Datum;
- ii) layout and design, including walls, fences and gates;
- iii) existing and proposed services;
- iv) other artefacts and structures such as street furniture, play equipment;
- v) programme of completion and subsequent maintenance;
- vi) the location of new trees, shrubs, hedges, grasses and wetland areas;
- vii) a schedule of plants to comprise species, plant size and proposed number/density;
- viii) programme of completion and subsequent maintenance;

(f) Surface Water arrangements for the attenuation and discharge of surface water.

- Prior to the submission of any reserved matters or detailed application the following actions shall be undertaken:

- a) a site survey, including the formation of a conceptual site model, intrusive site investigation and monitoring programme to enable an assessment of the presence and concentration of landfill gases from the infill.
- b) A site-specific risk assessment.
- c) A detailed scheme of any required remedial measures and/or gas protective measures, including details of any necessary on-going gas monitoring, shall be submitted to and approved in writing by the head of planning.

Prior to the commencement of work on site,

- a) a site survey (including bore hole testing where necessary) shall be carried out to establish, to the satisfaction of the Head of Planning, either that the level of contamination of any land within the site is acceptable, or that remedial and/or protective measures could be undertaken to bring the contamination to an acceptable level in relation to the development, and
  - b) a detailed schedule of any required remedial and/or protective measures, including their programming, shall be submitted to and approved in writing by the Head of Planning.
4. No development shall take place on a plot until full technical details of the proposed noise mitigation measures (including glazing and ventilation measures) have been submitted to and approved in writing by the Planning Authority. No residential unit within that plot shall be occupied until the agreed measures have been provided in accordance with the approved details.
  5. Each phase of landscaping will be in place and available for use prior to the occupation of any buildings within that phase of development.

**Reasons: -**

1. In order to define the land which can be developed under this permission.
2. In order to restrict the number of residential units in line with the previous AMC approval and ensure that new obligations (if required) can be secured against a subsequent application for additional housing.
3. To enable the Planning Authority to consider these matters in detail.
4. In order to provide noise mitigation to future residents.
5. In order to ensure that the approved landscaping works are properly established on site.

## Informatives

It should be noted that:

1. A suitable legal agreement will be required to cover the following matters:

Education contribution - £821 per unit.

Transport:

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

Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;

Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed.

2. It is directed that:

- a) Application for the approval of matters specified in conditions must be made before the expiration of 1 year from the date of the grant of planning permission in principle, unless an earlier application for such an approval has been refused or an appeal against such a refusal has been dismissed, in which case application for approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

- b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

3. Transport Issues:

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

- A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
  - The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement. Further discussions with the Tram Team will be required;
  - 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;
  - The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
  - Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
  - All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
  - Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.
4. All operations during remediation and preparation of the site will be conducted in accordance with the most up to date SEPA's pollution prevention guidelines.
  5. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment. This should apply to the measured output from combined sources operating at their design capacity.

6. Conditions 5 and 6 of the previous permission references 09/00165/OUT related to the requirement for a design brief and design principle documents. These have been dealt with through the approved Revised Design Framework (RDF), dated October 2018. Development should be in line with the principles established in the RDF.
7. The Environmental Protection response contains a number of matters that the applicant should be made aware of.

## **Financial impact**

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

The application will be subject of a new legal agreement. This new legal agreement will relate to the previous legal agreement for the site, as per the assessment section of the report.

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

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The application was advertised on 14 August 2020 and attracted one representation. A further notification period attracted three representations.

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

## Background reading/external references

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

## **Statutory Development**

### **Plan Provision**

The site is within the Edinburgh Waterfront in the Edinburgh Local Development Plan. It is located in the Leith Western Harbour for housing-led mixed use development (site EW 1a). Part of the site is shown as local centre S3.

### **Date registered**

6 August 2020

### **Drawing numbers/Scheme**

01, 02,

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**

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### **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 3 (Edinburgh Waterfront) sets criteria for assessing development in Granton Waterfront and Leith Waterfront.

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 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

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

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

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

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

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

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

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

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

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

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

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

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

### **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 in Principle 20/03225/PPP**

**At Western Harbour, Western Harbour Drive, Edinburgh  
Section 42 application to amend the wording of condition 1  
of planning permission ref: 09/00165/OUT to amend the time  
period within which applications for the approval of matters  
specified in conditions can be made.**

### **Consultations**

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#### **Environmental Protection response dated 26 January 2021**

*There is currently an outline planning permission for 938 dwellings in the proposed development area and the applicant advises that there is physical capacity for up to a total of 2,200 new dwellings, together with commercial and recreational space and a new school. When the outlook was consented, there was a wider development framework that would have seen most of the industrial operations around the dock change into more residential lead mixed uses. Local Air Quality in general has become recognised as a serious public health concern. There has also been two Air Quality Management Areas declared near to the proposed development site. We have raised concerns about the capacity available in the surrounding road network to accommodate the likely additional traffic flows associated with the proposed development.*

*The applicant has submitted a supporting noise and air quality impact assessment which have been assessed by Environmental Protection.*

*The applicants air quality impact assessment has provided an updated understanding of the potential local air quality impacts the proposal may have and the impacts pollutants in the local area may have on any new residents introduced as part of this development. The applicant has done both a desk-top study and onsite monitoring for the relevant pollutants. This update has been welcomed and assessed by Environmental Health. It is also understood that a level of residential development has already been established on this site.*

*The development site is near the Bernard Street Air Quality Management Area, which has been declare for exceedances in NO2. The sources of NO2 from his development will be mainly from transport sources and special heating as the applicant is proposing to use gas. Environmental Protection would highlight that there are cost effective alternatives that will significantly reduce the impacts.*

*The development site offers great access to public transport, as well as walking and cycling infrastructure with fantastic amenity and employment already existing in the area. The applicant has demonstrated how the development will link into the existing travel networks. They recognise that the main network especially during peak hours is*

congested. This is something that is likely to get worse when other committed developments are built out. The applicant must keep car parking numbers to a low level, this would be welcomed and would reduce the impacts it will have.

Low Emission Zones' (LEZ) in Edinburgh are being progressed in close alignment with several strategies aiming to enhance placemaking and connectivity in Edinburgh, including City Centre Transformation and City Mobility Plan.

Alongside the development of the national regime, the next steps for Edinburgh's LEZ will involve continued technical assessment work to inform LEZ decisions. The applicant will need to engage with Planning with regards the development of LEZ's and its potential in this area.

The applicant must commit to installing EV charging points it should be noted that they will need to be provided in all the car parks to the agreed standards with the necessary infrastructure for this to be increased over time. The applicant must at least be in accordance with the Edinburgh Design Standards in providing the minimum number of EV charging points. These would need to be to a minimum standard of 7kw (32amp) type two plugin sockets. As proposed parking areas are likely going to be located in basements it will be easy and cheap to install wall mounted chargers at the development phase. Environmental Protection would recommend that every parking space has access to a 3kw (16 amp) three pin plug to enable slow charging of electric vehicles. We would recommend that users of the spaces are given an option to upgrade the charging outlets to the 7kw standards, so the developer would need to ensure there is capacity in the electrical mains to increase the amps. Details of this will need to be clearly demonstrated in detailed drawing.

Any non-residential parking spaces will need to have at least 3 rapid three-phase 50Kw electric vehicle charging points installed and operational prior to occupation. This should also be highlighted on any detailed plans.

The UK and Scottish Government have committed to banning the sale of combustion engine cars. As this is a large development which will take many years to complete it is feasible that this development will not be completed before the ban is introduced. The developer should therefore ensure the development is futureproofed with charging provided for all spaces as described above.

The applicant should be advised to ensure emissions are kept to a minimum. The applicant must fully consider extending the provision of PV/solar panels which is a good mitigation measure to reduce energy demand and emissions. The applicant should also investigate the installation of photovoltaic panels and use ground and air sourced heat pumps linked to energy storage. There is also potential to capture latent heat from the dock water and link into a district heating system for the wider development. A similar system has been installed on the Queens Quay (Glasgow) for a similar development. The applicant should be aware of the Climate Emergency and Edinburgh's Zero Carbon targets. Therefore, no fossil fuels should be considered. It is understood that they propose using Combined Heat and Power (CHP) gas boilers. We would urge the developer to reconsider this option and look to meet all heat and energy demand using onsite renewables.

If the applicant progress with an energy centre or centralised boilers they will need to ensure that information is submitted and if required a supporting chimney height calculation as per the Clean Air Act which is anything above 366Kw. The Pollution

*Prevention and Control (Scotland) Regulations 2012 were amended in December 2017 to transpose the requirements of the Medium Combustion Plant Directive (MCPD 'Directive (EU) 2015/2193 of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants). The purpose of the MCPD is to improve air quality. All combustion plant between 1 and 50 MW (net rated thermal input) will have to register or have a permit from SEPA. Environmental Protection will require that secondary abatement technology is incorporated into any plant above 1MW (accumulate assessment).*

*The applicants air quality monitoring was measuring levels of particulates affecting the site. The monitoring did show that the site would meet the national levels. There were some peaks when levels did seem excessive. The applicant did provide possible reasons for these peaks. However Environmental Protection are concerned with the possible impact the dock operations could have on new residential developments encroaching onto the docks. For example, fumes from idling vessels on the docks may become an issue.*

*However overall the air quality impact assessment when read in context with the understand that outline consent has been granted has established that there will be limited impacts except for during the construction phase.*

*If possible, planning restrictions are recommended to ensure amenity is protected during the construction phase. We would strongly recommend that you engage with Environmental Health throughout the development but especially during the early stages. This will ensure that the risk of complaint is further reduced. This is due to the location, level of demolition/earth works and length of time the development phase and the fact that people are now spending far longer periods in their homes due to the changes introduced through COVID and are more sensitive to construction disturbance. Environmental Protection would normally be recommending planning conditions are attached to mitigate the local air quality and noise and vibration impacts this proposal will have, however it is understood that this may not be possible for this specific application.*

*In line with industry best practice a Construction Environmental Management Plan (CEMP) should be prepared for the development. The CEMP would be implemented and adhered to throughout the works with limited scope to amend it throughout.*

*The details of the CEMP would ideally be agreed with the Planning Authority prior to the commencement of the works and would comprise, in effect, an operational manual detailing the management, monitoring, auditing and training procedures to be followed during the works to ensure compliance with relevant legislation, planning policy, regulations and best practice. It would also set out the specific roles and responsibilities of on-site personnel.*

*To minimise potential dust, noise and vibration, general best practice measures would be implemented and adhered to by contractors. Such measures have been highlighted in an informative, but the CEMP should provide more detail however the main concern for Environmental Protection is the dust, piling stage and hours of noisy operation.*

*Environmental Protection have assessed the submitted noise impact assessment. The noise measurements were taken in January/February 2019, during this period there*

was less activity on the docks when compared to 2020. We would advise that further measurements be conducted to ensure a worst-case scenario has been achieved and that future residents have an acceptable level of amenity. This is requested due the increased number of noise complaints we have received in the last year due to noise from the Ports effecting properties that are located further from the docks than this proposed development site. Some of these complaints have originated from the existing residential units located on Western Harbour. It is understood that the applicant for this application is Forth Ports and it's the Port that has been the source of the noise being currently investigated.

One of the main concerns has been vessels making noise with the docks both day and night. These vessels need power, and this is supplied by engines or generators. Environmental Health have raised the possibility of a shore side supply being installed for the vessels. The Port operator has advised that there are no current plans to install shoreside electrical connections across the Port of Leith and that few vessels can take a shoreside connection and those that can operate on a range of voltages and frequencies, with a variety of physical connection types. So, this type of noise is going to remain, it is also possible that this will get worse. This is due to the continued development of residential properties around the docks putting pressure on where vessels can be berthed without causing noise problems.

Through our investigation of the noise complaints we have been advised that over the year's vessels have got quieter and more efficient. They believe that more emphasis should be put on the developers of these homes and appropriate noise surveys and considered whether the noise environment at the time of survey may or may not have been representative. The real issue is that if further encroachment is allowed with insufficient levels of mitigation then this could adversely impact the operations of the Dock and/or adversely impact the amenity of any future tenants in Western Harbour.

It is accepted that residential use has been established in this area, and that the following condition must be discharged before development can commence;

'5. No construction works shall take place on a plot until full technical details of the proposed noise mitigation measures (including glazing and ventilation measures) have been submitted to and approved in writing by the Planning Authority. No residential unit within that plot shall be occupied until the agreed measures have been provided in accordance with the approved details.

This condition does provide a level of protection however with the available noise survey information it is not possible to discharge the condition. Further noise surveys and likely additional more bespoke noise mitigation measures required.

The average overall noise levels recorded over the measurement periods are shown below;

#### Measured Road Traffic Noise Levels

Position (dB)	Duration	LAeq,T (dB)	LA90,T (dB)	LA10,T	LAFmax
1	03:00:00	64	52	59	85

2	01:00:00	51	44	52	83
3	01:00:00	61	50	65	84

*The levels above suggest that the World Health Organisations Guidelines for Community Noise outdoor amenity levels will be breached, and the applicant has not addressed this issue in the supporting Noise Impact Assessment (NIA). The Lmax levels that could be associate with spikes in the noise are also high.*

*The applicant took measurements of noise from various locations. Individual measurements of the noise sources to be assessed were conducted throughout January and early February 2019. Measurements relating to the following noise sources were conducted;*

- ' Asda fixed Plant & Deliveries*
- ' Aggregate Industries*
- ' ADM Milling Facility*
- ' Cranes 41 & 42*
- ' Dales Marine*

*Since BSL and Subsea7 have ceased their operations within the Port of Leith over the last several years noise levels measured by New Acoustics in the initial 2004 assessment are reused within this assessment which us acceptable. However as highlighted above Environmental Assessment have concerns with noise from the Port due to recent noise complaints. It is noted that the applicant did not take any measurements near to the dock side on the east of their development site. A measurement in this location and during the time when the noise levels have increased at the dock would have provided a better understanding and more representative sample of the noise from the docks.*

*The various noise sources have been assessed individually against the noise standards. The applicant has advised that no allowance has been made for the accumulation of sound sources. This is because the main sources at issue is only the BSL pipe coating area has any significant noise component which is continuous. The only significant noise at Subsea7's welding plant is that of alarms. The movement of pipes at both BSL and Subsea7 happens for only parts of the day and the noise itself is intermittent. Not accumulating the noise sources is therefore offset by the averaging of the individual noise sources. The exceptions are the cases of the loading and unloading of ships where the applicant has averaged the noise.*

*Resultant internal levels at the façades most exposed to road traffic within the proposed development are assessed against the BS8233:2014 internal criteria. Internal levels are derived from measured external levels assuming closed windows and installation of 6mm/12mm/6mm standard double glazing (or of equal and approved) throughout the development. The mitigation (closed window) indicate the worst-case road traffic noise levels at a height of 1.5m from ground level. Glazing attenuation calculations for this assessment are presented in Appendix 6 of the NIA. Environmental Protection can accept a closed window standard for road traffic noise. Other sources of noise will need to be assessed against an open window standard.*

*The applicant NIA has identified that there will be units that will not be able to comply with the BS8233:2014 indoor noise levels. Residents will be expected to close the windows to reduce the noise levels. The applicant proposes installing mechanical ventilation for these effected areas; however no specific information has been submitted showing the detailed system. Environmental Protection are also concerned with the proposed glazing 6mm/12mm/6mm specification as recent noise complaints about the docks have been associated with low frequency noise and having two glass units the same thickness and specification may only cancel out the same frequency and allow other frequencies to travel through the glass.*

*In summary we have concerns that the NIA has not assesses a worst-case scenario. We have received recent noise complaints from residents located much further away. We will require the applicant to provide an appropriate noise surveys and considered whether the noise environment at the time of survey may or may not have been representative to the docks.*

*Therefore, Environmental Protection offers no objection to the specific S42 application we do need to ensure that noise and local air quality are carefully further considered due to the recent experience of noise and air quality complaints being investigated.*

*We would recommend the following informative is attached to any consent;*

#### *Informative*

- 1. An agreed minimum number of car parking spaces shall be served by 7Kw (32amp) type 2 electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied. All remaining parking spaces shall be served by a minimum 3 Kw (16-amp three pin plug) with an optional upgrade to 7Kw (32amp) Type 2 electric vehicle charging sockets. These shall be installed and operational in full prior to the development being occupied.*
- 2. Car Parking numbers must be kept to a minimum.*
- 3. An agreed number of Rapid 50 Kw (125amp) triple headed (Combined Charging Standard/CHAdEMO/Type 2) chargers shall be installed at the commercial parking areas.*
- 4. A detailed Construction Environment Management Plan (CEMP) should be submitted to the satisfaction of The Planning Authority and adhered to during the construction phase.*
- 5. During the demolition and construction phase no crushing should be permitted on the development site.*
- 6. During the demolition and construction phase hours of noisy construction should be restricted to the satisfaction of the Planning Authority and specified in the CEMP.*
- 7. Details on how the heat and energy will provided, with specific details on renewable energy and storage submitted to the satisfaction of the Planning Authority.*

8. Any gas boilers in excess of 1MW (accumulative assessment) will require secondary abatement technology incorporated into any plant to the satisfaction of the Planning Authority.

9. When available the applicant shall provide details of all the boilers to Environmental Protection to ensure compliance with the Clean Air Act 1993.

10. The applicant shall engage with the Spatial Policy Team with regards the LEZ proposals [spatial.policy@edinburgh.gov.uk](mailto:spatial.policy@edinburgh.gov.uk)

11. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.

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

#### Construction Phase

1. Careful selection of methods and plant to minimise noise at source as far as reasonably practicable;

2. Use of modern, quiet and well-maintained machinery such as electric powered plant, where possible and hoists should use the Variable Frequency Converter drive system;

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

4. Vehicles and mechanical plant used for the Works would be fitted with exhaust silencers, which would be maintained in good and efficient working order and operated in such a manner as to minimise noise emissions in accordance with the relevant EU/UK noise limits applicable to that equipment or no noisier than would be expected based the noise levels quoted in BS 5228. Plant should be properly maintained and operated in accordance with manufacturers' recommendations. Electrically powered plant would be preferred, where practicable, to mechanically powered alternatives;

5. Establish noise and vibration target levels (a Section 61 agreement under the Control of Pollution Act 19745 (COPA)) to reduce noise and vibration to a minimum in accordance with best practicable means, as defined in Section 72 of COPA;

6. Adherence to relevant British Standards to establish noise and vibration `Threshold' and `Action' levels. Noise criteria would be discussed and agreed with CEC prior to the commencement of works

7. Identification and use of low noise techniques and non-vibratory or percussive piling techniques, where possible, to minimise noise and vibration. For example, equipment that breaks concrete by munching or similar, rather than by percussion. Where construction plant is known to generate significant levels of noise then it is to be used sparingly and the construction activity closely monitored to minimise noise levels;

8. Where possible, adopt low vibration working methods or alternative working methods, use of cut off trenches, reduction of energy input per blow and reducing resistance to penetration e.g. pre-boring for driven piles;

9. Where high levels of noise and vibration are predicted, monitoring of noise and vibration levels;
10. Positioning plant as far away from residential property as physically possible and switching off when not in use;
11. Switching off plant and vehicle engines when not in use;
12. Regular maintenance and servicing of vehicles, equipment and plant;
13. Adherence to the agreed operational hours;
14. Use of hoarding to the required height and density appropriate to the noise sensitivity of the area. Use of enclosures and screens (hoardings and heavy Monaflex sheeting), where necessary and practicable, around noisy fixed plant, especially near to surrounding residences;
15. Liaison with the occupants of adjacent properties most likely to be affected by noise or vibration from activities on the Site should also take place. The occupants should be informed of the nature of the works, proposed hours of work and anticipated duration prior to the commencement of activities; and
16. Review of demolition and construction techniques, especially in response to exceedances of the Action Level and / or complaints
17. Implementing measures to reduce dust emissions during transport (for example, sheeting the sides of vehicles carrying fine material);
18. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicles exhaust;
19. Using dust screens and covers and the appropriate location of dusty materials storage;
20. Fires to be prohibited on the Site;
21. Restricting drop heights onto lorries;
22. Assessing the risk of dust annoyance from the operations throughout the working day, taking account of wind speed, direction, and surface moisture levels. The Contractor should ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment should be recorded as part of documented site management procedures;
23. Spraying of internal unsurfaced temporary roadways with water at regular intervals as conditions require. The frequency of road spraying would be recorded as part of documented site management procedures;
24. Keeping surfaced roads and the public road during all ground works clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping would be recorded as part of documented site management procedures;
25. Adherence to the speed limits. All vehicles operating within the Site on unsurfaced roads would not exceed 15mph to minimise the re-suspension of dust;
26. Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) should be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason would be recorded. Review of the dust management plan on a monthly basis during the construction project and the outcome of the review to be recorded as part of the documented site management procedures.
27. No bonfires shall be permitted on the Site.

## **Roads Authority response - dated 22 December 2020**

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

1. The Applicant is required to upgrade the Lindsay Road - Sandpiper Drive - Newhaven Place Junction prior to construction of the 600th residential unit. The design and layout to be agreed with the Chief Planning Officer;
2. The design and layout of the road infrastructure, including footways, footpaths, accesses, cycle tracks, verges and service strips to be a reserved matter and to be agreed through future applications;
3. Parking numbers including car, cycle, accessible, electric vehicle and motorcycle parking to be a reserved matter and to be agreed through future applications;
4. The applicant will be required to:
  - a. Contribute the sum of £1,644,286 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
  - b. Contribute the sum of £1,647,128 to the Ocean Drive Eastwards Extension as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
  - c. Contribute the sum of £72,226 to the Water of Leith Walkway Improvements (Warriston to Commercial Street) as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
  - d. Contribute the sum of £96,614 to the Lindsay Road / Commercial Street Junction Improvements as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
  - e. Contribute the sum of £60,032 to the Ferry Road / North Junction Street Junction Improvements as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
  - f. Contribute the sum of £95,676 to the Hawthornvale Off-Road Cycle path to Lindsay Road and into Western Harbour as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
  - g. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
  - h. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
  - i. Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;
5. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £34,500 (£1,500 per order plus £5,500 per car) towards the provision of 6 car club vehicles in the area;
6. 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;

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

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

9. The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement. Further discussions with the Tram Team will be required;

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

11. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

12. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

13. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

14. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

Note:

I. Tram contribution based on the site being in zone 1 of the tram contribution zone and on the following uses:

a. 938 residential units;

b. 637m<sup>2</sup> of Class 1, 2 & 4 use (assessed as retail);

c. 808m<sup>2</sup> of Class 1, 2, 3 & 4 use (assessed as food & drink);

d. 970m<sup>2</sup> of Health Centre use (assessed as medical services);

II. Transport contributions were calculated by firstly identifying relevant actions to the development site that are in the current LDP Action Programme (February 2020). They are as follows:

o Ocean Drive Eastwards Extension (T16) - £12,678,750

o Water of Leith Walkway Improvements (Warriston to Commercial Street) - £637,000

- o Lindsay Road / Commercial Street Junction Improvements - £587,222
- o Ferry Road / North Junction Street Junction Improvements - £368,375
- o Hawthornvale Off-Road Cycle path to Lindsay Road and into Western Harbour - £306,250

To find a rate per housing unit the costs above were divided by the estimated housing capacities of the relevant LDP areas and neighbouring sites out with these areas identified in the Land Housing Audit:

- o Leith Waterfront - Western Harbour (LW(WH)) = 3,000
- o Central Leith Waterfront (CLW) = 2,720
- o Leith Waterfront - Salamander Place (LW(SP)) = 1,500
- o Land Housing Audit (LHA) = 1,107

The contribution level is calculated by applying the proposed number of residential units (938) to the rate per unit of each action to provide a level of contribution to each transport action identified. The calculations are as follows (percentages are for the purpose of the legal agreement):

- o Ocean Drive Eastwards Extension (T16) = £12,678,750 / 7,220 (LW(WH) + CLW + LW(SP)) = £1,756 per unit x 938 = £1,647,128 (83.5%)
- o Water of Leith Walkway Improvements (Warriston to Commercial Street) = £637,000 / 8,327 (LW(WH) + CLW + LW(SP) + LHA) = £77 per unit x 938 = £72,226 (3.7%)
- o Lindsay Road / Commercial Street Junction Improvements = £587,222 / 5,720 (LW(WH) + CLW) = £103 per unit x 938 = £96,614 (4.9%)
- o Ferry Road / North Junction Street Junction Improvements = £368,375 / 5,720 (LW(WH) + CLW) = £64 per unit x 938 = £60,032 (3%)
- o Hawthornvale Off-Road Cycle path to Lindsay Road and into Western Harbour = £306,250 / 3,000 (LW(WH)) = £102 per unit x 938 = £95,676 (4.9%)

III. A redesign of the Lindsay Road / Sandpiper Drive / Newhaven Place junction layout was submitted as part of the Applicants supporting transport information. However further information is required as to how this proposed layout complies with current guidance (Edinburgh Design Guidance and relevant Edinburgh Street Design Guidance Fact Sheets) and contributes to the Councils current transport policies. It is anticipated this will require further discussions and subsequent agreement with the Council as both Planning and Roads Authority;

#### TRAMS - Important Note:

The proposed site is on or adjacent to the proposed Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- o Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- o Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;

- o Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- o Any excavation within 3m of any pole supporting overhead lines;
- o Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- o The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line. See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>

## **Affordable Housing - dated 20 January 2021**

### *1. Introduction*

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

*Housing Management and Development are the consultee for Affordable Housing. The proposed affordable housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).*

- o *Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.*
- o *25% of the total number of units proposed should be affordable housing.*
- o *The Council's guidance on 'Affordable Housing' sets out the requirements of the AHP, it can be downloaded here:*

*<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>*

### *2. Affordable Housing Provision*

*Planning permission was originally granted in outline under 01/03229/OUT and then again under 09/00165/OUT for up to 3000 units. The affordable housing requirement for these permissions is the lesser of 434 units or 18% of all residential units. 447 affordable homes have been delivered to date.*

*This applicant has stated that the requirements of the legal agreement have been satisfied and there is no requirement for further applications made in accordance with the Western Harbour Masterplan to deliver affordable housing.*

*However, there is now an AHP requirement for a minimum of 25% homes of approved affordable tenures. If a new planning permission is to be granted, a Section 75 Legal Agreement should secure affordable housing based on current AHP requirements.*

*The applicant should engage with the Council at an early stage to agree the tenure, mix and location of affordable homes required under the new permission. Where relevant, future applications for the Approval of Matters Specified in Condition should include an Affordable Housing Statement detailing how the AHP requirement will be addressed.*

### 3. Summary

*There is an AHP requirement for a minimum of 25% homes of approved affordable tenures. If a new planning permission is to be granted, a Section 75 Legal Agreement should secure affordable housing based on current AHP requirements. This approach which will assist in the delivery of a mixed sustainable community.*

*The applicant should engage with the Council at an early stage to agree the approach to delivery, tenure and location of affordable homes required under the new permission.*

*Where relevant, future applications for the Approval of Matters Specified in Condition should include an Affordable Housing Statement detailing how the AHP requirement will be addressed.*

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

#### **SNH response - dated 31 August 2020**

*We've no comments to make to this application. We are consulted with individual development applications, including the more recent revised design framework and parkland proposals, and we advise of any HRA revisions required at these times.*

#### **SEPA - dated 25 August 2020**

*Thank you for your consultation email which SEPA received on 10 August 2020 (with documents available only few days later).*

#### *Advice for the planning authority*

*We have no objection to this planning application, however Edinburgh Council should note that any application must be considered in the context of current (date of the application) understanding of flood risk and climate change predictions.*

#### *Regulatory advice for the applicant*

*Details of regulatory requirements and good practice advice for the applicant can be found on the Regulation section of our website or by contacting [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk) or [wastepermitting@sepa.org.uk](mailto:wastepermitting@sepa.org.uk).*

#### **Archaeology Officer - dated 17 August 2020**

*Further to your consultation request I would like to make the following comments and recommendations concerning this application to amend the wording of condition 1 of planning permission ref: 09/00165/OUT: to amend the time period within which applications for the approval of matters specified in conditions can be made.*

*Leith's Western Harbour occupies a large area reclaimed land situated historically 'offshore' between and no connecting historic harbours at Newhaven and Leith. During the early prehistoric period at various points this area was dry land, however it is*

*considered that the chances of finding early remains of this date given effects of modern harbour dredging is very limited. In 2002 as part of the infilling of the harbour, material was taken to the site from excavations at 21 Graham Street Bonnington. This material the skeletal remains of a 15th-17th century an adult male, removed during the construction of new flats on this site, as only leg bones were recovered by GUARD Archaeology following human-remains call out. Despite initial searching of the dumped material at the time no further human discovered in western harbour due to the significant quantities dumped material. It is unlikely that these remains will be discovered, however it is worthy of note.*

*The Western breakwater was constructed just prior to/ at the beginning of WWII and Leith Harbour formed an important part during this period. Although unlisted this structure is considered as being of local historic/archaeological significance. Given that most of the infrastructure has already been put in place it is considered that future developments associated with this application will not have a significant impact upon this structure.*

*Given the above and nature of this application to amend time for approval of matters specified in conditions I have concluded that if future developments avoid significant impacts upon the Western Breakwater that there are no known archaeological implications in granting this application.*

### **Communities and Families - dated 17 September 2020**

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

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

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

*is expected to generate primary school and secondary school pupils. A standard contribution towards 'Education infrastructure, land remediation and servicing' and 'Land purchase' is therefore required.*

*The legal agreement attached to the original outline consent for the Western Harbour development (01/03229/OUT) requires payment of £821 per flat (as at 1 January 2000) toward education infrastructure. If development at Western Harbour continues to progress under the terms of the original agreement there will be a significant funding*

gap to deliver the education infrastructure that is required to serve new housing development in the Leith/Trinity Contribution Zone.

In order to reduce the capital funding gap for the education infrastructure required to mitigate the impact of housing developments it is necessary for any new legal agreement to reflect the current guidance.

The proposed development is therefore required to make a contribution on the established 'per house' and 'per flat' contribution rates set out below and secured through a new legal agreement.

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

Per unit infrastructure contribution requirement:

Per Flat - £3,747

Per House - £18,391

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

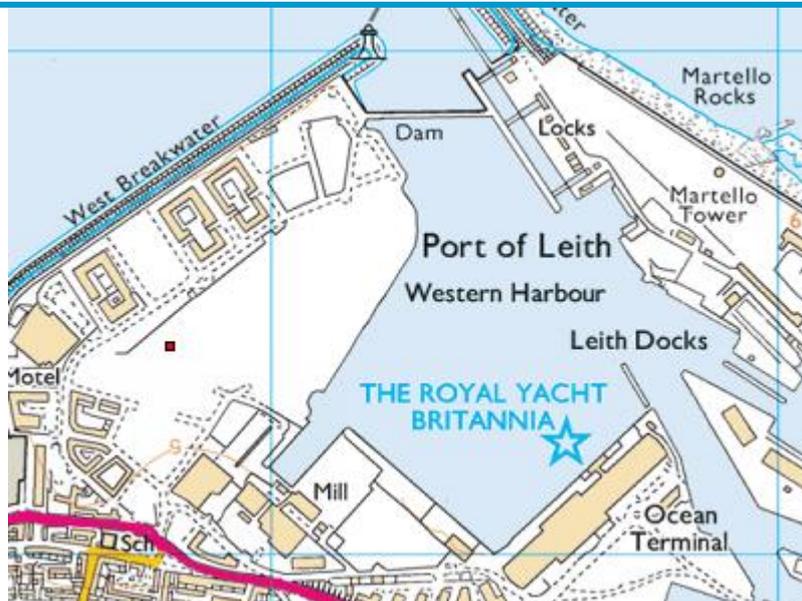
Per unit land contribution requirement:

Per Flat - £221

Per House - £947

Note - no indexation to be applied to land contribution

## Location Plan



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**END**

## Development Management Sub Committee

report returning to Committee - Wednesday 17 February 2021

### **Application for Planning Permission in Principle**

**16/01797/PPP**

**at Land 288 Metres Southwest of 10, Builyeon Road, South Queensferry.**

**Mixed use development to provide residential, employment, primary school and associated uses - acknowledging BP Pipeline (Edinburgh LDP Site HSG32) (Scheme 3).**

**Item number**

**Report number**

**Wards**

A01 - Almond (Pre May 2017)

### **Recommendations**

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

### **Background information**

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The Development Management Sub-Committee determined that it was minded to grant this application on 21 February 2018 subject to a legal agreement being concluded within six months to secure delivery of affordable housing and financial contributions towards educational infrastructure, healthcare provision and transport mitigation measures.

Under the Scheme of Delegation, the Chief Planning Officer has delegated powers to extend the six-month period for concluding a legal agreement to nine-months, provided meaningful progress is being achieved. This delegated power was used to extend the period for concluding the legal agreement in this case. However, the nine-month period has now been exceeded and therefore the matter requires to be returned to Committee for a decision.

## Main report

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There are no new material planning considerations which affect the Development Management Sub-Committee original decision on 21 February 2018 that it was minded to grant this application subject to a legal agreement first being concluded to secure necessary infrastructure requirements.

In addition to the requirements to deliver affordable housing, the Section 75 legal agreement sought financial contributions towards educational infrastructure, healthcare provision and transport mitigation measures. The Council's Action Programme proposes the delivery of a new 14 class primary school and nursery on the site with an estimated delivery date of 2023. This site falls within the ' Sub-Area Q1 of the 'Queensferry Education Contribution Zone'. The application is for planning permission in principle. The required contributions are based on the established £19,177 per house and £3,930 per flat contribution figures with unit land contribution requirements of £2,282 per house and £532 per flat.

The application site is also located within the Queensferry Transport Contribution Zone (TCZ). This includes improvements to the cycle parking at Dalmeny Station (estimated cost £2658), road infrastructure improvements (£1,408,750), bus priority measures - £490,000, pedestrian/cycle measures £306,066, and bridge to Ferrymuir to the east of the A90 (estimated cost £3,766,875 excluding land costs).

The application site is located within the South Queensferry Health Care Contribution Zone (North West) where development of this site requires the expansion of the existing medical practice to accommodate the additional patients generated. The expected rate of contribution is £210 per household.

Conclusion of the legal agreement process has been delayed due to a new developer taking the site forward rather than the private landowner. Meaningful progress has been achieved in negotiating the terms of the legal agreement. It is considered that a further 3 month extension to the period to conclude the legal agreement will enable the planning permission to be released for this application.

It is recommended this application be approved to extend the deadline for concluding the legal agreement to enable planning permission thereafter to be released.

## Links

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### **Policies and guidance for this application**

LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES09, LEN07, LEN09, LEN12, LEN16, LEN20, LEN21, LEN22, LEMP09, LHOU01, LHOU02, LHOU04, LHOU06, LTRA02, LTRA08, LTRA10, NSGD02, NSDCAH, OSS1, NSGSTR, NSGD02,

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

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=O5653VEW05000>

Or Council Papers online

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Francis Newton, Senior Planning Officer

E-mail:francis.newton@edinburgh.gov.uk

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## Development Management Sub Committee

report returning to Committee - Wednesday 17 February 2021

**Application for Planning Permission 19/05833/FUL  
at Carlton Highland Hotel, 19 North Bridge, Edinburgh  
Formation of new guest bedrooms partially within the  
existing roof structure and partially on top of the existing  
roof structure at the sixth-floor level.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Recommendations

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

### Background information

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This application was determined by officers on 1 May 2020, under delegated powers, to grant it subject to the conclusion of a legal agreement within six months of this date to secure the necessary delivery of a tram contribution.

Under the Scheme of Delegation, the Chief Planning Officer has delegated powers to extend the six-month period for concluding a legal agreement to nine months, provided meaningful progress is being achieved. This delegated power was used to extend the period for concluding the legal agreement in this case. However, the nine-month period expires on 31 January 2021 and, therefore, the matter requires to go to Committee for a decision on extending the period further.

## Main report

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There are no new material planning considerations which affect the original delegated decision on 1 May 2020 to grant this application subject to a legal agreement first being concluded to secure a tram contribution.

Conclusion of the legal agreement stalled as the hospitality industry was badly affected by the pandemic and no instructions were received by the agent from the applicant to take the legal agreement forward. The applicant now wishes to pay the tram contributions to achieve the planning permission and work is progressing well on concluding the legal agreement. As such, meaningful progress has been achieved in moving this forward. It is envisaged a further three month extension would allow the agreement to be concluded.

It is recommended that the Committee agrees to extend the deadline for concluding the legal agreement to enable planning permission thereafter to be released.

## Links

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**Policies and guidance for this application** LDPP, LDES12, LEN01, LEN04, LEN06, LTRA02, LTRA03, LTRA04, NSG, NSGD02, NSLBCA, OTH, CRPOLD, HEPS, HESCAC, HESROF,

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

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=Q28M0KEWKHP00>

Or Council Papers online

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

E-mail: [laura.marshall@edinburgh.gov.uk](mailto:laura.marshall@edinburgh.gov.uk)

## Development Management Sub Committee

report returning to Committee - Wednesday 17 February 2021

**Application for Planning Permission 20/00813/FUL  
at 38-40 Shandwick Place, Edinburgh, EH2 4RT.  
Proposed change of use from retail, office and storage to 50  
bedroom hotel and ancillary spaces for plant and storage.  
Alterations to building to form hotel.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Recommendations

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

### Background information

---

This application was determined by officers on 19 May 2020, under delegated powers, to grant it subject to the conclusion of a legal agreement within six months of this date to secure the necessary delivery of a tram contribution.

Under the Scheme of Delegation, the Chief Planning Officer has delegated powers to extend the six-month period for concluding a legal agreement to nine months, provided meaningful progress is being achieved. This delegated power was used to extend the period for concluding the legal agreement in this case. However, the nine-month period expires on 17 February 2021 and, therefore, the matter requires to go to Committee for a decision on extending the period further.

## Main report

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There are no new material planning considerations which affect the original delegated decision on 19 May 2020 to grant this application subject to a legal agreement first being concluded to secure a tram contribution.

Conclusion of the legal agreement stalled as the applicant is not the owner of the property and despite attempts to move it forward, no fee undertaking was agreed. The owner of the property now wishes to pay the tram contributions instead to achieve the planning permission and is willing to give a fee undertaking. As such, meaningful progress has been achieved in moving this forward. It is envisaged a further three month extension would allow the agreement to be concluded.

It is recommended that the Committee agrees to extend the deadline for concluding the legal agreement to enable planning permission thereafter to be released.

## Links

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### Policies and guidance for this application

LDPP, LDES12, LDES13, LEN01, LEN06, LEMP10, LRET09, LHOU07, LTRA02, LTRA03, LTRA04, NSG, NSGD02, NSBUS, OTH, CRPNEW,

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

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=Q5XW7KEWJ8P00>

Or Council Papers online

### **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

E-mail: [laura.marshall@edinburgh.gov.uk](mailto:laura.marshall@edinburgh.gov.uk)

## Development Management Sub-Committee

**10.00am, Wednesday 17 February 2021**

### **Protocol Note for Virtual Hearing, via Microsoft Teams**

**Planning Application Nos 20/03034/FUL, 20/03661/CON and 20/03655/FUL**

**Former RBS Site at 34 Fettes Row/Dundas Street, Edinburgh EH3 6RH**

**Report number**

**Wards - City Centre and Inverleith**

**Andrew Kerr**

Chief Executive

Contacts: Veronica MacMillan, Committee Services

Email: [veronica.macmillan@edinburgh.gov.uk](mailto:veronica.macmillan@edinburgh.gov.uk)

# Summary

## Protocol Note for Hearing

### Summary

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The Council is committed to extending public involvement in the planning process. Hearings allow members of the public to put their views on planning applications direct to the Councillors on the Development Management Sub-Committee.

The Sub-Committee members have a report on the planning application which contains a summary of the comments received from the public. Copies of the letters are available for Councillors to view online.

### Committee Protocol for Hearings

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The Planning Committee on 25 February 2016 agreed a revised general protocol within which to conduct hearings of planning applications as follows:

- Presentation by the Chief Planning Officer	20 minutes
- Questions by Members of the Sub-Committee	
- Presentation by Community Council	5 minutes
- Presentations by Other Parties	5 minutes, each party
- Questions by Members of the Sub-Committee	
- Presentation by Ward Councillors	5 minutes each member
- Questions by Members of the Sub-Committee	
- Presentation by Applicant	15 minutes
- Questions by Members of the Sub-Committee	
- Debate and decision by members of the Sub-Committee	

## Order of Speakers for this Hearing

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1	<b>Chief Planning Officer</b> - presentation of report	10.15 -10.35
2	<b>Representors or Consultees</b> New Town and Broughton Community Council Fettes Row and Royal Crescent Association Friends of the George V Public Park Eyre Place Residents Committee Cockburn Association	10.40 -10.45 10.50 -10.55 11.00 -11.05 11.10 -11.15 11.20 -11.25
3	<b>Ward Councillors</b> Councillor Karen Doran Councillor Claire Miller Councillor Gavin Barrie Councillor Iain Whyte	11.30 -11.35 11.40 -11.45 11.50 -11.55 12.00 -12.05
4	<b>Break</b>	12.10 -12.20
5	<b>Applicant and Applicant's Agent</b> Colin Smith (Turley) Matt Bremner (10 Design) Ross McNulty (Ediston) Colin Whiteford, (Edinburgh Blue Gentleman's Barbers, 126 Dundas Street)	12.25 –12.40
6	<b>Debate and Decision on Application by Sub-Committee</b>	12.45
7	<b>Break for Lunch</b>	13.15

Scheduled times are approximate but within this the time limits for speakers will be enforced – speakers will be reminded when they have 1 minute remaining. Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. Decisions will generally be to approve or refuse. Conditions of approval or reasons for refusal may be considered at a subsequent meeting. If the application is continued for further information, the Hearing will not be re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can view the meeting via the webcast to observe the discussion.

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## Development Management Sub Committee

Wednesday 17 February 2021

### Application for Planning Permission 20/03655/FUL at King George V Public Park, Logan Street, Edinburgh. Formation of path and associated landscaping.

**Item number**

**Report number**

**Wards**

B05 - Inverleith

#### Summary

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The proposed link through the park enables development to come forward in a co-ordinated manner in line with Policy Des 2 (Co-ordinated Development) and it will promote movement in and around the area and link with the wider pedestrian and cycle routes in line with Policy Des 7 (Layout Design). Alternative tree planting is proposed for the trees to be removed and the proposals will not result in an overall loss of open space in accordance with Policies (Trees) and Env 18 (Open Space Protection).

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves character and appearance of the conservation area and complies with LDP Policy Env 6 (Conversation Areas - Development). The proposal will not be detrimental to the interests of the designed landscape and complies with Policy Env 7 (Historic Gardens and Designed Landscapes).

Otherwise the proposals generally comply with the policies of the Local Development Plan and associated guidance. No material considerations that outweigh this conclusion.

#### Links

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[Policies and guidance for this application](#)

LDPP, LDES01, LDES02, LDES03, LDES04, LDES07, LDES08, LEN07, LEN12, LEN16, LEN18, LTRA09,

# Report

## **Application for Planning Permission 20/03655/FUL at King George V Public Park, Logan Street, Edinburgh. Formation of path and associated landscaping.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The redline boundary of the application relates to a small corner section of King George V Park covering approximately 0.06 ha. There are number of trees along within the site and an existing part of the circular path that links through the wider park.

The southern boundary consists of the wall of the existing garage, the southwestern boundary consists of a wall and the edge of a small building and the western boundary is formed by the edge of the existing warehouse building.

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

#### **2.2 Site History**

Relevant recent history on adjacent sites:

1 March 2015 - application for conservation areas consent granted for the demolition of 7 Eyre Terrace and existing warehouse known as the Scotsman Building (application number 14/01126/CON).

3 August 2018 - application for planning permission in principle for demolition and residential-led mixed-use redevelopment comprising residential; retail (Class 1); financial, professional and other services (Class 2); food & drink (Class 3); business (Class 4); hotel/Class 7; care home (Class 8); car parking, access and other associated works; detailed approval of the siting and maximum height of building blocks; landscaping strategy; location of principal pedestrian/cycle routes and points of pedestrian and vehicular access/egress withdrawn (application number 16/05454/PPP).

3 August 2018 - application for conservation area consent for complete demolition in a conservation area withdrawn (application number 16/05455/CON).

2 April 2020 - Conservation area consent granted for complete demolition of derelict cottage in a conservation area (application number 20/00705/CON).

2 September 2020 - associated application for conservation area consent submitted for the demolition of the existing buildings within the site (application number 20/03661/CON). Not yet determined.

7 September 2020 - associated planning application submitted for the demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office and other commercial uses, with associated landscaping / public realm, car parking and access arrangements. (application number 20/03034/FUL). Not yet determined.

7 January 2021 planning permission in principle granted for a mixed use development including retail (class 1), financial, professional and other services (class 2), food and drink (class 3), business (class 4), hotels (class 7), residential (class 8, 9 and sui generis), car parking and other works on land to the northwest of the site. The approval was for the siting and maximum height of principal building block, points of vehicular/ pedestrian access and egress at 7, 11, 13 Eyre Terrace (application number 14/01177/PPP).

## **Main report**

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### **3.1 Description of the Proposal**

The proposal is for the formation of paths with associated landscaping and tree works. The proposal includes the loss of five trees.

An application has also been submitted for the redevelopment of the former RBS site. This application would provide a link from that site (and Dundas Street in the west) through to the park and beyond.

### **3.2 Determining Issues**

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

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) Impact on the character and appearance of the conservation area;
- b) Impact on the New Town Gardens Designed Landscape Inventory Site;
- c) The principle of development is acceptable;
- d) the design, scale and layout are appropriate to the site;
- e) Equalities and
- f) Public representations have been addressed.

#### a) 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."

The relevant policies within Local Development Plan (LDP) can also aid in the assessment of the proposals. LDP Policy Env 6 supports development within a conservation area or affecting its setting which preserves or enhances the special character and appearance of the conservation area and is consistent with the relevant character appraisal, preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The essential characteristics of the New Town Conservation Area Character Appraisal (CACA) include:

- the formal plan layouts, spacious stone built terraces, broad streets and an overall classical elegance.
- the planned formal gardens throughout the Conservation Area introduce punctuation, emphasise views and provide amenity space within the discipline of the grid layouts.
- the overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, contributes significantly to the character of the area
- grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces.
- the relationship of stone buildings, pavements and setted streets provide a disciplined unity and cohesion.
- the generally uniform height of the New Town ensures that the skyline is distinct and punctuated only by church spires, steeples and monuments.
- there is a standard palette of traditional building materials including blonde sandstone, timber windows and pitched slated roofs.
- boundaries are important in maintaining the character and quality of the spaces in the New Town. They provide enclosure, define many pedestrian links and restrict views out of the spaces. Stone is the predominant material.

- no key views, which would include the site, are mentioned in the CACA.
- new development should be of good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area
- any development within or adjacent to the Conservation Area should restrict itself in scale and mass to the traditionally four/five storey form.

The boundary of the open space in this part of the park is formed mainly by a number of walls from the garage and warehouse buildings on the adjacent site that are proposed for demolition in the parallel application, there are limited features within this part of the park.

The proposed loss of the five trees around the perimeter is relatively minor at this part of the site and the creation of an entrance will have minimal impact on the character and appearance of the conservation area in this small corner of the park.

#### b) Designed Landscape

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) sets out that development will only be permitted where there is no detrimental impact on the character of a site recorded in the Inventory of Gardens and Designed Landscapes, adverse effects on its setting or upon component features which contribute to its value.

The park is included in the national Inventory of Gardens and Designed Landscapes, but is not specifically mentioned in the inventory description. It takes a different form from the other New Town Gardens covered by the inventory and is not a formally planned garden like a number of the other parks and gardens found in the New Town.

Historic Environment Scotland has no concerns with the proposed link, noting that it will improve accessibility and permeability to the public park in this area.

The park does have planting around the perimeter, this will be opened up by the link and the alterations to the boundaries proposed in the parallel application. However, the impact from this application is minor and will not fundamentally alter the interests of the garden.

#### c) Principle

The small section of the site is out with the boundary of the accompanying larger application, necessitating the requirement for this local planning application.

LDP Policy Des 2 (Co-ordinated Development) sets out that there should be a comprehensive approach to redevelopment noting that piecemeal development is less likely to lead to the creation of well-defined and cohesive networks of streets and spaces.

The paths created through this development will tie in with the wider design concept and linkages promoted in the application for the redevelopment of the adjacent larger site.

At the Proposal of Application Notice stage (for the wider site) when the report of the forthcoming application was presented to the Development Management Sub-committee (25th September 2019) the committee asked for additional issues relating to connectivity and an opportunity for east-west connection to be taken into account.

CEC Parks and Greenspace has been involved with discussions and are content with the proposals.

Policy Env 18 (Open Space Protection) sets out that the criteria for assessing the loss of open space. The application site area (0.06 ha) relates to a very small part of a larger park (1.97 ha). Aside from the creation of paths linking to the existing path network there will be no overall loss of open space with further landscaping provided.

Policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

There are five trees proposed for removal to facilitate the link. Parks and Greenspace has advised that of the five trees, one of them has already been removed, a second is scheduled to be pollarded due to major dieback and a third has a defective stem leaving only two good quality trees. The proposals contain five replacement trees within the same area.

The principle of the proposal is acceptable.

#### d) Design and Layout

Policy Des 7 (Layout Design) sets out, amongst other matters, that planning permission will be granted for development where there is a comprehensive and integrated layout of buildings, streets, footpaths, cycle paths, public and private open spaces, that the layout will encourage walking and cycling, pedestrian and cycle paths are overlooked by surrounding properties, safe and convenient access and movement in and around the development will be promoted, public open spaces and pedestrian and cycle routes are connected with the wider pedestrian and cycle network including any off-road pedestrian and cycle routes where the opportunity exists.

The proposal will provide a continuation of the path from the development proposed on the adjacent site. The access point will be 3.5 metres in width before splitting around a central landscaped area to match the width of the existing path at approximately two metres wide.

The link will provide permeability around the area and help connect in with the wider path network and open space as advocated by Policy Des 7. Part of the proposals also included stepped access to the proposed residential street providing an alternative access to the park for the residential proposed residential development that sits at a lower level.

The Roads Authority has raised no objection to the proposed planning application.

Objections have been made in relation to the alteration to the character of the open space in this part of the park. There will be alterations to this part of the park, but the proposed route is welcomed and provides permeability across a site which is currently very enclosed in line with the above policy

Policy Des 8 (Public Realm and Landscape Design) sets out that planning permission will be granted for development where all external spaces, and features, including streets, footpaths, civic spaces, green spaces boundary treatments and public art have been designed as an integral part of the scheme as a whole alongside details such as design and materials elements of paving and landscape and planting.

The design is relatively simple, with a linking path that splits around a landscaped area with new planting. This will neatly tie in with the existing path in this part of the park.

The proposal puts forward five new trees of mixed varieties within the triangular island and also flanking the new path on the near to the boundary of the site. Areas of mixed planting are also provided. The design will tie in with the proposed development on the adjacent site which proposes a new public landscaped connection which is also importantly free from vehicles.

The Preliminary Ecological Appraisal and a Bat Survey Report for the adjacent site notes that overall the site has a low ecological value, with areas of more interest being the woodland strips around the site periphery.

The bat survey notes that despite the proximity to the adjacent urban greenspace of the park and the treelines along site boundaries that bat activity is very low.

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.

The design and layout of the proposed path is acceptable.

#### e) Equalities

The proposals raise no overriding issues in relation to equalities. The proposals will aid in increasing access to the park. The main route will be accessible and where stairs are provided due to changes in levels there will be alternative routes through the wider re-development of the area.

#### f) Public Comments

Many of the views submitted to this application are expressed as objections to the development proposals submitted under planning reference 20/03034/FUL.

### **Material Objections**

- Loss of trees - assessed in section 3.3c) and d)
- Loss of greenspace - assessed in section 3.3 c)
- Park is already used as busy through-routes. Already four entrances, no requirement for a further entrance - assessed in section 3.3c)

- This part of the park is quite, secluded and safe. The proposed entrance will disrupt and diminish this local amenity by turning it into a through route for bikes and pedestrians - assessed in section 3.3d)
- Small park used by a wide-variety of users. Proposals will alter the dynamics and the local amenity - - assessed in section 3.3d)
- Erodes well used area - assessed in section 3.3c and d)
- Size and design of entrance will degrade the secluded area - assessed in section 3.3c) and d).
- Small park already well used, increased access will put additional pressure on it - assessed in section 3.3c)
- Increased traffic and potential conflicts between users - assessed in section 3.3c)
- Should retain boundary definition between park and adjacent proposed development. - assessed in section 3.3b)
- Hard boundary should be is erected around the edge of the park. - assessed in section 3.3d)
- Currently the enclosed nature of the park allows for its safe and secure use by children and dogs off their lead - assessed in section 3.3d)
- Additional entrances will diminish security - - assessed in section 3.3d)
- Blurring of public and private space - assessed in section 3.3d)
- Alternative path should be provided to the central roundel rather than as currently propose - assessed in section 3.3c)

### **Support**

- Support the proposed development

### **Non-material comments**

- Land ownership
- Wider park management issues.
- Construction stage matters

### **Community Council Comments**

Comments from the New Town and Broughton Community Council are summarised below:

- Overall neutral stance taken on the application.
- Broadly support the concept of increased connectivity/permeability.
- Proposed entrance does not ensure a gradual reveal of the park and is a multi-access use path. Less grand entrance should be provided.
- The number of trees to be removed should be lowered
- Potential conflict between cyclists and pedestrians.
- Potential alternative route for cyclists along the southern edge of the wider development.

## Conclusion

The proposed link through the park enables development to come forward in a co-ordinated manner in line with Policy Des 2 (Co-ordinated Development) and it will promote movement in and around the area and link with the wider pedestrian and cycle routes in line with Policy Des 7 (Layout Design). Alternative tree planting is proposed for the trees to be removed and the proposals will not result in an overall loss of open space in accordance with Policies (Trees) and Env 18 (Open Space Protection).

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves character and appearance of the conservation area and complies with LDP Policy Env 6 (Conservation Areas - Development). The proposal will not be detrimental to the interests of the designed landscape and complies with Policy Env 7 (Historic Gardens and Designed Landscapes).

Otherwise the proposals generally comply with the policies of the Local Development Plan and associated guidance. No material considerations that outweigh this conclusion.

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

### 3.4 Conditions/reasons/informatives

#### Conditions:-

1. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
2. The development shall be carried out in accordance with the landscaping scheme approved under condition 1. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.
3. Prior to the commencement of development a Tree Protection Plan in accordance with BS5837:2012 "Trees in relation to design, demolition and construction" to demonstrate how trees to be retained on and adjacent to the site will be protected must be submitted to and approved by the Planning Authority.
4. Prior to the commencement of development, the tree protection measures as approved in condition 3 must be implemented in full.
5. The tree protection measures approved in condition 3 must be maintained during the entire development process and not altered or removed unless with the written consent of the Planning Authority.

**Reasons: -**

1. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
2. In order to ensure that the approved landscaping works are properly established on site.
3. In order to safeguard trees
4. In order to safeguard trees
5. In order to safeguard 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. 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**

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

There are no financial implications to the Council.

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

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

**Equalities impact**

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**6.1 The equalities impact has been assessed as follows:**

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

## Sustainability impact

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

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

## Consultation and engagement

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### 8.1 Pre-Application Process

Pre-application discussions took place on this application.

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

The application was advertised on 18 September 2020 and attracted 38 letters of representation. This is made up of 35 objections, two general representations and one in support. The Friends of King George V and Scotland Yard Parks, the Drummond Civic Association (DCA) and Fettes Row and Royal Crescent Association all made comments on the application.

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

## Background reading/external references

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

## **Statutory Development**

### **Plan Provision**

The site is within the urban area and designated as open space as shown on the Local Development Plan Proposals Map. The site is located within the New Town Gardens Inventory Garden and Design Landscape. It is also covered by the New Town Conservation Area.

### **Date registered**

14 September 2020

### **Drawing numbers/Scheme**

01-06,

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**

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### **Relevant Policies:**

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

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

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

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

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

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

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

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

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

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

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

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.

# Appendix 1

## **Application for Planning Permission 20/03655/FUL at King George V Public Park, Logan Street, Edinburgh. Formation of path and associated landscaping.**

### **Consultations**

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#### **Roads Authority Issues dated 6 September 2020**

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

*1. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification.*

#### **New Town and Broughton Community Council response dated 9 October 2020**

*Although the New Town & Broughton Community Council (NTBCC) had requested an extension to the main applications (20/03034/FUL & 20/03661/CON), the above application, being essentially an adjunct to the main applications (& submitted slightly later), was not included in the request. Hence, the New Town & Broughton Community Council are submitted their response prior to the date given on the Edinburgh Planning portal.*

*We are aware that the Friends of King George V Park have had lengthy discussions with a representative from Ediston and the wider development team and that some changes have been implemented based on those discussions over the past 12 months or so. NTBCC both recognise and appreciate the significant level of consultation from the development team with many local interest groups. However, whilst some changes have been implemented vs. the indicative designs as outlined in the various previous public consultations, there remains some frustration amongst residents that many of their suggestions as to possible improvements have not been given adequate consideration.*

*In respect to this particular application, we have the following comments :*

#### *(1) Increased Connectivity / Permeability*

*Broadly, NTBCC supports the concept of providing increased connectivity from the surrounding area into the King George V Park (KGVP). Currently, the three accesses / exits are essentially all routes for the National Cycle Network route (NCN75) - from Logan Street, the Rodney Street tunnel & from the northern end of Scotland Street. As such - they are shared spaces (between pedestrians & cyclists). It should also be noted that these routes also pass directly past entrances to various play areas within KGVP directly*

*off the NCN75 route. Hence, the addition of more access routes into the park, primarily for pedestrians, is welcomed. The impact on the character and current amenity provided by the park of these additional access routes however needs to be considered fully.*

*As far as we can ascertain from the documents lodged, the intent is to develop a new landscaped connection linking Dundas Street to the south-west corner of KGVP - transitioning from an 'urban' environment ('plaza') to a 'green' environment ('parkland') - as outlined in the Design & Access Statement (Part 3, section 6.7) accompanying 20/03034/FUL, providing a new east-west link for public access. It is further stated that this 'Masterplan' facilitates a physical & visual connection between Dundas Street and KGVP.*

*However, whilst this intent is supported, implementing the 'Masterplan' as proposed in this application raises a number of concerns.*

*The proposed entrance from the new connection from Dundas Street as currently defined does not ensure a gradual reveal of the park - it is a wide multi-use access with, as far as we understand, essentially a segregated cycleway & separate pedestrian route . Pedestrians (at least those without mobility issues) would use the steps as the access route from the new development to KGVP whilst other users would use the ramped access. We note that there is a significant level change over a short stretch of this access way (necessitating the stepped access for pedestrians) - due to a ~1.2 metres decrease in level from the pathway leading to the park & the park itself.*

## *(2) Proposed Removal of Trees*

*Furthermore, this proposed 'dual' accessway then requires the felling of five trees, of (of which two are admittedly ailing and classified as 'U' in the accompanying Arboricultural report accompanying this application. However, NTBCC's position is that it would prefer a 'less grand' entrance into the park - with fewer healthy trees removed. Broadly, as expressed by local residents, NTBCC support the aspiration that trees should be increasing in number, not decreasing and the removal of trees from public spaces in Edinburgh has been an aesthetic and health issue to residents of the city in recent years.*

*A further consideration raised by the Friends of the Park is the impact of cyclists in this area of the park. The south-western area of the park is currently reasonably secluded and it used by residents seeking tranquillity. We fully understand the current Council's aspirations regarding encouragement for cycling (which NTBCC broadly support) but it is not clear to us that this additional cycle route adds to that. Our preference would be to limit cycle access to this section of the park but further explore alternative routes for a cycle way from Dundas Street to connect with the NCN75 route. It has been suggested that an alternate route may be to extend the cycle route from Dundas Street along the southern edge of the proposed development (within the applicant's site boundary) to connect to the existing NCN75 route further to the east. This would then remove the potential cyclist / pedestrian / park user interactions in the south-west section of the park.*

*This would also then permit a less grand entrance vs. that proposed in the south-western corner of the park.*

*It should be noted that we are aware that there have been discussions between the developers and CEC Parks & Greenspaces and, as far as we are aware, CEC Parks, Greenspaces and Cemeteries would seem to be broadly in agreement with this proposal as lodged as well as the suggested replacement planting.*

*However, we are of the opinion that removal of any trees with a reasonable remaining life should not be encouraged, irrespective of the proposed replanting scheme.*

*(3) Proposal for Access by Cycle via this route*

*Based on the views expressed to NTBCC on this scheme, the majority of residents have concerns regarding the impact of cyclists using the new access in the south-west corner of the park and the resulting impact on park users. We have also had some comments from cyclists, suggesting that alternate schemes should be explored to allow cyclists access from Dundas Street but which would reduce the possible interactions between cyclists & (pedestrian) park users. Although it is not entirely clear to NTBCC that this additional access route from Dundas Street would become a chosen route to the NCN75, we acknowledge that cyclists may want to access the variety of retail and / or food & drink establishments planned for the 'plaza' between Dundas Street and KGVP. Therefore we would suggest that either alternative routes are explored from the plaza to the existing NCN75 (currently via the park) or as a fall-back, options are considered which would encourage lower speeds on his route, especially the direct access to KGVP in the south-western corner e.g. by using an off-set barrier arrangement or perhaps surface treatments.*

*As an aside, we note that a Tree Report covering the trees within KGVP accompanies this application. We are unsure as to the relevance of this report to the application being considered.*

*However, we would support further involvement from the Friends of the Park and perhaps the wider community in any future discussions about this as it will require careful and sensitive management.*

*In summary, we are supportive of the increased permeability from the proposed additional access to the park but have concerns as to the current proposal as outlined above. Removal of healthy trees, albeit assessed with a limited remaining life, should not be accepted to aid development at this location. We believe that there are alternatives which should be explored in more depth during the determination of this proposal.*

*The New Town & Broughton Community Council therefore take a neutral stance on this application.*

*We trust that these comments are useful in the determination of this application.*

**Historic Environment Scotland response - dated 5 February 2021**

*Our Advice*

*We note the proposal to access the south-west corner of George V Public Park, in connection with the major New Town North development. We have no concerns with this additional link, which will improve accessibility and permeability to the public park in this area.*

*Further details on any proposed connection(s) between the park and the New Town North development, specifically the junction between the proposed crescent blocks opposite Royal Crescent, would also be useful*

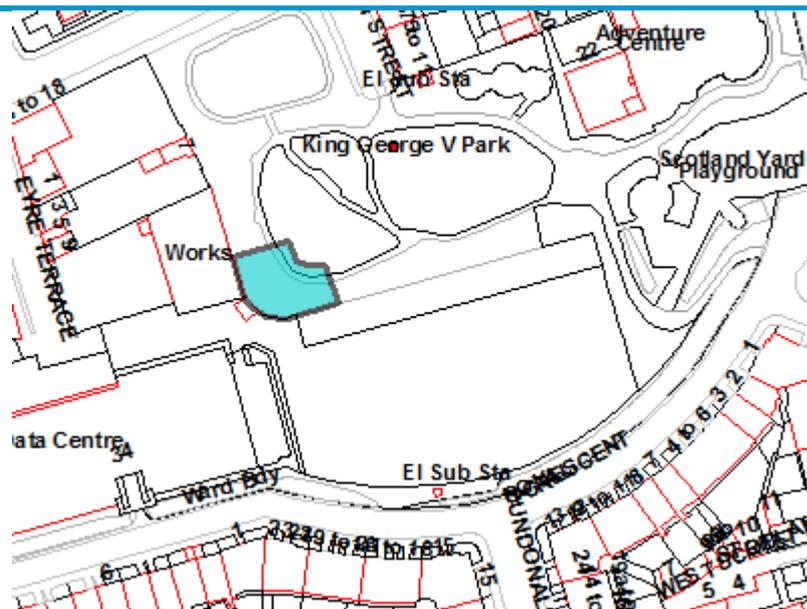
Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision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

#### 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/](http://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](http://www.engineshed.org).

## Location Plan



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## Development Management Sub Committee

Wednesday 17 February 2021

### **Application for Planning Permission 20/03034/FUL**

**at 34 Fettes Row, Edinburgh, EH3 6RH.**

**Demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office and other commercial uses, with associated landscaping/public realm, car parking and access arrangements.**

**Item number**

**Report number**

**Wards**

B05 - Inverleith

### **Summary**

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The proposal is for a mixed-use development incorporating residential, hotel, office and other ancillary uses.

#### **Compliance with the Listed Buildings & Conservation Areas Requirements**

The historical assets within the area have been assessed against the relevant legislation, guidance and LDP Policies.

Historic Environment Scotland does not object to the application but has concerns with some elements of the scheme, such as the relationship of the proposals with some listed buildings. However, when viewed in the urban context of the site, coupled with the benefits of redeveloping the site with a more sympathetic design taking cognisance of the listed buildings, and the retention of the trees, the character and setting of the listed buildings is preserved. The proposals are in accordance with LDP Policy Env 3 (Listed Buildings - setting). The proposals preserve the setting of surrounding listed buildings in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

With regards to the Conservation Area, on balance, and taking the range of proposed uses into consideration, the development does not remove or detract from key characteristic components of the Conservation Area that gives the area its special interest. It will contribute to the architectural quality of the area with contemporary high quality buildings, designed to respond to its historic and modern urban environment. The different responses to the various edges of the site, including along Dundas Street and Fettes Row/Royal Crescent and towards the park are acceptable. In this regard, the special character and appearance of the New Town Conservation Area will be preserved, in compliance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 6 (Conservation Areas - Development).

### **Compliance with the Development Plan**

The mix of uses are acceptable at this location and are supported by Local Development Plan policies Hou 1 (Housing Development), Emp 10 (Hotel Development) and Emp 9 (Employment Space), the ancillary uses proposed add to the sustainable re-use of this predominately previously developed site which is in an accessible location. The principle of developing the area of open space within the site has already been established by the granting of a recent separate planning permission.

The King George V Park is not contemporary to the creation of the New Town. The proposals will alter the boundary treatments and introduce new built forms on the adjacent ground. The impacts of the development on these views is acceptable.

There will be some adverse impacts from the proposals on the World Heritage site, but these are largely limited to a view down Dundonald Street which is more impacted upon in the closer views. There are differing views from HES and Edinburgh World Heritage on the perceived impact of the proposals.

The design makes a positive contribution to the area and will add to its sense of place. The layout addressed the surrounding areas, such as reinforcing the existing pattern of perimeter blocks, connecting Dundas Street through to the park and the crescent blocks reinforce the symmetry of Dundonald Street. The height of the buildings are appropriate for the site, whilst the elevations and materials proposed generally respond to the context of the area.

There is some loss of trees proposed, with a number already accepted through a recent permission. The trees along Fettes Row and Dundas Street are, in the main, being retained. The loss of trees along Dundas Street is justified in design terms. Conditions are recommended to ensure that trees are protected during the construction phase.

Potential impacts on the amenity of future residents in terms of noise can be addressed through conditions. There are some infringements in relation to daylighting and the open space provision. As the type and quality of some of the private open space within the development infringes the requirements of Policy Hou 3 (Private Green Space In Housing Development) contributions towards the adjacent park are sought through a legal agreement. Some impacts on daylighting are expected in within a development within the urban area that establishes an appropriate density.

The proposal is acceptable in transport grounds with suitable access to the site and the proposed car and cycle parking meets the Council's standards as set out in the Edinburgh Design Guidance.

In all other respects the proposed development is acceptable, subject to conditions and a legal agreement. The proposal therefore complies with the development plan. There are no other material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN01, LEN03, LEN06, LEN07, LEN09, LEN12, LEN16, LEN18, LEN20, LEN21, LEN22, LEMP01, LEMP09, LEMP10, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LRET06, LRET08, LTRA01, LTRA02, LTRA03, LTRA04, LTRA09, LRS01, LRS06, SGDC, HES, HESCAC, HESSET, NSG, NSGD02, NSESBB, NSHAFF, OSS1, CRPNEW,

# Report

## **Application for Planning Permission 20/03034/FUL at 34 Fettes Row, Edinburgh, EH3 6RH. Demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office and other commercial uses, with associated landscaping/public realm, car parking and access arrangements.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is approximately 2.44 hectares in area. It lies to the north of Edinburgh New Town.

To the north of the site are residential and commercial properties on Eyre Place. To the south, the site is bound by Fettes Row and Royal Crescent which comprise predominantly residential properties. To the east and northeast is King George V Park. To the west of the site is Dundas Street, which comprises a mix of residential and commercial properties.

The site has two existing large office buildings which front Dundas Street and Fettes Row. These are linked by another smaller building and are all formerly occupied by The Royal Bank of Scotland. The Scotsman building to the north east of the site is accessed off Eyre Terrace and is used for related storage purposes.

Within the eastern part of the site, and bound to the north by King George V park, is a building used for parking. South of this is a shed building and a large hardstanding area, formerly used for car parking. This area provided parking for up to 100 cars and the shed provides spaces for 30 cars and spaces for cycle parking. These are accessed off Eyre Terrace.

There is an existing water main which runs directly through the site in a north-south direction directly to the north of Dundonald Street.

Broadleaved trees are located within the southern, part of the eastern and most of the northern boundaries of the site. These are a mixture of semi-mature and mature species and are up to 15 metres in height.

The site is mainly level, although there is an area of the site to the south which is approximately 6 metres above the rest of the site. This lies behind a stone retaining wall. Royal Crescent/ Fettes Row to the south of the site lie at a much higher level than the site itself. In the north of the site, Eyre Terrace rises slightly to adjoin Eyre Place.

The site is accessed via three separate routes. One pedestrian access is taken from Dundas Street to the RBS building; one is from Eyre Terrace for vehicles, bikes and pedestrians; and one is from Royal Crescent, which is a steep footpath leading down into the car parking area.

The site is located within the New Town Gardens Inventory Designed Landscape and is also immediately adjacent to the Old and New Towns of Edinburgh World Heritage Site boundary.

There are no listed buildings within the site itself. There are a number of Category A listed buildings within the vicinity of the site boundary. These include the following:

- 15 - 23A (Inclusive Nos) Royal Crescent, and 15 Dundonald Street, Including Railings and Lamps (reference LB29680, listed 22/09/1965).
- 1 - 13A (Inclusive Nos) Royal Crescent, 24 and 24A Dundonald Street and 26-28 (Even Nos) Scotland Street, Including Railings and Lamps (reference LB29679, listed 22/09/1965).

There are also a number of other listed buildings around the site, including:

B listed buildings:

- 1-12 (Inclusive Nos) Fettes Row, and 99-103 (Odd Nos) Dundas Street, including railings and lamps with 13 North East Cumberland Street Lane Including Wall (reference LB28754, listed 15/07/1965)
- Brandon Street 1-16 And 1-7a Eyre Place (reference LB28341, listed 25/11/1965).

C listed buildings:

- 1-29 Eyre Crescent and 21-23 Eyre Place (reference LB28739, listed 19/12/1979).
- Eyre Place 25-31 (reference LB28741, listed 19/12/1979).
- This application site is located within the New Town Conservation Area.
- This application site is located within the New Town Conservation Area.

## 2.2 Site History

Relevant recent history:

1 March 2015 - application for conservation areas consent granted for the demolition of 7 Eyre Terrace and existing warehouse known as the Scotsman Building (application number 14/01126/CON).

3 August 2018 - application for planning permission in principle for demolition and residential-led mixed-use redevelopment comprising residential; retail (Class 1); financial, professional and other services (Class 2); food & drink (Class 3);

business (Class 4); hotel/Class 7; care home (Class 8); car parking, access and other associated works; detailed approval of the siting and maximum height of building blocks; landscaping strategy; location of principal pedestrian/cycle routes and points of pedestrian and vehicular access/egress withdrawn (application number 16/05454/PPP)

3 August 2018 - application for conservation area consent for complete demolition in a conservation area withdrawn (application number 16/05455/CON)

2 April 2020 - Conservation area consent granted for complete demolition of derelict cottage in a conservation area (application number 20/00705/CON)

2 September 2020 - associated application for conservation area consent submitted for the demolition of the existing buildings within the site (application number 20/03661/CON). Not yet determined.

14 September 2020 - associated planning application submitted for the formation of path linking through to King George V Park and associated landscaping (application number 20/03655/FUL). Not yet determined.

7 January 2021 - planning permission in principle granted for a mixed use development including retail (class 1), financial, professional and other services (class 2), food and drink (class 3), business (class 4), hotels (class 7), residential (class 8, 9 and sui generis), car parking and other works on land at the northwest of the site. The approval was for the siting and maximum height of principal building block, points of vehicular/ pedestrian access and egress at 7, 11, 13 Eyre Terrace (application number 14/01177/PPP).

## **Main report**

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### **3.1 Description of the Proposal**

The proposed development is for the demolition of all existing buildings on the site and the erection of a mixed-use development comprising residential, hotel, office and other commercial uses, in addition to associated landscaping and public realm, car parking and access arrangements. The development includes seven blocks with a new central link route formed between Dundas Street and King George V Park.

#### **Block 1 - Build to Rent (Eyre Place / Eyre Terrace)**

The BTR block is located at the north eastern part of the site next to King George V Park and forms a perimeter block around a central courtyard with the existing buildings on Eyre Terrace and Eyre Place.

There are 144 units split into 22 studio flats, 49 units with one bedroom, 56 units with two bedrooms and 17 units with three bedrooms.

The Eyre Place elevation is five storeys high from the street level with the top storey adjacent to the existing tenement recessed. The primary material on this elevation is stone.

A new pedestrian route (which also allows for emergency access) is to be formed adjacent to the park. This elevation rises up to 7 storeys (the top floor is set back) as the ground level slopes into the site. There is roof top amenity space.

The Eyre Terrace elevation is five storeys next to the existing Lorimer building before rising up to six storeys with an additional set back storey on the upper level.

Aside from the Eyre Place elevation, the outward-facing façades of the BTR block are finished in precast stone and the inward, courtyard-facing façades will have a rendered finish.

The building is accessed by entrances to the main lobby and lounge/library area, one of which is provided from the courtyard and can be accessed via an existing pend set within the Lorimer-designed building on Eyre Terrace. Access to the building is also provided from Eyre Place. All ground floor units are accessed via main door entrances.

As a BTR block additional internal amenity space is provided in the form of a lounge and library area. The building also contains gym facilities for the residents.

#### Block 2 - Mid Market Rent / Affordable (Dundas Street / Eyre Terrace)

The mid-market rent (MMR) accommodation is situated between Dundas Street and Eyre Terrace at the north western part of the site. The proposals include the demolition of the existing blank wall that currently separates the existing RBS building and the rear courtyard of the adjacent residential block to the north. A courtyard is also created to the south between the MMR building and the hotel. It is six storeys high with a further roof garden area.

There are 88 units split into 26 units with one bedroom, 46 units with two bedrooms and 16 units with three bedrooms.

The Dundas Street elevation is proposed to be finished in natural stone. A section of this façade is recessed from the main façade, where the building meets the existing adjacent residential development. Brick is proposed for the eastern elevation.

The primary access is taken from Dundas Street through a double height entrance point via both steps and a ramp.

#### Block 3 - Hotel

The proposed 116 bedroom hotel lies to the south of the adjoining MMR block within an internal courtyard between the two uses. It fronts onto Dundas Street to the west, Eyre Terrace to the east and onto the new public realm link route to the south. The main entrance is located at the junction with Dundas Street.

The hotel block is seven storeys, though is six storeys when viewed from street level on the Dundas Street elevation with the top level, comprising of a bar/restaurant, set back. A portion of the ground level is a double height area with café, restaurant and lounge area.

Natural stone is proposed on the western elevation, which returns into the site on the south elevation and is replaced with glazing and metal panelling which steps up along the façade. This elevation contains angled bay windows orientated towards the park.

#### Block 4 - Office

The office block is located on the south west corner of the site. It extends to 9,820sqm gross external area with accommodation provided over five storeys. Within this is a retail unit (282 sqm) at street level on Dundas Street. There is a rooftop amenity level also proposed.

The primary entrance is located from the proposed central link through the site. This consists of a double height colonnade and a double height foyer.

The office building is finished in a mix of natural and precast stone.

#### Block 5 - Private Residential (Fettes Row) 47 units.

This comprises the two southern crescent blocks and the tenement building (and link building) along the Royal Crescent and Fettes Row.

The five storey tenement block contains 26 units consisting of six units with one bedroom, 14 units with two bedrooms and six units with three bedrooms

There are a further three units with three bedrooms in a link building between the tenement block and the southwestern crescent building.

The main access to the building that fronts onto Fettes Row is provided from podium level on its northern elevation. A bridge link from Fettes Row also provides level access to the building on its southern elevation.

Two crescent buildings contain nine units over three storeys. Each crescent building is split into one unit with two bedrooms and eight units with three bedrooms.

These southern crescent buildings are also accessed from the main crescent garden at podium level. Upper level dual aspect two and three-bed units are accessed via external colony-style staircases. The lower duplexes also have direct access from car park level.

The south-facing elevations are finished in natural stone. The north-facing façades of the two southern crescent buildings are also proposed to be finished in natural stone, and that of the northern crescent buildings and the building fronting on Fettes Row are proposed to be finished in - precast stone.

#### Block 6 - Private Residential - two blocks south of the park (Crescent) total 70 units

This part of the proposal comprises two buildings set out in crescent shapes to the south of the park. They are six storeys, though this appears as four on the southern elevation as they sit on a podium deck. The blocks are split by a central gap and a sunken garden. To the south is an area of open space

The two northern crescent buildings each contain 35 units. One contains 11 x one bedroom units, 10 x two bedroom units and 14 x three bedroom units and the other contains 12 x one bedroom units, 10 x two bedroom units and 13 x three bedroom units.

Access to the northern crescent buildings is stepped from the main crescent garden. Accessible entry is provided at car park level. Pedestrian access to the car park level from podium level is provided via an external lift and stair.

The southern elevation is proposed to be sandstone with the northern elevation made from pre-cast stone.

### Block 7 - Gym

Located under the central east / west public realm opposite the proposed BTR block. It covers a floorspace of 990sqm. The external wall to the gym is designed as a living green wall to the street edge.

#### General:

In general layout terms the buildings provide frontage onto the main streets surrounding and within the site.

Due to the levels of the site a podium deck is to be created. This enables a new landscaped east/west public route to be created through the site linking Dundas Street through to King George V Park.

The Dundas Street section incorporates an access ramp and steps to deal with the initial change in levels. The area incorporates hard and soft landscaping. A bridging element is introduced to link the park.

Vehicular access to the site is taken from Eyre Terrace via the existing vehicular access point. This leads to the car parking located under the podium deck.

A total of 161 car parking spaces are proposed. This includes 16 accessible spaces and 29 electric vehicle charging spaces.

A total of 840 cycle spaces are provided, the majority under the podium deck aside from those related to the BTR block which are located at the north of the block at the ground floor (internal).

Additional cycle parking is proposed within the overall public realm area.

Servicing, mechanical and electrical refuse storage are generally provided at the car park level. It is proposed that reuse will be factored to move it to a central pick up point.

General mechanical and electrical plant is also located at the car park level.

A total of 42 trees are proposed to be removed within the application site. Seventy-one replacement trees are proposed as part of the development.

## **Scheme 1**

- The housing mix initially contained 22 x studio units, 92 x one bedroom units, 160 x two bedroom units, 74 x three bedroom units and 1 x four bedroom units.
- Fettes Row building line has been moved 1.5 metres to the north away from the street.
- The outward facing elevations are now primarily sandstone.
- Alterations to the elevational detail on Dundas Street and Eyre Place.
- A narrower gap between the crescent buildings facing the park.
- Changes to the materials in the landscaped route through the site, previously contained synthetic materials.
- Alterations to the windows in the MMR block for daylighting reasons.
- Original proposals included 164 car parking spaces.

### **Supporting Documents:**

- Environmental Impact Assessment (EIA) Report
- Design and Access Statement (DAS)
- Affordable Housing Statement
- Heritage and Townscape Statement
- Pre-Application Consultation Report
- Daylight, Sunlight and Overshadowing Report
- Transport Assessment
- Flood Risk and Drainage Strategy Report
- Sustainability Statement and S1 Form

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

### **3.2 Determining Issues**

Due to the Site being located within the New Town Conservation Area and its proximity to listed buildings, 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) the proposal will result in no significant harm to the character and setting of any listed buildings;
- b) the proposal will result in no significant harm to the character and appearance of the New Town Conservation Area;
- c) the principle of development is acceptable;
- d) the proposal will have a detrimental impact on the character of the New Town Gardens Designed Landscape Inventory Site;
- e) the proposal will preserve the outstanding universal value of the Old and New Towns of Edinburgh World Heritage Site;
- f) the design, scale and layout are appropriate;
- g) the proposal raises any issues in respect of transport and road safety

- h) the proposal will have a detrimental impact on amenity;
- i) there is other material considerations;
- j) environmental Impact Assessment Report;
- k) equalities and
- l) public representations have been addressed.

## **Assessment against Listed Buildings & Conservation Areas Requirements**

### **a) Listed Buildings**

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

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

(3) In this section, 'preserving', in relation to a building, means preserving it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character, and 'development' includes redevelopment."

If listed buildings or their settings are affected, it is necessary to consider whether the proposed development would adversely affect any of the listed buildings on the site, or any features of special architectural or historic interest which they possess, or the setting of any listed building outwith the site.

If it is found that the development would adversely affect any listed buildings, a strong presumption against the proposed development arises and it is necessary then to consider whether this development is an exceptional case where the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.

Therefore, the main consideration in the assessment of this application is that special regard be given to the desirability of preserving listed buildings or their settings. As mentioned above, there is a general presumption against granting planning permission where there is harm to the character or setting of a listed building.

In this case, there are a number of listed buildings which are affected by the development. The listed buildings are all outwith the application site, and therefore the primary consideration in the assessment of these proposals is the impact on the character and setting of these listed buildings, outwith the site boundary.

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

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

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

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

Setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

In order to address the Act, Historic Environment Policy and LDP Policy Env 3, the assessment is divided into the individual (or relevant groups) of listed buildings:

### **Listed Buildings along Fettes Row and Royal Crescent**

For the purposes of this assessment, the listed buildings along Fettes Row and Royal Crescent are assessed together, as they are a contiguous row of properties.

Category A Listed Buildings:

- 1 - 13A (Inclusive Nos) Royal Crescent, 24 and 24A Dundonald Street and 26-28 (Even Nos) Scotland Street, Including Railings and Lamps (reference LB29679, listed 22/09/1965); and
- 15 - 23A (Inclusive Nos) Royal Crescent, and 15 Dundonald Street, Including Railings and Lamps (reference LB29680, listed 22/09/1965).

Category B Listed Buildings:

- 1-12 (Inclusive Nos) Fettes Row, and 99-103 (Odd Nos) Dundas Street, including railings and lamps with 13 North East Cumberland Street Lane Including Wall (reference LB28754, listed 15/07/1965).

The townhouses along Royal Crescent are listed as Category A in recognition of their national importance. The crescent was designed as a prominent landmark to the first extension of the New Town. The original scheme for three segments with a detached building in the middle was abandoned following the construction of the Scotland Street Tunnel in 1847. However, the western segments were completed more or less as intended, albeit with tenements rather than terraced houses, by James Lessels in 1888. The crescent is a key townscape component on the perimeter of the new town.

As a planned, raised crescent, Royal Crescent takes advantage of views over the ground at the northern edge of the New Town and is visually prominent in views into the World Heritage Site (WHS) from the north. Another key feature of this section of the New Town is its topography, with terraces and open spaces stepping down from one another in harmony with the landscape.

The properties along Fettes Row are a Category A listed Group within the New Town. The listing description rates this group as a significant surviving part of one of the most important and best-preserved examples of urban planning in Britain.

The parts of the proposed development which have the greatest impact on the setting of these listed buildings are the office and residential accommodation blocks (Blocks 4 and 5) and the residential blocks opposite Royal Crescent (Blocks 5 and 6)

Office Block and Residential Block (Referred to in the EIA as Blocks L and H)

Historic Environment Scotland (HES) considers that the proposed office and residential blocks located along the World Heritage Site boundary at Fettes Row give rise to some beneficial visual effect. The largely continuous street frontage of these blocks responds successfully to the rhythm of stepped terraces that are a key characteristic of this part of the New Town.

HES also notes that the wall-head height of the proposed office and residential blocks are comparable in height to the wall-head height of the category B listed four-storey corner pavilion block on Dundas Street, and the three-storey terraced townhouses on Fettes Row. This aspect of the proposals also successfully reflects the rhythm of development stepping down towards the Firth of Forth.

However, HES notes adverse impacts caused by the inclusion of an additional level of accommodation set back from the proposed wall-head level of the office and residential blocks. This proposed tall set-back roof storey would increase the overall height of the Fettes Row buildings, rising above the level of the B listed terrace opposite, where historically shallow M-shaped roofs were specifically designed to limit any visibility above the cornice and blocking course.

Additionally, HES considers that the different architectural expression and character of these two blocks mean they fail to respond to the continuous, uniform planned character of this part of the New Town.

The comments made by HES are noted. The additional level of accommodation on the top storey is higher than the listed properties opposite, as demonstrated in the Design and Access Statement. However, the set-back of this level means that it is not readily perceived from pedestrian/street level. While it will have an impact on the setting of the listed buildings when viewed from those listed buildings, this impact is not considered to be seriously detrimental to the setting of these listed buildings due to the set back.

However, it is also important to consider the existing use of the application site, as well as the existing buildings on the site and the impact that these currently have on the listed buildings noted above. At present, the former offices are incongruous in terms of their design and appearance within the wider context of the listed buildings.

While they have some merit in terms of their interesting design, they do not respond sympathetically to the listed buildings by virtue of their materials, height and massing. This proposal would provide a setting where the listed buildings are better considered and the street setting is positively addressed.

Further to this, the trees along Fettes Row and Royal Crescent are being retained, and the proposed buildings are set back from the street to accommodate these trees. This allows for the visual prominence of the listed buildings to retain their dominance in this location.

#### Crescent Shaped Blocks 5 and 6 (Referred to in the EIA as Blocks C, D, E, F and G)

These residential accommodation blocks are located immediately adjacent to the World Heritage Site boundary at Royal Crescent. Although the design of these blocks reflects the curved crescent form of the adjacent Royal Crescent, HES notes that this Crescent was never designed to accommodate development opposite, but rather was sited to look over underdeveloped ground, which at the time of its design was rural and open in character.

HES therefore considers that the relationship between the underdeveloped ground in this location and the siting of Royal Crescent demonstrates the topography and planning of the World Heritage Site. HES further considers that the relationship between the underdeveloped ground in this location and the siting of Royal Crescent is important to the understanding and experience of these Category A listed buildings.

HES has stated that the introduction of large residential accommodation blocks (C, D, E, F and G) immediately opposite the Crescent will have an adverse impact on its setting and visual prominence. HES asserts that the southernmost crescent blocks (G, F, E) which rise to just below one storey above the Crescent's datum (pavement) level will, for example, diminish the visual prominence of the Category A listed townhouses and also largely obscure the retaining wall which underpins their construction. The six storey northernmost accommodation blocks (C, D) will adversely affect longer views to and from the Royal Crescent townhouses.

In assessing the proposal, the comments from HES are noted. However, immediately opposite Royal Crescent, the car park building sits lower than the pavement, but it is visible in views to Royal Crescent from the park. While views are maintained to the crescent from the park currently, the setting of the listed buildings is already compromised by the surface car park and linear concrete car park structure. Similarly, the comments from HES regarding the original rural nature of the land opposite Royal Crescent are noted, however this land has latterly been used as a car park for the office building. All of the land to the north would have been "undeveloped" originally, the test is whether the change proposed is acceptable having special regard to the character and setting of the listed buildings.

The current proposals will have an impact on the setting of the listed buildings by virtue of the change in character along Fettes Row and Royal Crescent, where the new buildings will be more visible due to their relationship with the street. However, the setting of these listed buildings includes the safeguarding of important views and landmarks, including the framed views along Dublin Street/Drummond Place/Dundonald Street.

The current proposals have some beneficial effect on the setting of these Category A listed buildings due to the opening-up of the central axial route, resulting in potentially improved views of the crescent from the park.

The trees along Fettes Row and Royal Crescent are retained, and this further helps to maintain the setting of the listed buildings.

HES recommended that the scale of blocks G, F and E is reduced, and the level of development above pavement level immediately adjacent to Royal Crescent is removed. Alternatively, setting these blocks back further from the Crescent's stone retaining wall would better protect the ability to experience and understand the planned, raised crescent ensemble.

HES also recommends that blocks L and H are re-designed as a continuous, architecturally unified development to better reflect the scale and form of the B listed terrace opposite. Additionally, care should be taken to limit the visibility of the upper storey and plant components of block L. This should be done either by reducing the height of the upper storey or by ensuring it is set-back further and incorporated within a defined roofscape with appropriate recessive materials. This would also apply to its associated elements e.g. glazed balustrades which can be particularly visible.

In response, the applicant pulled the buildings of blocks L and H further apart, and lowered the heights of these blocks.

These changes have helped reduce the impact of the development on the listed buildings at Fettes Row and Royal Crescent, albeit to a limited extent. It is acknowledged that the character of the area will change, and hence there would inevitably be some impact on the setting of the listed buildings. However, the development takes cognisance of the listed buildings by virtue of the set-back, form, retention of trees, and materials of the proposals. Given the urban context of the site, the proposals respond positively to the listed buildings on Fettes Row and Royal Crescent.

### **Brandon Street and Eyre Place**

Category B Listed Buildings:

- Brandon Street 1-16 And 1-7a Eyre Place (reference LB28341, listed 25/11/1965).

Category C Listed Buildings:

- 1-29 Eyre Crescent and 21-23 Eyre Place (reference LB28739, listed 19/12/1979);
- Eyre Place 25-31 (reference LB28741, listed 19/12/1979).

Similar to the assessment above, these groups of listed buildings are considered together, due to their proximity.

These buildings comprise a mix of three and four storey tenements and townhouses of sandstone and slate construction. The proposed development has a limited impact on the setting of these listed building, by virtue of the distance to the site, and the number of other intervening buildings.

The setting of these listed buildings is preserved.

### **Listed Buildings - Conclusion**

There will be impacts associated with the character and setting of adjacent listed buildings, particularly with regards to the relationship of the development with the existing listed buildings on Fettes Row and Royal Crescent. However, when viewed in the urban context of the site, coupled with the benefits of redeveloping the site with a more sympathetic design taking cognisance of the listed buildings, and the retention of the trees, the character and setting of the listed buildings is preserved.

Therefore, the proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 3 (Listed Buildings - setting).

### **b) Conservation Area**

Section 64 (1) of the Listed Buildings and Conservation Areas Act provides:

"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2) (the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

LDP Policy Env 6 (Conservation Areas - Development) supports development within a conservation area or affecting its setting which preserves or enhances the special character and appearance of the conservation area and is consistent with the relevant character appraisal, preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The site is located within the New Town Conservation Area. The essential characteristics of the New Town Conservation Area Character appraisal include:

- the formal plan layouts, spacious stone-built terraces, broad streets and an overall classical elegance.
- views and vistas, including- terminated vistas that have been planned within the grid layouts, using churches, monuments and civic buildings, resulting in an abundance of landmark buildings. These terminated vistas and the long-distance views across and out of the Conservation Area are important features;
- the generally uniform height of the New Town ensures that the skyline is distinct and punctuated only by church spires, steeples and monuments;

- grand formal streets lined by fine terraced buildings, expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces.
- within the grid layouts, there are individual set pieces and important buildings that do not disturb the skyline.

The New Town can also be viewed from above at locations such as the Castle and Calton Hill, which makes the roofscape and skyline sensitive to any modern additions;

- the setting and edges of the New Town and Old Town;
- Royal Crescent is characterised by a general consistency of overall building form, an almost exclusive use of sandstone, natural slate roofs and cast and wrought iron for railings, balconies and street lamps;
- boundaries are important in maintaining the character and quality of the spaces in the New Town. They provide enclosure, define many pedestrian links and restrict views out of the spaces. Stone is the predominant material;
- new development should be of good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area;
- any development within or adjacent to the Conservation Area should restrict itself in scale and mass to the traditionally four/five storey form.

The supporting Heritage and Townscape Statement has assessed the effects on the Conservation Area as a whole, and this assessment has had regard to the essential characteristics of the Second (Northern) New Town. In this regard, the key aspects that are assessed below are the impacts of the development on formal planned alignment of the New Town, height and skyline, setting and edges, material palette, design quality and land use. A detailed visual impact assessment in the EIA Report has informed an understanding of the distant and local views that contribute to the character and appearance of the Conservation Area.

### **Formal planned alignment of the New Town, Setting and Edges**

The established spatial hierarchy of the New Town is a key characteristic of the conservation area. The historic plan forms, coupled with the dramatic topography, results in important, terminated and long vistas with landmark features.

It is the views along Dundas Street and down Drummond Place that contribute to the clarity of the urban structure of the planned Second New Town and alignment of key buildings. One of the most relevant of the Council's Protected Views is viewpoint C12, looking down Dublin Street, from which the sea is visible down each street. Other important views include the Castle Ramparts - orientated north west (Protected Skyline View C1A), and Salisbury Crags/Radical Road - orientated north west (Protected Skyline View E2d).

The most visually prominent parts of this proposal in terms of key views are the elevations down Dundas Street, and the crescent buildings opposite Royal Crescent.

With regards to Dundas Street, the development proposes the removal of the trees along the frontage. This allows the development to reflect the rest of Dundas Street in terms of its relationship to the street.

With regards to the impact of the development opposite Royal Crescent, it is noted that a new crescent is proposed to be formed within the site. Although the new buildings have been centrally aligned with the axis of Royal Crescent, and symmetrical with Royal Crescent/Fettes Row, their prominence when viewed closer on approach down Drummond Street, means that they will have an impact on the character and appearance of the conservation area by contributing to an additional visual feature, which breaks the skyline within this view experience. The changing pattern of visibility and visual focal points that are experienced as a sequence when moving northwards down Drummond Street has been considered in the Townscape and Heritage Report. This gives rise to complex changes in how the proposed development is perceived within its context. Historic Environment Scotland identified a significant adverse impact caused by the appearance of these crescent buildings (blocks C and D) in the framed view occurring out of the World Heritage Site along Nelson Street/Drummond Place/Dundonald Street.

However, it is the proposed façade design of the buildings, including the selection of materials, and curved form of the crescent buildings that has helped to assimilate the new buildings into the surrounding townscape and mitigate the apparent changes when viewed down Nelson Street/Drummond Place/Dundonald Street. Furthermore, whilst the development along Fettes Row rises above the existing properties opposite, the setback depth from Fetter Row, and the retention of trees within the plot itself helps to alleviate the perception of scale and align it closer to the levels of the larger surrounding development. Height is assessed further under the next heading.

### Height, Skyline and Views

The Conservation Area Character Appraisal identifies the importance of a cohesive, historic skyline and its contribution to the character of the conservation area. It also highlights the need to avoid incremental skyline erosion through increased building heights.

Likewise, LDP Policy Des 4 supports development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to height and form, scale and proportions, including the spaces between buildings and position of buildings and other features on the site and materials and detailing. This is assessed within the context of the conservation area. The proposed development allows for key views to be retained, albeit in an altered sense. Within the context of the wider conservation area, there is a minimal impact on the skyline and views.

## Material Palette

The prevailing materials within this part of the conservation area are natural stone and slate roofs.

Materials are particularly important in order to achieve a cohesive development with the conservation area, and to provide a high-quality urban environment. This proposal shows a mix of external materials, but on the main street-facing elevations, the predominant material is stone. Views across rooftops, particularly on Royal Crescent, will be green or sedum roofs, and this helps to integrate the development into the adjacent park.

The proposed materials are appropriate within the context.

## Design Quality

The New Town Conservation Area Character Appraisal states that new buildings should be a stimulus to imaginative, high quality design and seen as an opportunity to enhance the area. Direct imitation of earlier styles is not encouraged, but rather new buildings should be designed with respect for their context. In this regard, the Council supports contemporary designs that are sympathetic and complimentary to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area. This issue is assessed further below, however at this stage, the design quality of the buildings is reflective of the proportions of the existing traditional townhouses, while providing a contemporary design. Within the conservation area, the proposed design quality is appropriate.

## Land Use

The mix of uses within the site is reflective of the surrounding area. The existing retail and commercial uses are complemented within the development with the introduction of similar uses. The residential is also welcomed and is reflective of the character of the surrounding area.

## Conclusion

Whilst the proposal does not impact adversely and significantly on city-wide views and townscape character, the mass and scale of the new buildings will affect the spatial characteristics of the planned New Town at this location. The proposal seeks to form a new planned alignment. The result is a layering of separate elements, and the extent to which these elements are visible varies as part of the sequence of views from various locations.

On balance, and taking the range of proposed uses into consideration, it is considered that the development does not remove or detract from key characteristic components of the conservation area that gives the area its special interest. It will contribute to the architectural quality of the area with contemporary high quality buildings, designed to respond to its historic and modern urban environment. The different responses to the various edges of the site, including along Dundas Street and Fettes Row/Royal Crescent and towards the park are acceptable.

Overall, the special character and appearance of the New Town Conservation Area will be preserved. Therefore, the proposals are in accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 6 (Conservation Areas - Development).

## **Assessment against the Development Plan**

### **c) The Principle**

Housing:

LDP Policy Hou 1 (Housing Development) states that priority will be given to the delivery of housing land supply and relevant infrastructure. Criteria (d) relates to other suitable sites in the urban area, provided the proposals are compatible with other policies in the plan.

In general, the mix of housing proposed - for sale, build to rent and affordable - is acceptable at this location.

Hotel Use:

LDP Policy Emp 10 (Hotel Development) supports hotel development in locations within the urban area with good public transport access to the city centre. The site is within a few minutes' walking distance of frequent bus services into the city centre and within a 15/20-minute walk to the city centre. In this context, the principle of hotel use and associated café/bar components are acceptable.

Employment Space:

LDP Policy Emp 9 (Employment Sites and Premises) seeks to ensure that proposals for redevelopment of sites over one hectare which are or were last in employment use contribute to the city's stock of flexible small business premises.

The policy also indicates that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use.

Policy Emp 9 does not set specific quantities of replacement floorspace to be provided. The proposed office block has a gross area of 9,820 sqm with accommodation over five floors. The planning statement sets out that there is flexibility in the design of the office building allowing for division of the floorspace which will potentially allow for a range of users.

LDP Policy Emp 1 (Office Development) directs major office development to the city centre, other strategic business centres and town/local centres in the first instance. However, it also supports office use in other mixed use locations accessible by public transport and compatible with the character of the local area. The site is not within one of the preferred locations for office development but it is located in a mixed use area, which is located on a high frequency bus route to the City Centre, and is within 15/20 minutes walking distance to the public transport interchanges located in the City Centre.

Policy Emp 1 would normally require an applicant to demonstrate that there are no suitable sites available for this amount of floorspace in one of the preferred locations and to undertake an assessment of impact on existing town centres. However, this is not required in this instance because there is already 36,957 sqm office floorspace on the site. Furthermore, as policy Emp 9 requires significant replacement space, it is not considered necessary for an assessment of this mixed use development to consider alternative sites.

Economic Development comment that if the existing office complex was fully let it could be expected to directly support approximately 1,805 full-time equivalent (FTE) jobs. This could be expected to directly add approximately £159.42 million of GVA (2018 prices) to the economy of Edinburgh per annum. The RBS site has now been vacant for three years.

Economic Development has estimated that the overall development could directly support 836 Full Time Equivalent (FTE) jobs and £68.55 million of GVA per annum (2018 prices). This represents a decrease on the potential economic impact of the existing buildings; this is inevitable where office space is being redeveloped for other uses. The loss of office space would to some degree be compensated for by the creation of modern new space.

The EIA summarises that the development would create in the region of 570 construction jobs.

The principle of the office block is acceptable at this location.

Other uses:

A Class 1 (Retail) unit covering approximately 282 sqm is proposed on the corner of the office block fronting onto Dundas Street. The unit would have direct access onto Dundas Street.

LDP Policy Ret 6 (Out of Centre Development) sets out the approach to retail uses in out of centre locations, including considering deficiencies in the retail offering, consideration of alternative sites within or on the edge of identified centres, impact on existing centres and the sites accessibility.

The inclusion of the unit fronting onto Dundas Street at this location is encouraged to provide an active frontage. The location of the site is not within a retail centre, though there is an identified local centre on the opposite side of Dundas Street. The wider area also contains a mix of uses and is in an accessible location. A mix of uses is encouraged on this site and forms part of a comprehensive and co-ordinated redevelopment. A minor departure from the retail policy in terms of the location of retail development in out-of-centre development is acceptable in this instance as it is an ancillary use and will add to the vibrancy of the area.

LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) is applicable to the proposed gym use that sits under the podium level within the site. The policy covers a potential wide range of uses and indicates that a sequential approach which considers city centre or town centre locations first.

The policy also sets out key considerations relate to accessibility by public transport, design quality and impact on the character of the area and local residents.

As a use compatible with the wider mix of uses proposed on this regeneration site is not deemed appropriate for alternative sites within the retail hierarchy to be considered. However, it is acknowledged that a Class 11 (Assembly & Leisure) does cover a wide range of potential uses which can often have wider amenity considerations, therefore it is appropriate to restrict the use to a gym by condition.

The site is in an accessible location and has been design as part of the podium level adjacent to the living green wall which will aid in enlivening the street in this part of the site

Having a mix of uses in a development can help both its sustainability and the sustainability of an area as a whole. The proposed ancillary uses are welcomed to provide local services and employment opportunities and create active frontages along these streets.

Open Space:

A section of the site is designated as open space within the Edinburgh Local Development Plan. Policy Env 18 (Open Space Protection) sets out the circumstances in which a loss of open space will be permitted.

Planning permission in principle (14/01177/PPP) has recently been granted for a mixed use development on this part of the application site. This establishes the principle of developing on the open space.

The open space, approximately 0.12ha is fenced off and is not accessible to the public. It is of limited amenity value. It is defined as a "semi-natural greenspace" in the Council's Open Space Audit and is given a rating of "fair". The open space sits adjacent to King George V Park which covers 1.97 hectares and is rated excellent in the Open Space Audit.

From Eyre Place, the trees on this site and the park merge to give a continuous green frontage along this section of Eyre Place. The trees fronting King George V Park will remain and will continue to contribute to the character and quality of the local environment.

The open space within the application site does not serve a planned role in the townscape of the area and its redevelopment provides the opportunity to fill a gap in the urban form. Given its current condition and proximity to King George V Park, the loss of this space would not be detrimental to the wider network including its community or biodiversity value. In this instance, the potential townscape improvements outweigh the loss of open space.

In summary, the principle of redeveloping this site for the range of uses proposed is supported.

#### d) New Town Gardens Designed Landscape Inventory Site

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) sets out that development will only be permitted where there is no detrimental impact on the character of a site recorded in the Inventory of Gardens and Designed Landscapes, adverse effects on its setting or upon component features which contribute to its value.

The site is located within the New Town Gardens designated Garden and Designed Landscape (GDL).

The inventory notes that the internationally recognised New Town Gardens comprise a series of 18th and 19th century town gardens, squares and walks. Although broadly contemporary with other developments in city planning, Edinburgh New Town has the most extensive system of public and private open space, designed to take full advantage of the topography and Edinburgh townscape.

It continues that it is a series of 18th and 19th century town gardens, squares and walks, which, together with the surrounding buildings are collectively termed the 'New Town', and the result of neo-classical town planning.

King George V Park is not specifically mentioned in the inventory description. It takes a different form from the other New Town Gardens covered by the inventory and is not a formally planned garden like a number of the other parks and gardens found in the New Town. It is not contemporary to the creation of the New Town. Furthermore, it has also changed over the years.

Historic maps and information show that by 1851 the Canonmills Loch was drained and the ground was an area of undeveloped ground.

In 1865 The Royal Patent Gymnasium was opened on the eastern part of the site. This contained a number of pieces of apparatus including the 'Giant Sea Serpent', a large roundabout set within a circular artificial pond which was moved by visitors rowing the circular six-foot wide 'boat' which could accommodate 600 seated rowers. The Royal Patent Gymnasium was short lived and was sold in 1879.

In 1905 the area now covered by the park had become a football ground with a number of buildings to the west.

The 1933 Ordnance Survey map shows the football pitch re-orientated east-west and a stand constructed at the southern part of the site.

King George V Park was opened in 1950. The original design for the park included tennis courts, a putting green and a playground. The park was re-landscaped in the 1980s, this established planting, paths and number of 'rooms' that add to the character and form the main components of the park today.

A number of objections received to the application relate to the impact on the park, both in terms of links through to the proposed development and the development of new buildings close to the boundary in a part of the park which is relatively secluded.

The park does have planting around the perimeter, this will be opened up by the link and some of the boundaries will be changed by the proposed development.

The BTR block to the west of the park focuses on creating strong active frontages to the park, creating a new street which significantly improves levels of passive surveillance. Planning permission in principle has recently been granted for development next to the western boundary of the park. Trees will be retained along this boundary.

The removal of the existing garages and large area of hardstanding car parking from the perimeter of the park will have a positive impact on the setting of the park. The introduction of crescent blocks in this area along the southern edge of the park will change, to a limited extent, the character of the park, by introducing a different built form in this area. These will be visible from the park (as is the existing garage building which is currently visible) but will project higher than the existing garages. The effect is most notable in the winter months where it is more possible to see the buildings through the trees. The existing data centre on the site to the southwest is already a relatively large and bulky building.

HES comment that while it notes that the footprint of the park has changed dramatically over time, it does retain some of its open character in relation to the New Town buildings positioned to the south. Overall, they consider that the central axial route through the proposed development has the opportunity to improve current views of the New Town, primarily Royal Crescent, from the park (and vice versa). It should be noted, however, that the bulk and relatively narrow gap between the crescent blocks nearest the park currently limit the available views.

The visual assessment contains a number of viewpoints, including viewpoint 16 looking south from the park and viewpoint 5 looking in a southwest direction.

The submitted heritage statement puts forward that the modern King George V Park has no functional or physical relationship with Royal Crescent and views were unintended. However, this is not fully accepted given the physical closeness of the park, the application site and the Royal Crescent.

The applicant's assessment is that the existing viewpoints indicate limited visibility of the Royal Crescent from the park, with viewpoint 16 showing that the heavily tree filtered winter views of the upper part of the built edge of the eastern section of Royal Crescent would be blocked by one of the private residential blocks.

However, the gap between the two crescent shaped residential blocks does provide a partial view and this responds to Dundonald Street. The removal of the existing garage shed is also beneficial visually. The form of buildings would allow the corner pavilions of Royal Crescent and Dundonald Street to be legible through certain points of the development.

In the summer months the impact will be more limited, with glimpses through to the proposed buildings on the application site.

Although some of the views to the south are more transient in nature, the view to the Royal Crescent and the WHS site will be impacted on by the proposals and the nature of the park will be altered. However, the current views do not provide uninterrupted views of the full Royal Crescent, whilst the proposed gap will enable passing views. Furthermore, the proposals will introduce passive surveillance in a secluded part of the current park and increased permeability provided by the new link.

The main physical change to the park would be the inclusion of a new link through to the site. This would not impact adversely on the park or the components and character that was set out when the current park was set out in the 1980s.

It is concluded that the park is not contemporary with the surrounding older development. The proposals will alter the boundary treatments and introduce new built forms on the adjacent ground. The views would change, predominantly in the winter but the longer view out of the park is more transient in nature and already partially blocked by an existing garage. The proposal does not have an adverse impact on the Inventory Garden and Designed Landscape and complies with Policy Env 7 (Historic Gardens and Designed Landscapes).

#### **e) World Heritage Site**

LDP Policy Env 1 states that development will not be permitted which would have a harmful impact on the qualities which justified the inscription of the Old and New Towns of Edinburgh World Heritage Site, or would have a detrimental impact on the Site's setting.

Setting includes sites located in the immediate vicinity of the World Heritage Site (WHS), such as the subject site which lies to the north of the WHS boundary.

The Old and New Towns of Edinburgh World Heritage Site was inscribed on the World Heritage List by UNESCO World Heritage Committee in 1995. This defines the criterion for Outstanding Universal Values (OUV) relevant to the Old and New Towns of Edinburgh WHS as:

Criterion (ii): The successive planned extensions of the New Town, and the high quality of its architecture, set standards for Scotland and beyond, and exerted a major influence on the development of urban architecture and town planning throughout Europe, in the 18th and 19th centuries.

Criterion (iv): The Old and New Towns together form a dramatic reflection of significant changes in European urban planning, from the inward looking, defensive walled medieval city of royal palaces, abbeys and organically developed burgh plots in the Old Town, through the expansive formal Enlightenment planning of the 18th and 19th centuries in the New Town, to the 19th century rediscovery and revival of the Old Town with its adaptation of a distinctive Baronial style of architecture in an urban setting.

Chapter 4 of the 2011-2016 Management Plan sets out an interpretation of the key attributes of the OUV which are further explained in Appendix D.3 of the 2017-2022 Management Plan.

The WHS Management Plan, by its very nature, accepts that inevitably change will occur within the WHS. An EIA Report has been submitted with the application to assess the effects of this change.

The applicable attributes to the OUV that may be affected by the proposed development on the edge of the WHS are:

#### Architectural Quality:

- The New Town plans establish major axes which are addressed by formal set piece architecture, often designed by the leading architects of the day. The North Bridge vista is closed by Robert Adam's Register House. Looking east along George Street, the view is closed by William Chambers' Dundas House. Melville Street aligns with George Gilbert Scott's St Mary's Episcopal Cathedral.
- The overwhelming majority of New Town buildings date from the period 1770-1870. Their form was rigidly controlled by a series of feudal conditions. Main doors approached across stone entrance platts bridging the basement area and often marked by entrance lamps are characteristic, as is the regularity of scale.
- More recent buildings throughout the Site reflect a variety of different approaches to development in historic areas, while respecting their context and wider setting.

#### Topography, Planned Alignments and Skyline:

- The Old and New Towns both exploit the topography of their site and the value of views both within and out from it to maximum effect. The historic plan forms allied to the dramatic topography results in important terminated and long vistas and landmark features
- The distinctive and cohesive historic skyline is dominated by The Castle, the spires of the Old Town and Arthur's Seat.
- The New Town is characterised by its disciplined facades with palace fronts in local sandstone. They create a regular pattern of stately streets, squares and crescents, interspersed by formal gardens, and containing a series of major classical buildings by architects of the stature of Robert Adam

In a similar manner The Edinburgh World Heritage Trust (EWHT) indicates that they have broken down the qualities of the OUV into 5 overarching themes and the two most likely to be affected are:

- '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.
- '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.

The site itself, retains surviving historic features (such as the retaining walls and boundary railings), but by itself is not considered to make a significantly positive contribution to the overall OUV.

Over the years and despite the variety of industrial and recreational uses attributed to the wider site, the area maintained its open 'under developed' characteristics and does provide part of the setting for the buildings and townscape of this section of the second New Town.

#### Architectural quality

The design quality of the development is considered in section 3.3f).

The design is contemporary and the use of simple geometry, repetition and modulation to bring rhythm and depth to building facades is supported. The buildings' edges respond positively to the existing streets.

The design of the buildings utilises high quality materials, with natural stone being the unifying material around the principal external elevations which is appropriate for the location of the site. Where appropriate existing walls and railings are retained.

#### Topography, Planned Alignments and Skyline

The main considerations in relation to topography, planned alignments and skyline are the views along Dundas Street and Nelson Street/Drummond Place/Dundonald Street.

#### Nelson Street/Drummond Place/Dundonald Street

This potential impact alters along the street when moving north and is shown in viewpoints 8 a,b,c.

The longer views show the larger northern crescent blocks separated by a gap of a similar width of the existing street. The gap in the buildings enables a framed view in the longer viewpoint to be formed. This will aid in mitigating the visual impact.

HES does not object to the application but does comment that the long view demonstrates key characteristics of the townscape and topography of the New Town and would be diminished by the appearance of large-scale development (the proposed larger northern residential blocks). It considers that this impact is significantly adverse.

The applicant did widen the gap and lower the height of the northern crescent blocks, but this was relatively marginal and HES re-stated its comments regarding this element of the proposals.

HES does note some beneficial effect on the setting of the World Heritage Site will occur with the introduction of a central axial route through the site between the proposed crescent blocks and the opening-up of potential views from the park.

Conversely, EWHT comments that the proposed heights, massing, back-of-pavement relationship to the Royal Crescent, Fettes Row and Dundas Street all respond appropriately to their historic context and consider that the proposals, in general, would not cause notable harm to the OUV of the World Heritage Site.

There have been a number of objections to the proposed development including the height and form of the development and the impact on the WHS, but there has also been support, including from the Cockburn association.

As noted in the WHS Management Plan it is accepted that change will occur in the WHS.

The new blocks opposite the Royal Crescent will introduce a new form of development onto the lower lying application site. The new crescent buildings, with the gap do demonstrate an appropriate design solution to this part of the site align with the width of the street and the gable ends when looking north.

The closer views of the site from Dundonald Street show the southern crescent building rising one storey above the street level. Again, this does introduce a change to the current underdeveloped site, but this is a more localised view and would not have a wider impact on the setting of the WHS. As noted above, in the summer, views to the buildings is screened by three trees.

#### Dundas Street

The proposed blocks along Dundas Street step down the street, with the visualisations and views provided shown the development aligning with the existing development to the south and the north. The key view (C12) has been picked up by viewpoints 1 a,b,c,d at various points looking down Dundas Street.

The view will be changed due to the new building line and the loss of trees on Dundas Street, though the retained trees will still be visible on the corner of Fettes Row. The upper levels of the development will be more visible, but do not have a detrimental impact on the skyline.

With HES noting that the wall-head height of the proposed office and residential blocks are comparable in height to the wall-head height of the category B listed 4-storey corner pavilion block on Dundas Street, and the 3-storey terraced townhouses on Fettes Row. This aspect of the proposals also, in its view, successfully reflects the rhythm of development stepping-down towards the Firth of Forth.

Similarly, EWHT note that the proposed heights, massing, back-of-pavement relationship to Fettes Row and Dundas Street were considered to respond appropriately to their historic context.

Viewpoints 7 looking south from Brandon Terrace show an altered building line from the current situation. The new street elevation aligns with the established building line along Dundas Street. It will not detrimentally impact on the setting of the World Heritage Site or the view up to the spire of New College.

Although there would be change with the loss of the trees along this elevation it would not cause notable harm to the OUV of the WHS.

Overall, there will be some adverse impacts from the proposals on the World Heritage site, but these are largely limited to a view down Dundonald Street which is more impacted upon in the closer views. The proposal complies with Policy Env 1 (World Heritage Sites).

## **f) Design, Scale and Layout**

An early iteration of the proposals was discussed at the Edinburgh Urban Design Panel (EUDP) on 25 September 2019. A copy of the report can be found in the consultations section in the appendix.

### **Layout**

Policy Des 7 (Layout Design) seeks an integrated approach to the layout of buildings and routes around them with good connectivity to local centres and public transport. It states that layouts should encourage walking and cycling and ensure overlooking of routes and promote safe and convenient access for people with limited mobility or special needs. It also seeks the connection of public open spaces with the wider pedestrian and cycle network.

The proposed buildings front onto existing streets and address these positively with a range of ground floor uses including retail on Dundas Street. The arrangement of buildings reinforces the existing pattern of perimeter blocks within the area. The new route connecting Dundas Street with King George V Park creates a positive new connection between the park and Dundas Street. It is well overlooked by windows from the housing, hotel and office and slopes down from the street to the park, ensuring safe and convenient access. This connection with the park will help occupants of the development and others get to the cycle route at Rodney Street Tunnel and the wider cycle network.

The EUDP encouraged permeability through the site, but raised concerns with the route through the site from Dundas Street and the creation of a large break in the perimeter block on this street.

This route is at an angle to the rectilinear pattern of streets within the immediate vicinity, however, there are other New Town streets that sit at angles, for example York Lane.

Both the northern and southern crescent buildings on Royal Crescent, through their placing on the axis of Dundonald Street, help to reinforce the symmetry of that street and in turn the pattern of development in the wider New Town. The proposed crescent blocks are also constrained by the combined sewer running through the site.

The development therefore complies with Policy Des 7.

### **Height and Form, Scale, Position of Buildings, and Materials and Detailing**

Policy Des 4 (Development Design - Impact on Setting) seeks development that will have a positive impact on its setting having regard to height and form, scale and proportions, position of buildings, and materials and detailing.

The EUDP had concerns over the height, mass and scale of development. The application has been accompanied by visual assessments to demonstrate how the proposed building blocks fit within the context of the site. Potential impacts on the historic assets within the area have been considered in the sections above.

Heights of buildings onto Dundas Street and Eyre Place are similar to the heights of nearby tenements. The higher part of the hotel building is set back so it is not so apparent from street level. These heights are continued so that blocks 1, 2, 3 4 and 6 are of a similar height. The height of the office building (block 4) though overall higher than the townhouses opposite, has a stepped back upper storey which helps integrate the height of the office into this context. Block 5 is also similar in height on Fettes Row but the crescent element of this is lower in height. This ensures that is visual impact is reduced and allows the trees along the edge of Royal Crescent to remain prominent in the view along the street. The heights of the block 1 and the northern crescent block 6 will be seen from King George V Park and will be more prominent in the winter when leaves are off the trees. These buildings are of a similar height to the trees. Overall, the height of these blocks and the other proposed buildings is appropriate.

The position of the buildings ensures that spaces are overlooked and the arrangement generally follows the perimeter block pattern of surrounding streets. The position of buildings is appropriate.

The elevational design of the buildings helps give them a scale that is similar to the nearby Georgian buildings. The windows have a vertical emphasis that echoes the proportions of the neighbouring historic buildings. On the hotel and housing blocks, the floor to floor heights are smaller than those of surrounding historic buildings but the use of floor to ceiling windows on the proposed buildings gives the windows a vertical emphasis which echoes, in a modern way, the neighbouring character.

Similarly with the Fettes Row elevation of the office building (block 4), the use of two and three storey vertical panels of stone on the upper floors combined with a strong horizontal element at first floor level is a striking modern interpretation of the proportions of the Georgian town houses opposite.

Materials within the development respond to the range of contexts within the site. For example, natural stone is predominant on the elevations to Dundas Street, Fettes Row and Royal Crescent where buildings opposite have sandstone elevations. Precast stone is proposed and brick are proposed for the hotel and affordable housing elevation to Eyre Terrace while opposite those elevations, on block 1, precast stone and coloured angled metal panels are proposed. A mixture of dark precast stone is and light precast stone is proposed on elevations of block 1 to the park. Darker and lighter precast stone is proposed for the crescent block facing the park with metal cladding to the top storey of the northern crescent, while natural stone is proposed for the south facing facades of the crescent blocks. Subject to a condition which requires details to be submitted and agreed, materials are acceptable.

The proposal complies with Policy Des 4.

## **Other design considerations**

Through its layout, arrangement and mix of uses, building heights, scale and materials, the development will contribute positively to the sense of place within this area. It meets the requirements of Policy Des 1 (Design Quality and Context). The concept for the site and the design evolution has been set out in the submitted Design and Access Statement.

The Development will not compromise the effective development of adjacent land and so complies with Policy Des 2 (Co-ordinated Development).

Through providing a connection towards King George V Park, the development integrates with it providing users of the development and the wider community the potential to use this important public space. In this sense, the development complies with Policy Des 3 (Incorporating and Enhancing Existing and Potential features).

### **Density:**

LDP Policy Hou 4 (Housing Density) states that the Council will seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility and need to encouraging local services.

The density of the proposal is 166 dwellings per hectare (dph) when comparing the number of units 349 against the site area of 2.1 hectares discounting the proposed hotel and office uses within the site.

Such a density is comparable to new tenement development at Lochrin Place with a density of 164 dph and is acceptable in such an urban environment close to the city centre.

### **Housing Mix and Sizes:**

LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical.

A range of one, two and three bedroom units are proposed across the site. Seventy units (20%) contain three or more bedrooms designed for growing families, which meets the requirements of the Edinburgh Design guidance.

The Edinburgh Design Guidance includes recommended internal floor areas for flat sizes. For the affordable and private residential blocks the proposal complies with these recommended minimum sizes.

The units in the BTR block meet the minimum standards, aside from 32 of the one bedroom units which are below 52 sqm. Thirty of these are above 50 sqm with the remaining two being above 48 sqm. The EDG explains that when considering BTR proposals that some flexibility can be applied as the BTR model allows for efficiencies in floor space by removing lobbies and also the provision of additional facilities with BTR developments. This approach has been taken here and is acceptable

The Edinburgh Design Guidance states that single aspect dwellings should not make up more than 50% of the overall dwelling numbers. Across the whole of the site the 50% of the residential units are single aspect.

Overall the design makes a positive contribution to the area and will add to its sense of place. The design, scale and layout are acceptable.

## **g) Transport**

### **Access and Traffic Generation:**

A Transport Assessment (TA) has been submitted in support of the application. This provides an assessment of the transport considerations associated with the proposal.

The vehicular access to the site remains as currently in place, which is one vehicular access point taken from Eyre Terrace. An emergency only access route of 3.7 metres in width around the perimeter of the BTR block is also proposed.

The TA has been assessed by the Roads Authority and it concludes that it is an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network.

The site is in an accessible location with good walking accessibility to a range of services and the city centre (20 minutes).

The proposal will open up a route through to the park from Dundas Street and will link in with the local path network alongside the national cycle route (NCR 75) that runs through the eastern part of the King George V Park. This increases permeability through the area.

The Dundas Street entrance into the site includes a ramp and steps. The ramp is a minimum of 2.2m at the narrowest points but extends to 2.5m for the majority of its length with a grade of 1:21. An accessible bridge is proposed at the entrance to the park.

There are a number of bus stops are located on surrounding streets with the TA setting out that at present, bus stops are found on Eyre Place, Henderson Row, Brandon Street, Dundas Street, the B901, and Howe Street. Currently nine bus services, mostly operated by Lothian Buses, serve these bus stops offering residents with approximately 32 services per hour during weekdays, 23 services per hour on a Saturday, and 15 services per hour on a Sunday.

The site is in an accessible location with good linkages and the proposed development will not have a detrimental impact on the road network.

### **Parking:**

LDP Policy Tra 2 (Private Parking) requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance.

The parking standards contain no minimum amounts for car parking. The standards allow for allow a maximum of 349 parking spaces for the residential units and 23 spaces for the 116-bed hotel and three spaces for the office.

The proposed development provides a total of 161 car parking spaces. This incorporates 58 parking spaces for the BTR/MMR blocks, 90 for the private residential blocks, 10 for the hotel and three for the office use. Included within this total number are 16 accessible spaces and 29 electric vehicle spaces are proposed.

The EUDP advocated the consideration of a car free development. Car access is generally restricted to the one access point to the site. The use of the podium deck allows the car parking to remain out of sight and the proposed parking numbers are considerably less than what the standards allow for.

Twenty-eight motorcycle parking spaces proposed complies with the minimum CEC motorcycle parking requirement of 22 spaces.

The proposed level of car parking meets the requirements of Policy Tra 2. The Roads Authority has recommended that the applicant should consider contributing a sum towards the provision of four car club vehicles in the area, but as the car parking standards are met then this would be optional.

LDP Policy Tra 3 (Private Cycle Parking) requires that cycle parking and storage within the development complies with Council guidance.

A total of 840 cycle parking spaces are provided throughout the site.

The proposed 753 cycle parking spaces for the 349 residential unit complies with minimum cycle parking requirement of 751 spaces. The 75 cycle parking spaces provided for the office block complies with the minimum requirement of 75 spaces. The 12 cycle spaces for the hotel also complies with the minimum requirement of 12 spaces.

The majority of the cycle parking is provided throughout the basement level within defined secure spaces. Storage is also provided at upper podium deck / street level for the BTR block which is accessed from the rear courtyard and additional cycle storage at the MMR block courtyard level accessed from the Dundas Street entrance. A condition is recommended to ensure that the levels proposed can be achieved.

The Transport Assessment indicates that the development will be supported by a Travel Plan and contains a travel plan framework. This would have the aim of influencing travel behaviour and providing a welcome pack to help plan sustainable travel. An informative is proposed to encourage the applicant to undertake the measures set out in the TA.

In summary, the site is within an accessible location with good access to public transport. The access to the site is acceptable and the level of parking proposed is within the standards.

## **h) Amenity**

### **Noise:**

The submitted Noise Impact Assessment (NIA) has looked at noise impacts from transport sources on the proposed development, noise from non-residential proposed uses on existing and proposed residential units, commercial plant noise and construction noise.

Environmental Protection note that the NIA has demonstrated that its possible for the proposed uses to be established with little impact on residential amenity.

The proposed plant associated with the development is proposed for the development is to be located within the basement area so mitigation will be required.

Some of the specific operations of the proposed commercial / retail aspects of the development are not known and therefore cannot be robustly assessed in terms of their potential noise impacts. The applicant has proposed that noise break-out could be considered in the detailed design stages of the development and would be controlled via a façade design of appropriate acoustic specification. Further noise information is required.

Noise from the proposed Skybar has also been assessed. The applicant has stated that it is considered that breakout from the internal areas of the Skybar would be addressed during the detailed stages of the design and would be adequately controlled via means of an appropriate façade specification. The applicant has suggested a number of possible noise mitigation solutions that could be introduced and will be detailed at a later stage. With potential mitigation in place, it is expected that noise from the hotel rooftop bar would be negligible.

It is acceptable that this can be considered later and a suspensive condition is proposed to ensure that adequate mitigation is achieved. Environmental Protection are confident that engineering solutions can be introduced to ensure residential amenity is protected and therefore conditions are recommended. Issues such as opening hours and use of the Skybar terrace are best covered by other regimes such as licensing.

Environmental Protection do not object to the proposals.

### **Privacy**

The consideration of privacy distances has been taken into account when setting out the position and orientation of the proposed buildings within the site.

Dundas Street is a relatively wide street and there is a separation distance of approximately 26 metres. Similar overlooking distances from Fettes Row and the Royal Crescent between the existing and nearest proposed blocks exist. The distance from the proposed new block on Eyre Place is approximately 23 metres from the nearest building to the north.

Along Eyre Terrace the distance between the buildings 16 and 17 metres separating the buildings along Eyre Terrace, this generally matches the existing width of street.

The courtyard of the BTR block is between 18 and 21 metres between the new block and the rear of the existing buildings on Eyre Terrace.

The northern elevation of the MMR block will face into the existing courtyard of the existing block to the north. The distance is 18.5 metres. The east/west distance matches the existing width of the courtyard at approximately 22 metres. These are acceptable privacy distances in an urban environment.

On Dundas Street within the existing development to the north there are existing windows in the recessed area of the building. However, windows within the gables of buildings are not generally protected.

Internally the distances between the blocks within the site are quite wide, with the crescent blocks separated by 18 - 20 metres. There are pinch points where the proposed northern and southern crescents are proposed, at 10 metres at the nearest points of the buildings, but the orientation of the blocks will avoid direct overlooking.

The distances within the site are appropriate for the proposed layout.

### **Daylighting and Overshadowing:**

A detailed Daylight and Overshadowing Study has been provided.

Daylight to existing neighbouring buildings:

The daylight to existing buildings initially uses the Vertical Skyline Component (VSC) Method. Any that do not pass that test then Average Daylight Factor (ADF) analysis is used.

The study shows that adjacent properties along Royal Crescent (1-23), Fettes Row (1-12) and Dundas Street (120 - 160) all pass the VSC test and therefore no further analysis is required.

Along Eyre Place/Eyre Terrace the majority pass the VSC requirement, but there are 29 windows that do not meet the test.

As per the EDG guidance the Average Daylight Factor assessment has been carried out on these. This shows that there are five rooms failing the ADF test on Eyre Terrace:

- One bedroom to 1 Eyre Terrace;
- One kitchen to 3 Eyre Terrace;
- Two living/kitchen/dining room to 5 Eyre Terrace and
- One living/kitchen/dining room to 9 Eyre Terrace.

These are all to the rear of the building and five rooms is a relatively minor impact in such an urban environment.

Daylighting to proposed new buildings:

Daylight received by the residential buildings in the proposed development was assessed using No Sky Line (NSL).

The study indicates that the proposed blocks to the south of the park and along Fettes Row / Royal Crescent meet the no skyline method.

For the MMR block there are 59 rooms out of a total of 255 analysed that do not meet the target. These are 31 bedrooms and 28 living/dining rooms:

- Ground floor: 15 bedrooms and 10 living/dining rooms.
- First floor: 9 bedrooms and 9 living/dining rooms.
- Second floor: 3 bedrooms and 6 living/dining rooms.
- Third floor: 2 bedrooms and 3 living/dining rooms.
- Fourth floor: 2 bedrooms.

The rooms are mainly in the same location on each floor level facing into the courtyards. In addition, there are a limited number of rooms with a deep floor plate facing Eyre Terrace and Dundas that do not meet the target.

Over half of the rooms that do not meet the target are bedrooms. Bedrooms have half of the requirement for daylight of living rooms.

In the BTR block there are 21 rooms overall that do not meet the target, comprising 8 bedrooms and 13 living/dining rooms:

- Lower ground floor: 2 bedrooms and 3 living/dining rooms.
- Ground floor: 3 bedrooms and 4 living/dining rooms.
- First floor: 3 bedrooms and 4 living/dining rooms.
- Second floor: 2 living/dining rooms.

These rooms mostly face onto Eyre Terrace. Around a third of these are bedrooms.

Overall, across the whole development 92% of the rooms analysed meet the Edinburgh Design Guidance standards for daylighting. Achieving reasonable amenity needs to be balanced against achieving good townscape. A large percentage of the rooms meet the daylighting standards and it is accepted that in such an urban area there will be compromises.

## **Overshadowing**

The Edinburgh Design Guidance sets out that new amenity areas should receive two hours of sunlight to at least 50% of their area at the Spring Equinox (March 21).

Out of the 25 amenity spaces to be created, eight are not compliant.

**MMR:**

The two courtyard areas, the part courtyard associated with the existing residential block to the north and the southern one adjacent to the hotel do not meet the requirement.

The existing residential courtyard currently does not meet the standard. The proposals would open this courtyard up more and there would be no further reduction in terms of overshadowing.

## BTR:

One courtyard space and one terrace within the courtyard do not meet the guidance. These spaces do not meet the target due to the development itself causing an obstruction to sunlight.

## Residential blocks:

Four areas of small north facing private terraces associated with the private crescent blocks do not meet the overshadowing target. Due to their orientation, these spaces do not have a realistic expectation of achieving the target sunlight hours.

## Existing amenity

In terms of the proposed impact on existing external spaces there are no additional impacts on overshadowing except to one of the spaces to the rear of the existing Lorimer building on Eyre Terrace which will not receive at least two hours sunlight to 50% of its area on 21 March.

## George V Park

The EDG also sets out that the overshadowing of parks should be capable of also receiving potential sunlight for more than two hours during the spring equinox. The analysis provided shows that this will be achieved with the new development.

The majority of the open spaces meet the requirements for overshadowing. Of those that do not, two are central courtyard areas associated with the MMR block and the hotel and given the desire to achieve a frontage along Dundas Street with appropriate building heights it would be difficult to get adequate sunlight into these spaces. Four are small north facing terraces associated with the private residential blocks and due to the orientation of the blocks it would be difficult to achieve the required sunlight, but some outdoor space is still desirable. The BTR spaces that do not meet the tests are also due to the orientation of the proposed building. The one existing area is a relatively small impact when considering the proposal as a whole.

## **Open space, trees and landscaping:**

### Trees

Trees in conservation areas are protected. Local Development Plan Policy Env 12 (Trees) states that development will not be permitted if it is likely to have a damaging impact on these trees, unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

Forty-two trees have been identified for removal. These have been split into groupings.

Dundas Street (Group 1). There are 24 trees within this grouping along the frontage of the RBS building. Twenty-one of these trees are to be removed to allow for a new frontage onto Dundas Street to be provided. The design implications for this are considered elsewhere in the report.

Fettes Row (Group 2). There are 29 trees in this group along Fettes Row. These are noted as having a high visual impact and include old Elm trees. Four of these trees are proposed for removal, these are identified as Norway Maples which are all category grade c trees of low quality. The submitted information indicates that the trees have suppressed their growth to the south but have increased their lateral growth to the north for which the extent of pruning required to achieve clearance will result in a loss of more than 50% of the canopy and leaf area. This makes retention inadvisable.

During the application process the office building was moved back from the trees by 1.5m. This means that while pruning will be required from time to time, ongoing tree works are not so intensive as they would have been with the original proposal. There are an additional 11 trees in this group require some pruning work. The applicant states that pruning work is required to these trees in the event of the existing building being retained and should have been part of ongoing maintenance of the existing facility in order to control encroaching growth

The extent of this pruning will not be completely understood until an Arboricultural method statement has been agreed by the contractor. There is a risk that extra pruning currently not expected will be required due to issues that have not been foreseen. This would potentially conflict with Policy Env 12 (Trees). Therefore, a method statement is required by condition.

Royal Crescent (Group 3). There are 49 trees located along the northern side of the crescent. None of these trees are identified for removal.

Park Edge (Group 4). Fourteen trees on the eastern side of the site adjacent to the park are being removed to facilitate development. These sycamore trees are self-seeded but will still provide water attenuation, habitat and some visual amenity. They do form an edge and a screen to the site alongside the existing trees within the adjacent park. However, their removal is considered acceptable in order to facilitate development and subject to consideration of replacement planting within the wider site.

Eyre Place (Group 5). This group consists of 27 trees located to the west of the park, one tree is noted for retention. Planning permission in principle (reference 14/01177/PPP) has established the loss of the trees and the redevelopment of this part of the site and therefore this is acceptable.

Elsewhere there are another six trees, which are not part of the five groups also exist, of which three are being removed for the development. Two have been identified for removal due to impacting on site infrastructure and one due to physical defects.

Overall, of the 42 trees identified for removal, 19 are additional trees over the 23 trees which have already been previously accepted for removal. The remainder have generally been proposed for removal to aid the development. The majority of the important trees along Fettes Row and the Royal Crescent are being retained.

A number of conditions are recommended in relation to tree protection.

Policy Env 12 (Trees) also requires replacement planting of appropriate species to offset the loss.

Seventy-one replacement trees are proposed. Some of these trees are proposed for the podium deck. While these are likely to have restricted growth in comparison with trees planted in the ground, these will still contribute to an attractive landscape setting for the development.

There are further trees proposed to be planted around the proposed entrance to the park and within the sunken garden area.

In summary, there is some loss of trees proposed, with a number already accepted through a recent permission. The trees along Fettes Row and Dundas Street are, in the main, being retained. The loss of trees along Dundas Street justified in design terms alongside other trees to help facilitate the proposals. The loss of trees does lead to an infringement of Policy Env 12 (Trees) but this will be mitigated to some degree by replanting.

#### Open Space and Landscaping:

In wider strategic open space terms, the Council's Open Space Strategy (OSS) sets out open space standards measured in terms of distance and quality.

The large greenspace standard states that all homes should be within 800m walking distance of an accessible large greenspace of at least two hectares and of 'good' quality.

The OSS states that King George V Park contributes to the large greenspace standard, falling only slightly below the two hectare threshold at 1.97 ha. It was last audited as being of 'good' quality.

The OSS and associated action plans show the areas that are meeting/not meeting the large open space standard. These indicate that the homes within the vicinity of the site are meeting the standard for large greenspace. Likewise, the play standard shows similar results.

LDP Policy Env 20 (Open Space in New Development) relates to development proposals other than housing. It does not set out specific requirements, but does indicate that the that the Council will negotiate the provision of new publicly accessible and useable open space in new development when appropriate and justified by the scale of the development and the needs it will give rise to.

As set out in the EDG all residential developments should contribute towards these standards by providing publicly accessible open space on site. Where this is not possible, contributions may be sought for the improvement of open space within the area.

The proposals create a public realm route through the site which opens up a previously inaccessible site and links through to the park. This is made up of hardstanding and areas of planting, with areas for sitting and the potential for public art.

Policy Des 8 (Public Realm and Landscape Design) seeks high quality, well designed public spaces.

The materials have been improved from the initial proposed use of concrete to now include natural stone within the core areas, which is more appropriate for the conservation area. As the development is effectively creating a new 'street' this should be in natural materials because it is important to create a quality public realm along a main route which is intended to be extensively used. In private areas materials such as reconstituted stone can be used. However, the hardworks plan uses the word notionally so it is recommended that the hardworks are conditioned to secure appropriate materials for the location.

Likewise, the use of public art is supported within the public realm, especially in the areas where opportunities for planting are limited. A condition is recommended to secure this.

In general, the choice of plant species proposed across the scheme are acceptable. There are aspects of the proposals in relation to the landscaping which require further detail. These include the detail of the residential green screen wall which does not go to all three sides and does not have planters on the west and east sides. This would be improved by additional planting. A timber boundary has been identified along the southern boundary of the park. This aids in differentiating the park from the development, but a stone retaining wall would be more appropriate with a modern metal railing.

Accordingly, although many of the general aspects of the proposed landscaping are acceptable, there are some issues around the details and therefore the hard and softworks are recommended to be conditioned in order to secure an appropriate standard.

In relation to open space associated with residential use, LDP Policy Hou 3 (Private Green Space) sets out that for flatted developments there should be 10 sqm of open space provision per flat except where private space is provided. A minimum of 20% of the site should be greenspace.

Private and communal gardens should be designed for use by residents for a range of functions, including space for play, seating, food growing, tree planting and drying laundry.

#### MMR Block:

The MMR block contains 88 units. Six of the units have access to a private garden area, three on Eyre Terrace and three on Dundas Street. These all sit at the lower ground level. Therefore, based on 82 units 820 sqm of communal open space is required.

The internal courtyard covers a total area of approximately 315 sqm, but due to overshadowing has been discounted from the calculations.

There are two communal roof terraces that covering 888 sqm. These contain a mixture of hardstanding, lawn areas, wild flower areas, planters and areas for seating.

In this urban location, where the development responds to existing streets with a perimeter block layout, it is difficult to achieve sunny open space at ground level.

The Edinburgh Design Guidance states that where it is difficult to achieve the areas normally required for private open space - for example, because of a need to adhere to a spatial pattern in an area, the inclusion of balconies or roof terraces may be seen as a mitigating measure. These are useful, but may not be so usable or desirable for families.

The level of open space serving this block is met in terms of size.

#### BTR Block:

The BTR block contains 144 units. Thirteen units at the ground level have access to a private garden, leaving a requirement for 1,310 sqm of communal open space.

The central courtyard area covers 727 sqm, but contains a large percentage of hardstanding, which although can be classed as open space it is not greenspace.

The roof terrace within the block is 597 sqm and combines with the courtyard area creates 1,324 sqm. Similar to the MMR block, the roof terrace contains a mixture of hardstanding, lawn areas, wild flower areas, planters and areas for seating.

#### Private Residential Blocks:

The private residential blocks have 144 units.

For the southern blocks adjacent to Fettes Row and the Royal Crescent there are a series of private gardens, with a number of the northern crescent blocks also having access to private garden space or a terraced space. This adds up to 45 units, meaning that for the remaining 72 units 720 sqm of communal open space is required.

A total of 1328 sqm is provided through the provision of the central crescent open space area sitting on the podium level equates to 512 sqm, with the two sunken gardens and areas next to the park adding up to 816 sqm.

The Design and Access Statement sets out that the elements of open space associated with the private residential blocks is available to all residents of the private blocks with the northern sunken garden visually communicating with the park edge. The gardens are interconnected and accessible from both podium and car park level. Though some of the access is through the car parking areas.

A minimum of 20% of total site area should be useable greenspace. The total site area, which also includes the hotel and office blocks, is 2.44 hectares, 20% of this is 4,880 sqm.

The communal amenity greenspace 3,540 sqm and the private garden / terrace space provided is 2,386 sqm which totals to 5,926 sqm. Though areas of hardstanding and small terrace areas are not technically greenspace.

As areas proposed for residential use are provided as rooftop amenity space which although of value is limited in its ability to facilitate a range of functions. Likewise, areas of hardstanding such as that provided within the BTR courtyard, which although may be appropriate for an urban setting do not create sufficient greenspace.

In this instance it is reasonable to seek a contribution to the adjacent park, which the open space audit dates back to 2016. Discussions have been ongoing with Parks and Greenspace regarding potential improvements to the park and the play space. The applicant is supportive of providing a contribution as part of the legal agreement. Subject to this contribution, the development complies with Policy Hou 3 (Private Green Space in Housing Development).

**i) Other considerations:**

**Developer Contributions and Affordable Housing:**

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) requires that development proposals contribute towards infrastructure provision where relevant and necessary to mitigate any negative additional impact of development. The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance August 2018 sets out the Council's approach for contributions.

**Affordable Housing:**

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

The proposal contains 88 affordable units that represents 25% of the total number of new homes and compliant with the Affordable Housing Policy.

These are proposed to be Mid-Market Rent which are proposed to be delivered as unsubsidised, Discounted Rent - with rent levels set at the BRMA 30th percentile, which will be affordable to those who are on low incomes and are below average for the City of Edinburgh.

Affordable Housing (Enabling and Partnerships) are supportive of the application.

**Education:**

This site falls within two education contribution zones: sub area CB-3 of the Craigroyston/Broughton Education Contribution Zone and D-1 of the Drummond Education Contribution Zone.

Communities and Families has identified that the proposed development is required to make a contribution towards the delivery of the actions identified in the Drummond Education Contribution Zone actions based on the established 'per flat' rate.

Based on £856 per flat for 235 Flats (22 studio flats and 92 one bedroom excluded), the contribution required is £201,160 towards infrastructure (quarter 4 2017 valuation subject to indexation).

## Healthcare:

The application site is not located within a Health Care Contribution Zone and there are no identified health care actions in this area. No contribution towards health care is required.

## Transport:

A suitable legal agreement is required. This covers the following:

- The design and build of a toucan crossing on Dundas Street close to the proposed ramped access to the satisfaction and at no cost the Council (location to be agreed with CEC).
- Upgrading the surface course of the carriageway and both footways on Eyre Terrace from the development car park to its junction with Eyre Place and subsequently provides continuous footways on the eastern footway pend access junction of Eyre Terrace to ensure pedestrian priority to the satisfaction of, and at no cost to, the Council.
- The east west route from the courtyard leading to Dundas Street is required to be secured by planning agreement to ensure public rights of access and will require CEC structural approval for the podium access;

## Optional:

- In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £23,500 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area;

## Open space:

As set out above, a contribution towards open space improvement is required. This is as follows:

A contribution of £48,373.90 towards improvements within King George V Park.

A contribution of £75,055.15 to the improve the facilities in the play park within King George V Park.

## **Flooding and Drainage:**

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposal includes permeable paving on the podium level and green and blue roofs alongside and some underground storage tanks on what is a tight urban site. The submitted information is acceptable, but there is a requirement for Scottish Water to confirm that they will accept run-off into the combined sewer that runs through the site. The applicant has indicated that there is an agreement in principle with Scottish Water. However, if a connection is not secured, then the applicant would have to find an alternative means of discharging surface water from the site.

In this circumstance the applicant may be required to submit a revised planning application for a revised SUDS scheme.

Scottish Water has no general objection to the application, but has advice for the applicant to take into account.

### **Sustainability:**

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

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision low and zero carbon equipment in the form of air source heat pumps for the private residential blocks, a community heating system which includes gas CHP and heat pump, the MMR block includes roof mounted photovoltaic array and the hotel and office also include roof mounted photovoltaic arrays

The proposal is a major development and has been assessed against Part B of the standards. The proposal meets the essential criteria with additional desirable measures including not using tropical hardwood, use of green walls, communal recycling and rainwater harvesting.

The proposal meets the current standards set out in the sustainability form.

### **Ecology:**

The EIA contains a Preliminary Ecological Appraisal and a Bat Survey Report.

SNH note that this is a city centre development and as such does not raise significant natural heritage issues.

Overall the site has a low ecological value, with areas of more interest being the woodland strips around the site periphery. The ecological appraisal recommends the provision of boxes for swifts, starlings and house sparrows.

The bat survey for the site concludes that within the site that roosting bats do not pose an ecological constraint for the proposed development. It also notes that despite the proximity to the adjacent urban greenspace of the park and the treelines along site boundaries that bat activity is very low.

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

### **Archaeology:**

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

The Archaeology Officer has considered the submitted information which indicates that remains of associated with the Victorian Royal Gymnasium site and potentially of the earlier medieval Canonmills Loch survived in situ and has recommended a condition to secure a programmed of archaeological work and recording.

Accordingly, subject to a condition the proposal is acceptable in relation to this policy.

### **Waste:**

Waste collection is to be factored and brought to a single collection point at Eyre Place. Swept Path Analysis has been provided to demonstrate that an appropriately sized vehicle can enter the site. There are also the requirements for trade waste producers to comply with other legislation, in particular the Waste (Scotland) Regulations.

### **Ground Contamination:**

Site investigation information has been provided. Due to the previously developed nature of the site, a condition is required to ensure the appropriate investigation and mitigation is undertaken.

### **Air Quality:**

The development site is near the city centre Air Quality Management Area, which has been declared for exceedances in NO<sub>2</sub>.

Environmental Protection does not object to the application. It notes that the site is an accessible location and that car parking numbers have been kept to a low level which will reduce impacts. It is also noted that there is a net reduction in car parking numbers when compared to the previous use.

Electric Vehicle charging points are proposed. This currently meets the Councils parking standards, but Environmental Protection recommend every parking space has a wall mounted socket and rapid charging points should be installed in the commercial parking areas.

SEPA note that the detailed air quality impact assessment has concluded there will be a negligible impact on air quality when the development is in operational use and on this basis we have no objection to this development on air quality grounds.

### **j) Environmental Impact Assessment Report**

An EIA Report has been provided alongside the application. This provides an assessment of the impact of the development in environmental terms, covering Socio-Economics, Transportation and Access, Air Quality, Noise and Vibration, Townscape and Visual Impacts, Cultural Heritage, Daylight, Sunlight and Overshadowing and Cumulative Effects.

An addendum to the EIA Report was also submitted in December 2020 which was updated in relation to alterations made to the proposals. The majority of the subject issues mentioned above were not altered by the changes. The main updates related to a revised daylighting report, updated visual representations from a number of viewpoints and updated tree analysis.

The scope of the EIA Report is acceptable, the content comprehensive and the general methodologies used for the various assessments are considered appropriate. However, there are some elements of the EIA that are not completely agreed with:

HES note there is enough information included in the EIA Report to form a view, but disagree with some of the baseline analysis and associated Heritage and Townscape Statement. These include:

HES consider the EIA Report undervalues views from the New Town to the north particularly those from Royal Crescent and also views from the development site upward towards the New Town edge. Therefore, it does not agree that those elements which contribute to the setting of Royal Crescent are limited to its east/west approaches and to the central access point at Dundonald Street.

HES also disagrees that screening from tree cover should be a mitigating measure.

HES also do not consider that some of the conclusions in the EIA reflect the varied and, sometimes, in its view, significantly adverse, nature of impacts occurring on the setting of the Old and New Towns of Edinburgh World Heritage Site (WHS) and the Category A listed town houses (LB29680 and LB29679) in particular.

There are some viewpoint assessments provided by the applicant which are not fully agreed with in terms of the effect, these often relate to the proposed development and the loss of areas of trees. Considerations of the magnitude of change of viewpoints is considered in various sections of the assessment.

Viewpoint 1 Dundas Street is noted as beneficial, but as assessed above, the new building line, development form of the office block and loss of trees on Dundas Street will alter this viewpoint, but overall it was concluded that it would not have an overall impact on the skyline.

Viewpoint 3 Fettes Row showing the proposed office block is noted as having a beneficial effect on the view, but this view would introduce a new form of development and alter the street character therefore is considered to be neutral.

Viewpoint 7 Brandon Terrace is looking south is noted as having a beneficial effect on the view. It does show acceptable building heights along Dundas Street and the incorporation of a new building line and therefore it is considered that this would also have a more neutral effect.

Viewpoint 8 views along Nelson Street/Drummond Place/Dundonald Street is marked as being beneficial effect on the views. This is considered in heritage sections above and it is noted that the view will change and have an impact on what is currently there with the potential for an adverse impact.

Viewpoint 9 Summer Bank/Scotland Street junction is noted as being beneficial, but again the impact is more likely to have a neutral effect, where the proposed buildings replace the existing buildings of a comparable scale from this view.

Viewpoint 10 Fettes Row oriented east is noted as being beneficial. The proposed office block and loss of trees on the frontage of Dundas Street will alter the character of this part of the street in this local view. Moving the building back has made an improvement.

Viewpoint 11 Eyre Place noted as beneficial, but the change from the existing trees adjacent to the street to a building block will alter this viewpoint. However, the principle of development here has already been established.

Viewpoint 12 Henderson Row noted as beneficial, like viewpoint 11 this shows the proposed development on Eyre Place replacing the existing trees. From this viewpoint would have a neutral effect.

Viewpoint 16 King George V Park noted as being beneficial, but as covered in the 3.3d) the views south from the park will be altered through the development.

However, sufficient information has been submitted in the EIA Report, alongside responses to the application, to allow a balanced judgement to be made regarding resulting impacts. Therefore, this Committee report not only provides an assessment of the proposal in planning terms, it has also considered the conclusions of the EIA Report.

#### k) Equalities

The application has been considered in terms of equalities and human rights. Access to some of the areas are via stepped access, which may have some implications for access for all. However, alternative access is available around the development and the site provides more permeability than the existing buildings/layout. The proposal contains level access elsewhere and utilises lifts. The application has also been subject to an Air Quality Impact Assessment. Consequently, there are no significant impacts that require action.

#### l) Public Comments

### **Scheme 1**

#### **Material Representations - Objection:**

##### Principle

- viability of office block and type of commercial space proposed - assessed in section 3.3a)
- loss of employment space - assessed in section 3.3a)
- principle of hotel at this location - - assessed in section 3.3a)
- Impact on local amenities, GP surgeries for example - assessed in section 3.3i)
- Impact on school places - assessed in section 3.3i)
- affordability of affordable housing proposed - assessed in section 3.3i)

- buildings should be retained - principle of development assessed in section 3.3a) and demolition in associated conservation area consent.

#### Historic Environment - assessed in sections 3b, c,d,e,and f)

- no justification for building lines
- impact on World Heritage Site
- impact on listed buildings
- impact on conservation area
- impact on King George V Park
- impact on views to and from historical assets

#### Environment

- loss of trees - assessed in section 3.3h)
- impact on remaining trees - assessed in section 3.3h)
- flooding and drainage - assessed in section 3.3i)
- Impact on park (including formation of new paths that might intersect the open space) - assessed in section 3.3h)
- The nature of the park will be changed from a quiet retreat to a new busy square for new residents - assessed in section 3.3h)
- impact on ecology - assessed in section 3.3i)
- swift bricks should be provided - informative added.
- sustainability requirements and climate change- assessed in section 3.3i)
- air quality concerns - assessed in section 3.3i)

#### Amenity

- noise impacts - assessed in section 3.3h)
- lack of open space and public space - assessed in section 3.3h)
- lack of green space - assessed in section 3.3h)
- detrimental impact on park - assessed in section 3.3h)
- inappropriate overlooking distances - assessed in section 3.3h)
- loss of privacy - assessed in section 3.3h)
- impact on daylighting and overshadowing - assessed in section 3.3h)
- lack of amenities for the local community - located close to city centre and local centre, contributions considered in - assessed in section 3.3i)
- loss of rear courtyard wall - assessed in section 3.3f and i)
- size of units proposed too small - assessed in section 3.3f)
- number of single aspect flats proposed - assessed in section 3.3f)

#### Design

- inappropriate modern architecture/design - assessed in section 3.3f)
- Inappropriate design - assessed in section 3.3f)
- blandness of architecture - assessed in section 3.3f)
- proposed materials inappropriate for the site including paving materials - assessed in section 3.3f & h)
- height and massing of blocks - assessed in section 3.3f)
- six storeys onto King George V park is over-dominant - assessed in section 3.3f)
- overall footprint of proposals and density - assessed in section 3.3f)

- loss of railings - a number of railings are being retained.
- lack of family housing - assessed in section 3.3f)
- accessibility of flats - assessed in section 3.3f)

#### Transport

- access inadequate; Eyre Terrace as the sole access and egress point for this proposed development - assessed in section 3.3g)
- traffic impact and congestion - assessed in section 3.3g)
- inadequate parking- assessed in section 3.3g)
- electric vehicle parking levels un-aspirational - assessed in section 3.3g)
- cycle access not incorporated into the scheme - assessed in section 3.3 f& g)
- cycle storage requirements - assessed in section 3.3g)
- should be no access to Fettes Row from the buildings - existing access utilised and only small extra pedestrian ones to the development.
- increased permeability to the park not supported- assessed in section 3.3f & g)

#### **Material Representations - Support**

- improvement over previous massive and insensitive proposal
- re-use of brownfield site.
- scheme helps knit area together
- residential use
- inclusion of affordable housing
- proposed main building lines
- proposed architecture
- direct link to the park
- new investment needed in the area to support the local economy
- get rid of current buildings
- buildings of no architectural merit and need replaced
- proposals will provide a focal point

#### **Non-Material Representations:**

- Potential damage to property as a result of construction works
- stability
- construction stage impacts
- land ownership
- build-to-let properties are not supported
- dog fouling
- training opportunities
- emerging city plan policies

#### **New Town & Broughton Community Council Comments**

NTBCC cannot support the proposals as presented for the wider site and reluctantly object. The response includes key points from:

1. Fettes Row & Royal Crescent Residents' Association (FRRRCRA) and the Drummond Civic Association (DCA) whose focus is on the impact residents in areas within the Edinburgh World Heritage site to the south of the proposed development but also includes the lower reaches of Dundas Street.
2. Eyre Place / Applecross residents - again, focussing on the lower stretches of Dundas Street as well as the abutting Applecross development on Dundas Street / Eyre Place / Eyre Terrace.
3. Friends of King George V & Scotland Yard Park (KGSY) - concerned with impacts on the future amenity of the park due to the development.
4. Impact on the amenity of the remaining tenement in Eyre Terrace - mainly daylighting / sunlight concerns.

It raises a number of matters:

- support principle of development of a brownfield site, though viability of hotel questioned.
- podium deck takes advantage of topography of the site.
- minimum of parking provision, but not against an increase in numbers and support a greater provision of accessible and EV spaces
- support class 4 use
- affordable housing levels welcomed
- improved permeability /connectivity, though some concerns about non-pedestrian access.
- Subsidence / Pre-Construction and Demolition Surveys, note concern from residents and commitment from applicant as part of pre-application consultation
- Tree Report / Management Plan - concerns over loss of mature trees (and some pruning) around the edges and these should be protected and replacement planting should not take place to enhance views from the proposed development.
- Building line on Dundas Street - take the view that there should be a sufficient recess maintained.
- Treatment of boundaries - urge boundary fence proposed along park edges.
- Roof terraces - broadly support green roofs, but do raise some concerns with overlooking.
- Construction / Demolition Management - noise and hours of working need controlled.
- Note HES response regarding concerns over impact from development in relation to height, massing and views.

## **Scheme 2**

### **Material Representations - Objection:**

#### Principle

- limited changes from original proposals.
- buildings should be retained/re-used
- no requirement for hotel - assessed in section 3.3a)
- viability of office space - assessed in section 3.3a)

- impact on local services, contributions required to offset impacts - assessed in section 3.3i)

#### Historic Environment - assessed in sections 3b,c,d,e,and f)

- building line on Dundas Street should be set back/retained, no justification for new building line or proposed heights
- impact on listed buildings
- impact on conservation area
- impact on King George V Park
- impact on World Heritage Site

#### Environment

- loss of trees - assessed in sections 3h)
- air quality impacts - assessed in sections 3i)
- flood risk - assessed in sections 3i)
- hard boundary should be made with the park - assessed in sections 3h)
- improvements to the park required - assessed in sections 3h)
- swift bricks should be provided - informative added

#### Amenity

- noise implications - including rooftop bar, traffic - assessed in sections 3h)
- lack of open space - assessed in sections 3h)
- existing park too small - assessed in sections 3h)
- overlooking and privacy concerns, including loss of wall at Eyre Place - assessed in sections 3h)
- overshadowing - assessed in sections 3h)
- daylighting impacts on proposed development - assessed in sections 3h)
- usefulness of roof terraces as open space - assessed in sections 3h)

#### Design

- quality of design throughout in a sensitive location - assessed in sections 3f)
- density too high - assessed in sections 3f)
- height of buildings - assessed in sections 3f)
- inappropriate use of materials - assessed in sections 3f)
- appropriateness of green wall - assessed in sections 3h)
- location and design of affordable housing - assessed in sections 3i)
- number of single aspect flats proposed - assessed in sections 3f)

#### Transport Matters

- traffic impact - - assessed in sections 3g)
- no requirement for cycle links - assessed in sections 3f and g)
- lack of car parking - assessed in sections 3f)
- link to the park and should be in a different location - assessed in sections 3f and g)

## Material Representations - Support

- buildings of no architectural merit and need replaced
- proposals will provide a focal point
- new investment needed in the area to support the local economy
- design looks good
- welcome shift of Fettes Row building north
- improved use of materials

## Non-Material Representations:

- stability issues
- construction stage issues
- ownership matters
- short term holiday lets
- alternative proposals

## New Town & Broughton Community Council Comments

Revisions do not address fundamental concerns. Supportive of appropriate development of the site. Cannot support the proposals as presented for the wider site and therefore retain our original stance on this proposal.

1. Fettes Row - Office and Block 5 - marginal beneficial change. Concerns still remain with proposed height of the office building. Residents have significant concerns with the building form, scale and relationship to Fettes Row.
2. Private Residential Units - increased gap and marginal reduced height welcomed. However, it does not fundamentally change our concerns with respect to the height of these blocks (Northern crescent, Blocks 1 & 2) and their visual impact as seen by the users of King George V Park.
3. Dundas Street - Elevations. Minor change that does not mitigate concerns regarding the building line.
4. Eyre Place - Elevations. The proposed building is 5 storeys from street level (excl. the roof terrace) which appears incongruous in longer views.
5. Materials - this would seem to be a clearer, more consistent approach - and is supported.
6. MMR daylighting - there are still many rooms in the proposal that do not meet the non-statutory guidance - again raising the question whether the overall proposal for this block with a small courtyard is viable and really meets overall LDP policies.
7. Housing Mix / Layout Review - the increase in family-sized accommodation as we understand it (as reflected in the revised housing mix) is welcomed.
8. Amenity / Open Space - concerns over the provision of open space, quality and location.
9. Active frontage - Unclear as to the purpose / desirability of the 'Primary Active Residential Frontage' as shown and what this achieves.
10. Landscape Review - broadly welcome proposed reconfiguration with more seating.
11. Very detailed statement about land bordering the park and whether best dealt with by a condition.
12. Confusion regarding relevance of section relating to works in the park.

13. Transport - change in car parking welcomed but minor and insignificant when looking at the wider scheme.

Note direction of travel with City Plan 2030 which will require more open space.

## **CONCLUSION**

The proposal is for a mixed-use development incorporating residential, hotel, office and other ancillary uses.

### **Compliance with the Listed Buildings & Conservation Areas Requirements**

The historical assets within the area have been assessed against the relevant legislation, guidance and LDP Policies.

Historic Environment Scotland does not object to the application but has concerns with some elements of the scheme, such as the relationship of the proposals with some listed buildings. However, when viewed in the urban context of the site, coupled with the benefits of redeveloping the site with a more sympathetic design taking cognisance of the listed buildings, and the retention of the trees, the character and setting of the listed buildings is preserved. The proposals are in accordance with LDP Policy Env 3 (Listed Buildings - setting). The proposals preserve the setting of surrounding listed buildings in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

With regards to the Conservation Area, on balance, and taking the range of proposed uses into consideration, the development does not remove or detract from key characteristic components of the Conservation Area that gives the area its special interest. It will contribute to the architectural quality of the area with contemporary high quality buildings, designed to respond to its historic and modern urban environment. The different responses to the various edges of the site, including along Dundas Street and Fettes Row/Royal Crescent and towards the park are acceptable. In this regard, the special character and appearance of the New Town Conservation Area will be preserved, in compliance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 6 (Conservation Areas - Development).

### **Compliance with the Development Plan**

The mix of uses are acceptable at this location and are supported by Local Development Plan policies Hou 1 (Housing Development), Emp 10 (Hotel Development) and Emp 9 (Employment Space), the ancillary uses proposed add to the sustainable re-use of this predominately previously developed site which is in an accessible location. The principle of developing the area of open space within the site has already been established by the granting of a recent separate planning permission.

The King George V Park is not contemporary to the creation of the New Town. The proposals will alter the boundary treatments and introduce new built forms on the adjacent ground. The impacts of the development on these views is acceptable.

There will be some adverse impacts from the proposals on the World Heritage site, but these are largely limited to a view down Dundonald Street which is more impacted upon in the closer views. There are differing views from HES and Edinburgh World Heritage on the perceived impact of the proposals.

The design makes a positive contribution to the area and will add to its sense of place. The layout addressed the surrounding areas, such as reinforcing the existing pattern of perimeter blocks, connecting Dundas Street through to the park and the crescent blocks reinforce the symmetry of Dundonald Street. The height of the buildings are appropriate for the site, whilst the elevations and materials proposed generally respond to the context of the area.

There is some loss of trees proposed, with a number already accepted through a recent permission. The trees along Fettes Row and Dundas Street are, in the main, being retained. The loss of trees along Dundas Street is justified in design terms. Conditions are recommended to ensure that trees are protected during the construction phase.

Potential impacts on the amenity of future residents in terms of noise can be addressed through conditions. There are some infringements in relation to daylighting and the open space provision. As the type and quality of some of the private open space within the development infringes the requirements of Policy Hou 3 (Private Green Space In Housing Development) contributions towards the adjacent park are sought through a legal agreement. Some impacts on daylighting are expected in within a development within the urban area that establishes an appropriate density.

The proposal is acceptable in transport grounds with suitable access to the site and the proposed car and cycle parking meets the Council's standards as set out in the Edinburgh Design Guidance.

In all other respects the proposed development is acceptable, subject to conditions and a legal agreement. The proposal therefore complies with the development plan. There are no other material considerations which outweigh this conclusion.

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

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

#### **Conditions :-**

1. Notwithstanding the information on the submitted drawings a detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing for each development block by the Planning Authority before work is commenced that block.

2. Prior to the commencement of the construction of the superstructure or above ground works for each development block, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship for that block and submitted for written approval by the Planning Authority.
3. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
4. The development shall be carried out in accordance with the landscaping scheme approved under condition 3. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.
5. Prior to occupation of the first residential unit, details shall be submitted showing the final design and location of the artwork within the public realm. The artwork will then be installed and maintained, unless otherwise agreed in writing with the Planning Authority.
6. No development shall commence on site until a detailed Arboricultural Method Statement, written with the contractor, that includes all work required under canopies and adjacent to mature trees is provided and approved by the Planning Authority.
7. Prior to the commencement of development a Tree Protection Plan in accordance with BS5837:2012 "Trees in relation to design, demolition and construction" to demonstrate how trees to be retained on and adjacent to the site will be protected, including the location of tree protection fences, must be submitted to and approved by the Planning Authority.
8. Prior to the commencement of development, the tree protection measures as approved in condition 7 must be implemented in full.
9. The tree protection measures approved in condition 7 must be maintained during the entire development process and not altered or removed unless with the written consent of the Planning Authority.
10. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, excavation, analysis & reporting, publication, public engagement, interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

11. Prior to the commencement of development, details of the proposed cycle parking regarding location, specification, design and security (double door entrances for the cycle stores for ease of access is required) shall be submitted to the Planning Authority for approval. This shall demonstrate that the 840 spaces can be achieved within the allocated cycle stores (minimum requirements - 751 spaces for the residential, 75 spaces for the office and 12 spaces for the hotel). The visitor cycle parking for the development should be located at convenient locations, near the main entrances.
12. Prior to commencement of development details of a cycle wheel ramp will be required on at least one of the two stepped accesses besides the ramped access leading to Dundas Street from the main public realm route to aid movement of cyclist.
13. A minimum of 29 car parking spaces shall be served by 7Kw (32amp) type 2 electric vehicle charging sockets and shall be installed and operational prior to the development being occupied. These shall be installed and operational in full prior to the development being occupied.

Note: all remaining parking spaces should be served by a minimum 3 Kw (16-amp three pin plug) with an optional upgrade to 7Kw (32amp) Type 2 electric vehicle charging sockets.

14. Three Rapid 50 Kw (125amp) triple headed (Combined Charging Standard/CHAdeMO/Type 2) chargers shall be installed at the commercial parking areas.
15. Notwithstanding the provisions of the Use Classes Order, the use of block 7 shall be used solely for the purposes of a gymnasium as shown on plan reference TEN-18136-SW-ZZ-DR-A-1003 (CEC reference 05A) and for no other purpose falling within Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).
16.
  - i) Prior to the commencement of construction works on site:
    - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
    - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
  - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
17. No development shall take place until a scheme for protecting the residential development hereby approved and existing from noise from the Hotel, office and other commercial uses has been submitted to and approved in writing by the Planning Authority;

all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.

18. No development shall take place until a scheme for protecting the residential development hereby approved and existing from noise from the proposed plant has been submitted to and approved in writing by the Planning Authority ; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.
19. No development of the hotel block shall take place until a scheme for protecting the residential development hereby approved and existing from noise from the proposed 'Skybar' has been submitted to and approved in writing by the Planning Authority ; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.
20. Any gas boilers in excess of 1MW (accumulative assessment) will require secondary abatement technology incorporated into any plant to the satisfaction of the Planning Authority.
21. Prior to commencement of development a comprehensive maintenance plan of all the SUDs/water attenuation, landscape and trees shall be submitted to and approved in writing by the Planning Authority.
22. Prior to commencement of development details of the kitchen ventilation system associated with any commercial kitchen shall be submitted to and approved in writing by the Planning Authority. These will need to be terminated at roof level and be capable of achieving 30 air changes per hour in the kitchen area and have a minimum 15m per second efflux velocity at the termination point.

**Reasons: -**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to ensure that the approved landscaping works are properly established on site.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to safeguard protected trees.
7. In order to safeguard protected trees.
8. In order to safeguard protected trees.

9. 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".
10. In order to safeguard the interests of archaeological heritage.
11. In order to ensure the adequacy of facilities for cyclists.
12. In order to ensure the adequacy of facilities for cyclists.
13. To encourage sustainable forms of transport
14. To encourage sustainable forms of transport
15. In order to safeguard the amenity of neighbouring residents and other occupiers.
16. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
17. In order to safeguard the amenity of neighbouring residents and other occupiers.
18. In order to safeguard the amenity of neighbouring residents and other occupiers.
19. In order to safeguard the amenity of neighbouring residents and other occupiers.
20. To reduce emissions
21. In order to enable the planning authority to consider this/these matter/s in detail.
22. In order to safeguard the amenity of neighbouring residents and other occupiers.

## **Informatives**

It should be noted that:

1. A suitable legal agreement will be required to cover the following matters:

Affordable Housing:

Twenty-five percent (88) of the residential units to be of an agreed affordable tenure.

The affordable housing within this development is to be delivered on-site as 'intermediate rent' (unsubsidised mid-market rent).

## Education:

A sum of £201,160 for education infrastructure (£856 per flat) (to be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment) in line with the Drummond Education Contribution Zone.

## Transport

- The design and build of a toucan crossing on Dundas Street close to the proposed ramped access to the satisfaction and at no cost the Council (location to be agreed with CEC).
- Upgrading the surface course of the carriageway and both footways on Eyre Terrace from the development car park to its junction with Eyre Place and subsequently provides continuous footways on the eastern footway pending access junction of Eyre Terrace to ensure pedestrian priority to the satisfaction and at no cost to the Council.
- The east west route from the courtyard leading to Dundas Street is required to be secured by planning agreement to ensure public rights of access and will require CEC structural approval for the podium access;

## Optional:

- In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £23,500 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area;

## Open Space:

A contribution of £48,373.90 towards improvements within King George V Park.

A contribution of £75,055.15 to improve the facilities in the play park within King George V Park.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.

6. The EIA Report has been taken into consideration in the making of this decision, as required under the Environmental Impact Assessment (Scotland) regulations 2017.

7. The Roads Authority response notes a number of issues that the applicant should be made aware of:

- Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development.
- Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
- All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
- 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;
- The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
- The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.
- In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of 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;
- The applicant should be advised that: as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See
- [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A - New Build);
- Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent.

The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

- Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;
- The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.
- Any works affecting adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits
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<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

8. A detailed Construction Environment Management Plan (CEMP) shall be submitted to the satisfaction of The Planning Authority and adhered to during the construction phase. Environmental Protection note its main concerns are the dust, piling stage and hours of noisy operation.
9. When available the applicant shall provide details of all the boilers to Environmental Protection to ensure compliance with the Clean Air Act 1993.
10. The applicant shall engage with the Spatial Policy Team with regards the LEZ proposals [spatial.policy@edinburgh.gov.uk](mailto:spatial.policy@edinburgh.gov.uk)
11. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.
12. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.
13. The Environmental Protection consultation response contains a number of points that the applicant should be aware of during the construction phase of the development.
14. Swiftbricks should be included within the development.
15. Confirmation is required that Scottish Water will accept run-off into the combined sewer.

## **Financial impact**

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

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

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

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

As part of the pre-application process, the proposal was also presented to the Edinburgh Urban Design Panel on 25 September 2019. The comments have been considered in the assessment of this application and are contained in full within Appendix 1.

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

The application was originally advertised on 18 September 2020 and further amendments were advertised on 11 December 2020. A total of 198 representations were received, 167 objections, nine general representations and 22 in support.

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

## **Background reading/external references**

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

- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

## **Statutory Development**

### **Plan Provision**

The site is within the urban area and the north eastern section is designated as open space as shown on the Local Development Plan Proposals Map.

The site is located within the New Town Gardens Inventory Garden and Design Landscape. It is also covered by the New Town Conservation Area.

The World Heritage Site is to the south of the site.

### **Date registered**

7 September 2020

### **Drawing numbers/Scheme**

01,02,02A-08A,09,10,11A-29A, 20, 31A- 54A, 55, 56, 57A - 66A, 67-70,71A,72-74,75A-77A,78,79,80A,81-83,84A-86A,87,88,, 89A-91A,92,93,94A - 96A,97-104,105A-120A,121-127,

Scheme 2

## **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**

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### **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 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

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

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

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

LDP Policy Tra 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 1 (Sustainable Energy) sets criteria for assessing proposals for environmentally sustainable forms of energy systems.

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

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

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

HES Interim Guidance on Conservation Area Consent sets out Government guidance on the principles that apply to the demolition of unlisted buildings in conservation areas

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.

**NSESBB Non-statutory guidelines** Part B of 'The Edinburgh Standards for Sustainable Building' sets principles to assess the sustainability of major planning applications in Edinburgh

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

Open Space Strategy- The strategy helps to protect and develop the city's open spaces. It sets standards that will be expected to meet when making decisions on open spaces.

**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 20/03034/FUL At 34 Fettes Row, Edinburgh, EH3 6RH Demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office and other commercial uses, with associated landscaping / public realm, car parking and access arrangements.**

### **Consultations**

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#### **Edinburgh Urban Design Panel - meeting dated 25 September 2019**

##### *1 Recommendations*

*The Panel welcomed the opportunity of commenting on this proposal at an early stage in the design process.*

*In progressing proposals, the Panel recommends the following issues should be addressed:*

- Further site analysis with respect to the site constraints and opportunities;*
- Further analysis, including view analysis with respect to the existing context;*
- Reconsider the height, mass and scale of the development;*
- Consider a car free development.*

##### *2 Planning Context*

*The application will be for the demolition of existing buildings and the erection of a mixed use development, hotel, office comprising residential, student accommodation, senior living retirement housing and other commercial uses including food and drink, and healthcare uses, with associated landscaping/ public realm, car parking and access arrangements.*

*A previous proposal for this site was reviewed by the Panel in 2015.*

##### *Site description*

*The site comprises of a variety of building types and heights. The largest comprises two existing office buildings which front Dundas Street, Eyre Place and Eyre Terrace. The buildings are set at a lower ground level than Dundas Street. There is an associated car park to the east of the site, again set at a lower level than Royal Crescent. There are two storage/ garage buildings to the north of the car parking area, and east of Eyre Terrace. Fettes Row and Royal Crescent to the south are traditional residential properties. There is a cleared site fronting Eyre Place/ Eyre Terrace and a vacant derelict property at 7 Eyre Terrace. There is an area of open space to the north of the site.*

*Eyre Place and Eyre Terrace are mainly residential streets with some other uses such as retail, cafes, bed-and -breakfast accommodation and offices.*

*There are ground floor retail and other uses opposite the site on Dundas Street. Mixed uses are also found in the wider area with residential use being the predominant land use.*

*There are no listed buildings within the site; a number of listed buildings are located outwith the site including A listed buildings opposite the site at 1-23A Royal Crescent, B listed buildings opposite the site at 99-103 Dundas Street and 1-12 Fettes Row, B listed buildings at 1-7A Eyre Place, C listed buildings at 9-11 Eyre Place and C listed buildings at 1-29 Eyre Crescent and 21-23 Eyre Place.*

*The site is directly to the north of and is on the main approach to the Old and New Town of Edinburgh World Heritage Site. The site is within the New Town Conservation Area and is included in the New Town Gardens Designed Landscape/ Historic Garden.*

#### *Planning Policy*

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

*A section of the site to the north is within an area of Open Space. The loss of open space will need careful assessment against policy Env 18 (Open space protection) of the LDP. A reasoned justification to allow development on the area of open space will be required. The existing site is mainly in employment use. The loss of an employment use needs to be assessed against LDP policy Emp 9 (Employment sites and premises). This policy permits the loss of an employment site when a proposal contributes to the comprehensive regeneration and improvement of the wider area and the provision of floorspace designed to provide for a range of users. The proposal should be accompanied by a Planning Statement to justify the proposals in this location.*

*The proposal should not cause harm to the World Heritage Site's qualities, the character and appearance of the Conservation Area, the character of the New Town Historic Gardens Designed Landscape, and setting of nearby listed buildings to ensure it accords with policies that protect the city's built heritage.*

*Views to landmark features and important views to landscape and built features including statues and monuments in and around the city are also protected.*

*There are a number of mature trees within or close to the site which contribute to the character, biodiversity, amenity and green networks in the area. The proposals should not have a damaging impact on trees worthy of retention.*

#### *General*

*No declarations of interest were noted by Panel members.*

*This report should be read in conjunction with the pre-meeting papers.*

*This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations represented at the Panel forming a differing view at the proposals at a later stage.*

### *3 Panel Comments*

*The Panel's detailed comments are as follows:*

#### *Design Concept*

*The Panel were unclear what the design concept is for the site and what had driven the proposed layout. The Panel encouraged the design team to elaborate on the constraints and opportunities and how they inform the design strategy.*

*Given the sensitivity, complexity, topography and historical context of the site within the city the Panel noted the rigour required to develop an appropriate design concept.*

#### *Boundary Strategy and Built Form*

*The Panel were particularly concerned with the apparent lack of clarity/strategy for the site boundaries all of which present their own differed constraints and opportunities.*

*Dundas Street: The Panel were generally not supportive of creating a large break in the perimeter block on this street. Although, encouraging permeability through the site they were concerned that by providing this route the development is not following the established spatial pattern and is turning its back on Fettes Row. The Panel advocated a built form which reinforces the character of Dundas Street.*

*Fettes Row: The Panel noted that the strategy for Fettes Row was unclear. The Panel expressed concern that the development was turning its back on Fettes Row and not forming a new positive integrated edge with this New Town street.*

*The Panel questioned the justification of the crescent forms for the following reasons;*

*Impact on the setting and character of the A Listed Royal Crescent, conservation area and World Heritage Site in the sitting, height, mass and form of these blocks. It was also noted by the Panel that generally a crescent does not have break in the middle of its form.*

*Park Edge: A built edge to the park may be an appropriate response. However, the Panel considered the proposal to be overdevelopment and too dominant on this edge. It was also noted that these blocks were borrowing most of their amenity from the park due to their siting, height and mass. Further detail with respect to trees boundaries etc. are required to fully understand the constraints on this boundary, which in turn will inform the design.*

#### *Visual Analysis: Historic Context and Townscape*

*The Panel noted the importance of an LVIA and view analysis to inform and check the design against the historic townscape. The Panel advocated that this piece of work should take place as soon as possible. It was noted that this site sits within many important and protected city and local views.*

*With respect to the view from Dundonald Street and Royal Crescent to the north, the retention of this view to the landscape beyond is a key view with respect to the Edinburgh World Heritage.*

### *Existing Trees*

*The Panel noted that a detailed tree survey should be carried out as soon as possible to allow the design team to fully understand the sites constraints. The Panel advocated that a long term maintenance plan for the living environment should form part of the design for this site.*

### *Vehicular movements*

*The Panel noted that the proposal included an extensive area of below ground parking. The Panel advocated a car free approach for this site and not 'market driven'. The Panel considered this approach to be in line with the Centre Transformation Project and Climate Change agenda.*

### *Topography*

*The Panel noted the importance of respecting the topography of the site in the design proposals.*

### *Permeability*

*The Panel recognised that the site presented a very complex set of levels and constraints. They encouraged permeability through the site, however, these routes needs to be balance against the exiting urban character and an approach which achieves a clear distinction between public and private space.*

*The Panel encouraged the design team to consider further the routes and movement through the site with respect to the existing context and constraints.*

*The Panel encouraged the development of character areas through the site with respect to the landscape and public realm design.*

*The Panel raised concern with respect to the new areas of public space; how they will work, be activated by appropriate uses and orientated.*

## **Affordable Housing response - dated 1 December 2020**

### *1. Introduction*

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

*Housing Management and Development are the consultee for Affordable Housing. The proposed affordable housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).*

*Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.*

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

*The Council's guidance on 'Affordable Housing' sets out the requirements of the AHP, it can be downloaded here:*

## 2. Affordable Housing Provision

*This application is for a development consisting of up to 349 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% homes of approved affordable tenures.*

*This application comprises 117 units for private sale and 144 homes delivered as a Build To Rent (BTR) scheme. 88 (25%) units will be delivered as an approved affordable housing tenure. The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

*The applicant has entered into dialogue with the Council on the design, mix and location of the affordable housing. The 88 affordable homes will be flatted apartments within a contained block close to public transport links and local amenities. The applicant has advised that future occupants will have access to all the communal facilities offered by the wider development. An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.*

*The affordable homes will comprise a range of sizes from one to three bedrooms. The proposed mix of unit sizes is largely representative of the wider development. 16 (18%) of the affordable units will have three-bedrooms in comparison to 75 (21%) three- and four-bedroom homes across the wider site. It is welcome that the applicant has not included any studio flats in the affordable allocation as they would not meet the requirements of a housing association.*

*The affordable homes will be well-integrated into the development and will front onto Dundas Street. There are high development costs arising from the high-quality materials and public realm treatments that are required because of the site's prominent location just outside the World Heritage Site and within the New Town Conservation Area. Ongoing maintenance and factoring costs would be also be significant.*

*The applicant has submitted an Affordable Housing Statement which confirms that they considered the delivery of affordable homes for social rent and engaged with a local Registered Social Landlord (RSL) to try to achieve this, however this was not found to be a viable option due to significant financial constraints.*

*The affordable housing within this development will therefore be delivered on-site as 'intermediate rent' (unsubsidised mid-market rent), an accepted affordable tenure. The affordable homes will be financed by institutional investment and delivered for a minimum of 25 years. There will be no requirement for grant subsidy, therefore the grant that is freed up can be channelled into delivery of social rented homes elsewhere*

*The proposed approach to affordable housing delivery is in line with the principles set out in the report "Support for Build To Rent" which the Planning Committee noted in January 2020, following approval by the Housing, Homelessness and Fair Work Committee. The proposal shares the characteristics of a typical BTR development in that it will be financed by institutional investment and will deliver placemaking and housing at a scale and pace which is rarely matched by traditional housing for sale providers.*

*The developer is currently in discussions with a housing association about them owning and operating the affordable units for 'intermediate rent'. Rents would be restricted to Scottish Government's published Broad Rental Market Area (BRMA) 30th Percentile. BRMA 30th Percentile is significantly less than average market rents in Edinburgh; between £1,400 and £3,300 less per annum, depending on house size. The Council's Affordable Housing Policy sets out a "Definition of Priority Clients"; those people who are in housing need and who cannot afford to access accommodation through the regular functioning of the housing market and earn below average household income. Rents at the 30th Percentile are affordable to people within the defined client group, and significantly less than average market rents.*

### *3. Summary*

*The applicant has made a commitment to provide 25% on site affordable housing which will assist in the delivery of a mixed sustainable community. The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

*Housing Management and Development is supportive of this application for the reasons set out below:*

- The applicant will deliver 88 on-site affordable homes (25% affordable housing) as 'intermediate rent' for a minimum of 25 years;*
- The affordable housing is well-integrated and includes a variety of sizes to reflect the provision of homes across the wider site;*
- There is no grant funding required for the affordable homes. The grant funding freed up will be targeted to the delivery of social rented homes elsewhere within the city.*

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

### **Archaeology Officer response - dated 26 October 2020**

*Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for the demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office and other commercial uses, with associated landscaping / public realm, car parking and access arrangements.*

*The site lies across the northern limits of the Edinburgh's New Town, directly on the northern boundary of the World Heritage Site. The site is dominated by the 1971 RBS Data Centre designed by Richard Latimer. Historic maps indicate that until the mid 19th century the site remained relatively free from development with the exception of mill lades running across the northern limits of the site, which feed the medieval mills at Canonmills. The 1876 plan shows the eastern half of the site occupied by open air Royal Gymnasium in particular the large circular rowing machine known as 'The Great Sea Serpent'. By c.1905 the western half of the site had been developed with a mix of domestic and small industrial units, a process already started on the western half of the*

site during the mid-19th century, whilst the eastern half underly the grounds for St Bernard's Football Club.

Based on the historical and archaeological evidence the site has been identified as occurring within an area of local archaeological/historic importance principally in terms of Edinburgh's Victorian/Early 20th century social & industrial heritage, 20th century banking and earlier pre-industrial milling.

This application must be considered under terms 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 DES3, ENV5, 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.

#### *Buried Archaeology*

Given the archaeological potential an archaeological evaluation was undertaken by CFA Archaeology in 2019. Their evaluation report CFA DSR accompanies the application as EIA Appendix 12.2. The evaluation results indicated that remains of associated with the Victorian Royal Gymnasium site and potentially of the earlier medieval Canonmills Loch survived insitu beneath up to 3m of made ground which they associate with the formation of the c.1900 football ground for St Bernard's FC.

These remains have been identified in this and earlier preapplication discussions as main focus for archaeological investigation and research during any future development. Although the evaluation did not in dedicate uniform preservation across the site the remains of the important large rotary rowing machine known as the 'The Great Sea Serpent' appears to have survived.

Although I agree that further work is not required within the area of the current carpark (e.g. site of former Victorian Show Room) and unlikely to be required underneath the current RBS Data Centre (due to the expected truncation caused by its construction), I disagree with CFA's conclusions that no further work is required across the site of the former 'Great Sea Serpent. Accordingly, it recommended that a programme of archaeological work is carried prior to/during development out to fully record this structure and further significant remains associated with the area's post-medieval/medieval Loch and mill lades, Victorian Royal Gymnasium. The full scope of this work will be agreed once foundation / construction designs have been finalised.

#### *Historic Building RBS Data Centre*

The proposals will see the demolition of the 1971 Royal Bank of Scotland Data Centre designed by James Richard Latimer. Although undesignated this building in my opinion is of some historic/archaeological significance in terms of the 20th century banking heritage of Edinburgh. In addition, its striking modern design has contributed significantly to the character of this part of the New Town. Accordingly, the loss of this locally significant building would be regarded as having a significant impact.

Having assessed these impacts it has been concluded that its loss would not be significant to warrant refusal on archaeological grounds. That said it is essential that the RBS Lorimar building is recorded prior to its demolition. This will require the

*undertaking of a historic building survey (phased plans/elevations, photographic and written survey) linked to an appropriate level of documentary research.*

#### *Interpretation & Public engagement*

*Given the unique opportunity to investigate the remains of the public Royal Gymnasium and potential for unearthing earlier remains, it is essential that the overarching archaeological mitigation strategy contain provision for public/community engagement (e.g. site open days, viewing points, temporary interpretation boards), the scope of which will be agreed with CECAS.*

*It is recommended that the above programme of archaeological work is secured using a condition based upon CEC model condition as follows;*

*'No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, excavation, analysis & reporting, publication, public engagement, interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

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

#### **Communities and Families response - dated 22 December 2020**

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

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

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

#### **Assessment and Contribution Requirements**

**Assessment based on:**

**223 Flats (22 studio flats and 104 one bedroom excluded)**

*This site falls within two education contribution zones: sub area CB-3 of the Craigroyston/Broughton Education Contribution Zone and D-1 of the Drummond Education Contribution Zone. It would be impracticable to have the proposed development aligned to different schools.*

*The number of units proposed exceeds the assumptions on new housing development in the urban area as set out in the Housing Land Audit (2018). Accordingly, the impact of this proposal has been assessed in line with the methodology that informs the Education Appraisal and the Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.*

*The proposed development is expected to generate additional primary and secondary school pupils.*

*The education infrastructure actions identified in the Drummond Education Contribution Zone are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. However, the proposal would put additional pressure on the actions in the Craigroyston/Broughton Education Contribution Zone.*

*In order to mitigate the cumulative impact of residential development a catchment change will be required to remove pressure on the Craigroyston/Broughton Education Contribution Zone that this proposal would cause. This is a statutory process under the Education Scotland Acts that requires approval by the Council after a statutory consultation with the affected school communities and referral to Education Scotland has been undertaken.*

*The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per flat' rate for the Drummond Education Contribution Zone.*

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

*Total infrastructure contribution required:*

*£190,888*

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

*Per unit infrastructure contribution requirement:*

*Per Flat - £856*

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

### **Edinburgh World Heritage response - dated 28 September 2020**

*Thank you for consulting Edinburgh World Heritage regarding the above application, the associated pre-application for which we have been involved. We offer the following comments to the formal submission, which we hope you find helpful in determining the application.*

*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*

*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.*

*- '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.*

*The site lies outside of the WHS boundary, to its immediate north. Consideration should therefore be given to potential impact upon the WHS as a result of development within its setting - including immediate and longer-distance views.*

*The site today is broadly characterized by its 20th century development and character. Excepting surviving historic features (such as boundary railings), the site is not considered to make a positive contribution to overall OUV nor the contribution to OUV made by associated heritage assets. These associated heritage assets principally include;*

- The New Town Gardens (Inventory of Gardens and Designed Landscapes)*
- The New Town Conservation Area*
- The Category B listed tenement along Fettes Row*
- The Category A listed buildings of Royal Crescent*

#### *Impact on Outstanding Universal Value*

*The immediate setting of the World Heritage Site should be protected by ensuring that new development is contextual, high quality design and respectful of its historic context. The proposed heights, massing, back-of-pavement relationship to the Royal Crescent, Fettes Row and Dundas Street all respond appropriately to their historic context. The only exception to this the break in frontage along Dundas Street, which we suggest could be given more of a solid frontage in line with the characteristic urban layout whilst also providing necessary through-access. With respect to the architectural design along these same routes, it is clear that consideration has been given to responding to local character in a contemporary way - reflecting the rhythm of openings, overall character and materials of its historic context. This effect could be enhanced by responding creatively to the ground floor character of the shops across the road on the Dundas*

Street elevation, and the characteristic New Town hierarchy between ground/middle/upper floors at the corner/along Fettes Row.

The impact of wider World Heritage Site views, most particularly along Dundas Street, principally relates to how well the development would sit visually within its context. The views provided demonstrate that it will do so with a fair degree of success. As Edinburgh's lively and characteristic roofscape is such an important part of its OUV, it will be important to ensure that additional elements (e.g. servicing and plant) are kept out of sight.

Overall we consider that, subject to detail, the proposals would not cause notable harm to the OUV 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*

We consider that the proposals would not cause notable harm to the OUV of the World Heritage Site.

Therefore, while we would welcome enhancements to the scheme in line with our above advice, we consider that the proposals meet the requirements set out in the previous section. We therefore have no objection to the proposed works.

As always, we advise you engage the heritage expertise within your planning department to inform the wider heritage considerations and detail (e.g. materials specification) of this application. We are aware of a potential forthcoming additional consultation for this site, and will respond to this separately where consulted.

#### **Edinburgh World Heritage further response - dated 19 January 2021**

Thank you for consulting Edinburgh World Heritage regarding the above revised application, the previous iterations upon which we have provided advice. We offer the

*following comments to the revised submission, which we hope you find helpful in determining the application.*

*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**

*The OUV of the World Heritage Site is well-established in the UNESCO inscription, and will therefore not be repeated here.*

*This has been broken down into 5 overarching qualities of OUV 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.*
- '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.*

*As outlined in previous advice, the site lies outside of the WHS boundary, to its immediate north.*

*Consideration should therefore be given to potential impact upon the WHS as a result of development within its setting - including immediate and longer-distance views.*

*The site today is broadly characterized by its 20th century development and character. Excepting surviving historic features (such as boundary railings), the site is not considered to make a positive contribution to overall OUV nor the contribution to OUV made by associated heritage assets. These associated heritage assets principally include;*

- The New Town Gardens (Inventory of Gardens and Designed Landscapes)*
- The New Town Conservation Area*
- The Category B listed tenement along Fettes Row*
- The Category A listed buildings of Royal Crescent*

#### **IMPACT ON OUTSTANDING UNIVERSAL VALUE**

*Our previous advice analysed the impact of the proposals upon the overall Outstanding Universal Value of the World Heritage Site through development in its immediate setting. The proposed heights, massing, back-of-pavement relationship to Fettes Row and Dundas Street were considered to respond appropriately to their historic context - with the only exception being the break in frontage along Dundas Street, which we*

*advised could be infilled in some form to better reflect the characteristic grid street pattern of the New Towns. While we encouraged and advised ways of better grounding the architectural character in its historic context, we considered that - subject to detailed input with the planning and conservation expertise at the City of Edinburgh Council - the proposed contemporary design overall responded in a reasonable manner to key aspects of local architectural character. On balance, our advice was that, subject to detail, the proposals would not cause notable harm to the OUV of the World Heritage Site.*

*The principle changes to the proposal from the perspective of the OUV of the World Heritage Site are the movement of the building line approximately 1.5m further north from Fettes Row and the massing amendments to the east resulting in a slightly lessened impact on the view down Dundonald Street.*

*These amendments reduce the impact on OUV outlined in previous advice, and are welcomed in this respect.*

#### **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**

*Edinburgh World Heritage welcomes the slightly reduced impact of the proposals on the Outstanding Universal Value of the World Heritage site in relation to the previous iteration of this scheme. We consider that the proposals would not cause notable harm to the OUV of the World Heritage Site.*

*Therefore, while we would welcome enhancements to the scheme in line with our previous advice and comments above, we consider that the proposals meet the requirements set out in the previous section. We therefore have no objection to the proposed works. As always, we advise you engage the heritage expertise within your planning department to inform the wider heritage considerations and detail (e.g. materials specification) of this application.*

## **Economic Development response - dated 15 September 2020**

*The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 20/03034/FUL for a mixed-use development at 34 Fettes Row, Edinburgh.*

### *Commentary on existing uses*

*The application relates to a 3.40-hectare brownfield site comprising a complex of office buildings lying east of Dundas Street and north of Fettes Row (the "Fettes Campus"). These comprise office blocks at 113 Dundas Street and 34 Fettes Row, along with a link building, several outbuildings, a car park and open ground. The complex has a total net internal area of 19,857 sqm. The complex was most recently occupied by RBS (NatWest).*

*The surrounding area is a mix of office and residential. While reasonably close to the city centre, the complex lies outwith Edinburgh's core office market and would generally be considered a peripheral location by occupiers. The area has historically been a financial services cluster with RBS, Standard Life and Royal London all having substantial operations in the area. In recent years, the area has emerged as a technology hub centred on the 17,730 sqm Tanfield office building. Other major office buildings in the vicinity include Dundas House (11,119 sqm) and Centrum House (2,064 sqm).*

*If fully-let as office space, the existing complex could, based on a median employment density for offices occupied technology companies (based on the most recent usage of the building and the tenants of the surrounding offices) of one employee per 11 sqm (net), be expected to directly support approximately 1,805 full-time equivalent (FTE) jobs ( $19,857 \div 11$ ). Based on a median GVA per worker for employees in the information and communication sector in Edinburgh of £88,324 (2018 prices) per annum, this could be expected to directly add approximately £159.42 million of GVA (2018 prices) to the economy of Edinburgh per annum ( $1,805 \times £88,324$ ) if fully occupied for this purpose.*

*As the site is over one hectare, policy EMP 9 of the Edinburgh Local Development Plan applies. This requires (among other things) that any redevelopment incorporate "floorspace designed to provide for a range of business users".*

### *Commentary on proposed uses*

*The application proposes the comprehensive mixed-use redevelopment of the site.*

#### *Class 4 - Business*

*The development as proposed would deliver 9,820 sqm (gross) of class 4 space in the form of an office building located at the junction of Dundas Street and Fettes Row. Based on an indicative ratio of gross-to-net internal area for units of this nature of 82.5%, it is estimated that this would represent a net internal area of approximately 8,102 sqm ( $9,820 \times 82.5\%$ ).*

*The economic impact of the office space if fully occupied can be estimated. The Employment Densities Guide (3rd edition) quotes a mean employment density for offices used by technology companies of one FTE employee per 11 sqm (net). This*

gives an estimated direct employment impact for the buildings if fully occupied at this density of 737 FTE jobs ( $8,102 \div 11$ ). Per data from the Scottish Annual Business Statistics, the mean GVA per employee per annum for the information and communication sector in Edinburgh was £88,324 as of 2018. This gives a projected direct GVA impact for the office if fully occupied of £65.09 million of GVA per annum (2018 prices) ( $737 \times £88,324$ ).

#### *Class 7 - Hotels and hostels*

The development as proposed would deliver a 116-bedroom hotel. The economic impact of the proposed hotel can be estimated. The Employment Densities Guide (3rd edition) quotes a mean employment density for mid-scale hotels of one FTE employee per 3 bedrooms. This gives an estimated direct employment impact for the hotel of 39 FTE jobs ( $60 \div 3$ ). Per data from the Scottish Annual Business Statistics, the GVA per employee per annum for the accommodation sector in Edinburgh was £41,488 as of 2018. This gives a projected direct GVA impact for the hotel of £1.63 million of GVA per annum (2018 prices) ( $39 \times £41,888$ ).

These figures do not include the economic impact of expenditure by visitors to Edinburgh staying in the hotel on items other than accommodation (for example, transport, recreation, and shopping) due to a lack of the raw data required to model this impact robustly.

#### *Class 11 - Assembly & leisure*

The development as proposed would deliver 990 sqm (gross) of class 11 space in the form of a gym in the centre of the site. The economic impact of the proposed gym can be estimated. The Employment Densities Guide (3rd edition) quotes a mean employment density for mid-market fitness centres of one FTE employee per 65 sqm (gross). This gives an estimated direct employment impact for the gym of 15 FTE jobs ( $990 \div 65$ ). Per data from the Scottish Annual Business Statistics, the mean GVA per employee per annum for the arts, entertainment and recreation sector in Edinburgh was £17,829 as of 2018. This gives a projected direct GVA impact for the gym of £0.27 million of GVA per annum (2018 prices) ( $15 \times £17,829$ ).

#### *Sui generis (flats)*

The development as proposed would deliver 349 new flats. These would not be expected to directly support any economic activity. However, the flats could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 349 flats could be expected to collectively spend approximately £9.22 million per annum. Of this £9.22 million, it is estimated that approximately £4.71 million could reasonably be expected to primarily be made within Edinburgh. This £4.71 million could be expected to directly support approximately 45 FTE jobs and £1.56 million of GVA per annum (2018 prices).

#### *Overall economic impact*

In total, it is estimated that the development could, if fully occupied, directly support a total of 836 FTE jobs ( $737 + 39 + 15 + 45$ ) and £68.55 million of GVA per annum (2018 prices) (£65.09 million + £1.63 million + £0.27 million + £1.56 million).

By comparison, it is estimated that the existing buildings could, if fully occupied, directly support 1,805 FTE jobs and £159.42 million of GVA per annum (2018 prices). The

*development would therefore represent a decrease in potential economic impact. This is largely inevitable where developments that entail a reduction in office space are concerned, given the average high employment density and high GVA per employee of offices relative to other use classes. The loss of office space would to some degree be compensated for by the creation of modern new space.*

*It can be seen that the office element of the new development is key to the economic impacts of the new development, accounting for 88% of projected new jobs and 95% of projected new GVA.*

## **SUMMARY RESPONSE TO CONSULTATION**

*It is estimated that the development could directly support 836 FTE jobs and £68.55 million of GVA per annum (2018 prices). This represents a decrease on the potential economic impact of the existing buildings; this is inevitable where office space is being redeveloped for other uses. The loss of office space would to some degree be compensated for by the creation of modern new space.*

## **Historic Environment Scotland response - date 8 October 2020**

*Thank you for your consultation which we received on 08 September 2020. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations and for our historic environment remit as set out under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories.*

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

### **Our Advice**

*We consider that the proposed development would give rise to some adverse effect on the OUV of the Old and New Towns of Edinburgh World Heritage Site (WHS) and the setting of the Category A listed Royal Crescent buildings (LB29680, LB29679). Most notably, we have identified a significant adverse impact caused by the appearance of blocks C and D in the framed view occurring out of the World Heritage Site along Nelson Street/Drummond Place/Dundonald Street. We have therefore recommended changes to the design of the development which we consider would reduce and avoid the impacts described. This is consistent with the advice that we have given throughout the pre-application process. We are, however, broadly content that the overall form of the proposals sufficiently addresses the World Heritage Site edge and therefore consider that the adverse impacts described would not raise issues of national importance such that we would object.*

*Our detailed consideration of the proposals and associated EIA Report is included in the attached Annex.*

*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. 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.*

*A new Historic Environment Policy for Scotland (HEPS, 2019) was adopted on the 1st May 2019, which replaces the Historic Environment Scotland Policy Statement (HESPS, 2016). The new Historic Environment Policy for Scotland is a strategic policy document for the whole of the historic environment and is underpinned by detailed policy and guidance. This includes our Managing Change in the Historic Environment Guidance Notes. All of these documents are available online at [www.historicenvironment.scot/heps](http://www.historicenvironment.scot/heps).*

*Please contact us if you have any questions about this response. The officer managing this case is Alison Baisden who can be contacted by phone on 0131 668 8575 or by email on [Alison.Baisden@hes.scot](mailto:Alison.Baisden@hes.scot).*

*Yours sincerely*

*Historic Environment Scotland*

#### *ANNEX*

##### *Proposed Development*

*We understand that the proposals involve the redevelopment of the former Royal Bank of Scotland (RBS) data management centre, offices, warehousing and carpark located adjacent to Dundas Street, Fettes Row and Royal Crescent in the New Town area of Edinburgh. The replacement development will comprise a mixture of uses including mainly residential, hotel and office uses, with associated landscaping, public realm, car parking and access arrangements.*

##### *Background*

###### *Pre-Application Discussions*

*We have been involved in extensive pre-application discussions with the developer and their team regarding this scheme. This engagement began on 6th June 2019 and has been on-going with our most recent detailed advice letter issued on 8th June 2020.*

*At all times our pre-application advice has made clear that we consider that there is potential for a sensitive development in this location which is responsive to its context within the New Town Gardens Inventory Designed Landscape (GDL367) and adjacent to the boundary of the Old and New Towns of Edinburgh World Heritage Site (WHS) including Category A listed buildings on Royal Crescent (LB29680, LB29679).*

*In line with this, we have specified that any development north of Royal Crescent must demonstrate that it would not harm the character of the crescent or its setting, which*

*originally overlooked underdeveloped ground. Any development in this location must also retain the framed views out of the World Heritage Site along Dundas Street and Dublin Street/Drummond Place/Dundonald Street.*

*While we have provided an indicative view on an appropriate volume of development (28 November 2020) in this location, we have also highlighted that (29 July 2020) that we are unable to give a definitive view on the acceptability of the proposals until we are formally consulted on detailed drawings and the information included within an EIA Report.*

#### *Environmental Impact Assessment (EIA) Scoping*

*We issued an EIA scoping advice letter on 3 October 2019. This specified that any EIA undertaken for the proposals should pay particular attention to the potential for impacts on the OUV (Outstanding Universal Value) of the Old and New Towns of Edinburgh World Heritage Site, the setting of the Category A listed buildings situated along Royal Crescent (LB29679, LB29680) and the New Town Gardens Inventory Designed Landscape (GDL367).*

*We also advised that consideration should be given to the potential for vibration impacts caused by demolition and construction works on the fabric of the New Town. We specified that any such assessment should be supported by appropriate technical information including visualisations of the new development from King George V Park and in outward views from the New Town towards the Firth of Forth.*

#### *Our interest*

*The proposed development site is located within the New Town Gardens Inventory Designed Landscape (GDL367) and is also immediately adjacent to the Old and New Towns of Edinburgh World Heritage Site boundary. There are also a number of Category A listed buildings within the vicinity of the site boundary, the settings of which are likely to be affected as a result of the proposals. These include the following:*

- 15 - 23A (Inclusive Nos) Royal Crescent, and 15 Dundonald Street, Including Railings and Lamps (Category A Listed Buildings, LB29680)*
- 1 - 13A (Inclusive Nos) Royal Crescent, 24 and 24A Dundonald Street and 26-28 (Even Nos) Scotland Street, Including Railings and Lamps (Category A Listed Buildings, LB29679)*

#### *Significance of the heritage assets*

##### *Old and New Towns of Edinburgh World Heritage Site (WHS)*

*Old and New Towns of Edinburgh World Heritage Site is a designation of international importance. It comprises the juxtaposition of two distinctive townscapes, the Old and New Towns of Edinburgh, each of exceptional historic and architectural interest.*

*The New Town, constructed between 1767 and 1890 as a collection of seven new towns on the glacial plain to the north of the Old Town, is framed and articulated by an uncommonly high concentration of planned ensembles of ashlar-faced, world class, neo-classical buildings, associated with renowned architects. Contained and integrated*

*within the townscape are gardens, designed to take full advantage of the topography, while forming an extensive system of private and public open spaces.*

*The successive planned extensions from the first New Town, and the high quality of the architecture, set standards for Scotland and beyond, and exerted a major influence on the development of urban architecture and town planning throughout Europe. It covers a very large area of 3,288 ha, is consistent to an unrivalled degree, and survives virtually intact.*

*Royal Crescent with its arrangement of Dundonald Street leading to Drummond Place, Fettes Row to the west, and Bellevue Crescent to the east are integral urban components of the unified town planning of the first extension to the New Town. The characteristic use of topography, and monumental massing, comes masterfully together to form the very distinctive, and highly visible landmark to the northern new town.*

*Royal Crescent (Category A listed buildings, LB29680, LB29679)*

*The townhouses along Royal Crescent are listed at Category A in recognition of their national importance. The crescent was designed as a prominent landmark to the first extension of the New Town planned by Reid and Sibbald in 1802, although an earlier plan on 1796 showed the crescent. Building commenced in 1825, however due to an economic slump work was abruptly discontinued in 1829. The original scheme for 3 segments with a detached building in the middle was abandoned following the construction of the Scotland Street Tunnel in 1847. However, the western segments were completed more or less as intended, albeit with tenements rather than terraced houses, by James Lessels in 1888. The crescent is a key townscape component on the perimeter of the new town.*

*New Town Gardens, Inventory Designed Landscape (GDL367)*

*The New Town Gardens designed landscape is included in the Inventory of Gardens and Designed Landscapes in recognition of its national importance. It comprises a series of 18th and 19th century town gardens, squares and walks, which, together with the surrounding buildings are collectively termed the 'New Town', and the result of neo-classical town planning. Although broadly contemporary with other developments in city planning, Edinburgh New Town has an extensive system of public and private open spaces, designed to take full advantage of the topography and Edinburgh townscape.*

*However, the development site and the adjacent King George V Park have had a very different development history to that of the gardens and squares otherwise within the New Town. This area of land lies beyond the northern boundary of the New Town (as indicated by the World Heritage Site boundary) and the land formed the former site of Canonmills haugh. Following its drainage in the mid-19th century, the Royal Patent Gymnasium opened in 1860. It subsequently became the venue for St Bernard's Football club until the 1930s. Following the death of King George V in 1936, and a desire to keep the space as open ground, money was raised to set up playing fields in his memory, which were finally opened in 1950, incorporating tennis courts, a putting green and a playground. The park was then redesigned in the later 20th and early 21st centuries. The Park therefore provides a very different social history of publicly accessible entertainment and recreation space, which contrasts with many of the private garden areas in the New Town.*

*It is clear that King George V Park has had a varied history with very little of its earlier incarnations remaining. The footprint of this recreational area has changed dramatically over time. It does retain some of its open character, however, in relation to the New Town buildings positioned to the south.*

#### *Policy context*

##### *Historic Environment Policy for Scotland*

*The Historic Environment Policy for Scotland (HEPS, 2019) includes national policy for decision-making across the whole of the historic environment.*

*HEP2 states that 'decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.'*

*HEP4 states that 'changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate.'*

*If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.'*

#### *Scottish Planning Policy*

*National policy on valuing the historic environment is included in Scottish Planning Policy (SPP, 2014).*

*Paragraph 147 makes clear that World Heritage Sites are of international importance. It states that '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 (OUV).'*

*Paragraph 141 states that 'where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.'*

*Paragraph 148 states that 'planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes.'*

#### *Relevant Guidance*

*Our 'Managing Change in the Historic Environment' guidance notes explain how to apply the policies in the Historic Environment Policy for Scotland (HEPS, 2019) and Scottish Planning Policy (SPP, 2014). Our guidance notes on World Heritage (2016),*

*New Design in Historic Settings (2010), Setting (2016) and Gardens and Designed Landscapes (2016) are of particular relevance to the proposals.*

*The Old and New Towns of Edinburgh World Heritage Site Management Plan (2017-2022) also sets out a framework for the management of the World Heritage Site which aims to sustain its Outstanding Universal Value (OUV).*

*EIA Report (August 2020)*

*We have concluded that there is enough information included within the EIA Report (August 2020) and associated application materials to form a view on the proposals for our interests. We are broadly content with the framework for assessing cultural heritage impacts included at Chapter 12 of the EIA Report and welcome the provision of supporting detailed research, technical information, drawings and photomontage visualisations.*

*It should be noted, however, that we disagree with some of the baseline analysis included within Chapter 12 of the EIA Report and the associated Heritage and Townscape Statement (August 2020). In particular, we consider that outward views from the New Town to the north, particularly those from Royal Crescent, are undervalued. We disagree, for example, with assertions that design of the Royal Crescent town houses 'did not favour overlooking designed garden spaces or other visual amenity' and the crescent layout of the town houses was 'a rather perfunctory response to the land ownerships' included at paragraph 4.39 of the Heritage and Townscape Statement. Similarly, we also consider that views from the development site upward towards the New Town edge are undervalued. We disagree, for example, with the assertion at paragraph 4.50 of the Heritage and Townscape Statement that any views experienced of Royal Crescent from the north were 'unintentional'.*

*We therefore do not agree, as set out in paragraph 12.78 of the EIA Report, that those elements which contribute to the setting of Royal Crescent are limited to its east/west approaches and to the central access point at Dundonald Street.*

*We also note that seasonal variations have been taken into account in the assessment of setting impacts and the magnitude of change. This has included the effect of the tree screening on visibility between the cultural heritage assets and the development (para 12.28). Similarly, we note that the design mitigation incorporated into the proposals includes maintaining the seasonal screening effect provided by the existing mature tree-lined northern edge of Royal Crescent and Fettes Row (para 12.64). It should be noted, however, that we disagree that tree cover is a relevant mitigating factor. Our Managing Change Guidance Note on Setting (2016) makes clear on page 12 that tree cover can be affected by environmental change and cannot necessarily be relied upon to mitigate the adverse impacts of a development. It should also be noted that Environmental Impact Assessment requires the assessment of a 'worst case' scenario in all instances.*

*More broadly, we do not consider that the conclusions presented at Chapter 12 of the EIA Report fully reflect the varied and, sometimes significantly adverse, nature of impacts occurring on the setting of the Old and New Towns of Edinburgh World Heritage Site (WHS) and the Category A listed town houses (LB29680 and LB29679) in particular. We have therefore set out our assessment of these impacts below.*

*We have also reviewed chapter 10 of the EIA report which discusses noise and vibration. We note that vibration is considered to be significant for piling works only. We are content that, subject to setting a vibration limit of 10 mm/s, significant vibration impacts on the fabric of the new town are unlikely.*

#### *Our assessment*

##### *Old and New Towns of Edinburgh World Heritage Site (WHS)*

*The contribution made by 'the planned ensembles of ashlar-faced world class neoclassical buildings' to the Outstanding Universal Value (OUV) of the WHS is given particular importance in the Old and New Towns of Edinburgh World Heritage Site Management Plan (2017-2022). Royal Crescent and Fettes Row conform perfectly to this description. The management plan notes that care and attention is required to ensure that any change preserves and/or enhances the OUV.*

*As a planned, raised crescent, Royal Crescent takes advantage of views over the underdeveloped ground at the northern edge of the New Town and is visually prominent in views into the WHS from the north. Another key feature of this section of the New Town is its topography, with terraces and open spaces stepping down from one another in harmony with the landscape. New development adjacent to the WHS boundary should therefore be sensitive to the historic character of the WHS, reflect its urban grain and townscape value, and respond to its locality.*

*Special attention should also be given to safeguarding important views and landmarks including the framed views out of the World Heritage Site along Dundas Street and Dublin Street/Drummond Place/Dundonald Street.*

##### *Office and Residential Accommodation Blocks L and H*

*We consider that the proposed office and residential blocks located along the World Heritage Site boundary at Fettes Row give rise to some beneficial effect on its OUV and setting. The near continuous street frontage of these blocks, in our view, responds successfully to the rhythm of stepped terraces that are a key characteristic of this part of the New Town. We also note that the wall-head height of the proposed office and residential blocks are comparable in height to the wall-head height of the category B listed 4-storey corner pavilion block on Dundas Street, and the 3-storey terraced townhouses on Fettes Row. This aspect of the proposals also, in our view, successfully reflects the rhythm of development stepping-down towards the Firth of Forth.*

*We do, however, note adverse impacts caused by the inclusion of an additional level of accommodation set back from the proposed wall-head level of the office and residential blocks. This proposed tall set-back roof storey would increase the overall height of the Fettes Row buildings, rising above the level of the B listed terrace opposite, where historically shallow M-shaped roofs were specifically designed to limit any visibility above the cornice and blocking course.*

*Additionally, we consider that the different architectural expression and character of these two blocks mean they fail to respond to the continuous, uniform planned character of this part of the New Town.*

##### *Residential Accommodation Blocks G, F, E, C and D*

*These residential accommodation blocks are located immediately adjacent to the World Heritage Site boundary at Royal Crescent. Although the design of these blocks reflects the curved crescent form of the adjacent Royal Crescent, it should be noted that this Crescent was never designed to accommodate development opposite, but rather was sited to look over underdeveloped ground, which at the time of its design was rural and open in character. We therefore consider that the relationship between the underdeveloped ground in this location and the siting of Royal Crescent demonstrates the topography and planning of the World Heritage Site. Consequently, we consider that the introduction of large residential accommodation blocks in this area will adversely impact on the setting and OUV of the World Heritage Site.*

*We consider, for example, that the southernmost accommodation blocks (G, F, E) which rise to just below one storey above the Crescent's datum (pavement) level will have a negative impact on its setting and visual prominence. We also consider that the six storey northernmost accommodation blocks (C, D) will adversely affect longer views to and from Royal Crescent located along the World Heritage Site edge.*

*Further to this, we note that blocks C and D will be visible in the important framed view occurring out of the World Heritage Site along Nelson Street/Drummond Place/Dundonald Street. This long view demonstrates key characteristics of the townscape and topography of the New Town and would be diminished by the appearance of large-scale development. We consider that this impact is significantly adverse and have recommended mitigation below.*

*We do, however, note some beneficial effect on the setting of the World Heritage Site will occur with the introduction of a central axial route through the site between the proposed crescent blocks and the opening-up of potential views from the park.*

#### *Royal Crescent (Category A listed buildings, LB29680, LB29679)*

*The setting of Royal Crescent is that of a grand set-piece ensemble on an elevated position at the northern edge of the New Town, taking advantage of panoramic views northwards, over undeveloped (or underdeveloped) ground. We therefore consider that the relationship between the underdeveloped ground in this location and the siting of Royal Crescent is important to the understanding and experience of these Category A listed buildings.*

*We consider that the introduction of large residential accommodation blocks (G, F, E, C and D) immediately adjacent to the Crescent will an adverse impact on its setting and visual prominence. The southernmost crescent blocks (G, F, E) which rise to just below one storey above the Crescent's datum (pavement) level will, for example, diminish the visual prominence of the Category A listed townhouses and also largely obscure the retaining wall which underpins their construction. We also consider that the six storey northernmost accommodation blocks (C, D) will adversely affect longer views to and from the Royal Crescent townhouses.*

*As before, however, we note that some beneficial effect on the setting of these Category A listed buildings will occur with the opening-up of the central axial route and potentially improved views of the crescent from the park.*

## *New Town Gardens, Inventory Designed Landscape (GDL367)*

*While we note that the footprint of King George V Park has changed dramatically over time, it does retain some of its open character in relation to the New Town buildings positioned to the south. Overall, we consider that the central axial route through the proposed development has the opportunity to improve current views of the New Town, primarily Royal Crescent, from the park (and vice versa). It should be noted, however, that the bulk and relatively narrow gap between blocks C and D currently limit the available views.*

### *Mitigation*

*As set out above, we consider that the proposed development would give rise to adverse impacts on the OUV and setting of the Old and New Towns of Edinburgh World Heritage Site (WHS) and the Category A listed town houses along Royal Crescent (LB29680, LB29679). Most notably, we have identified a significant adverse effect caused by the appearance of blocks C and D in the framed view occurring out of the World Heritage Site along Nelson Street/Drummond Place/Dundonald Street.*

*Policy HEP4 included in the Historic Environment Policy for Scotland (HEPS 2019) makes clear that if a detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should therefore be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.*

*In particular, we consider that impacts on the OUV and setting of the World Heritage Site should be minimised by giving further consideration to the scale and massing of residential blocks C and D. Appropriate mitigation is likely to involve extending the width of the central gap between them and reducing their height.*

*Additionally, we recommend that the scale of blocks G, F and E is reduced and the level of development above pavement level immediately adjacent to Royal Crescent is removed. Alternatively, setting these blocks back further from the Crescent's stone retaining wall would better protect the ability to experience and understand the planned, raised crescent ensemble.*

*We would also recommend that blocks L and H are re-designed as a continuous, architecturally unified development to better reflect the scale and form of the B listed terrace opposite. Additionally, care should be taken to limit the visibility of the upper storey and plant components of block L. This should be done either by reducing the height of the upper storey or by ensuring it is set-back further and incorporated within a defined roofscape with appropriate recessive materials. This would also apply to its associated elements e.g. glazed balustrades which can be particularly visible.*

### *Our position*

*We consider that the proposed development would give rise to some adverse effects on the OUV of the Old and New Towns of Edinburgh World Heritage Site (WHS) and the setting of the Category A listed Royal Crescent buildings (LB29680, LB29679). Most notably, we have identified a significant adverse impact caused by the appearance of blocks C and D in the framed view occurring out of the World Heritage Site along Nelson Street/Drummond Place/Dundonald Street. We have therefore recommended changes to the design of the development which we consider would*

*reduce and avoid the impacts described. This is consistent with the advice that we have given throughout the pre-application process. We are, however, broadly content that the overall form of the proposals sufficiently addresses the World Heritage Site edge and therefore consider that the adverse impacts described would not raise issues of national importance such that we would object.*

### **Historic Environment Scotland further response - date 15 January 2021**

*Thank you for consulting us on the revised drawings and further environmental information (December 2020) submitted in support of proposals for the New Town Quarter development in Edinburgh. We received this information on 14 December 2020 and have considered it in our role as a consultee under the terms of the above regulations and for our historic environment remit as set out under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories.*

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

#### *Further Environmental Information (December 2020)*

*We note that the further environmental information (December 2020) submission proposes some revisions to the New Town Quarter development. These revisions include moving the footprint of the office and private residential blocks (L and H) adjacent to Fettes Row 1.5m north and associated changes to landscaping. Some amendment has also occurred to the upper floors of the private residential blocks (C and D) opposite Royal Crescent, as well as changes to the window sizes of the mid-market rental block (B) fronting onto Eyre Place.*

*We have reviewed the environmental appraisal set out within the 'Scheme Design Changes and Implications to EIA' letter (10 December 2020) submitted as part of this consultation. Here, we are content to agree with the conclusion presented that the proposed revisions are minor in nature and that there will be 'no change' to the level of impact on cultural heritage assets.*

*We therefore do not wish to object to the proposals and have no comments to make further to those included in our detailed advice letter of 8 October 2020.*

#### *The Basis of Our Advice*

*Our advice is shaped by legislation and based upon government policy and guidance. We will uphold the advice we provide to decision-makers in appeal procedures where necessary. Unless material circumstances change, we will not alter our advice. It is for the relevant decision-maker to reach a view on the balance of competing interests.*

*When we do not object to a proposal, this does not mean that there are no impacts on the historic environment that will need to be taken into account in determining the application. The decision-maker will take a range of factors into account in considering*

*the proposal and our advice is one of a range of considerations that will be taken into account as part of that process.*

#### *Further Information*

*This response applies to the application currently proposed and we are happy to provide your Council with any further clarification necessary. 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/](http://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](http://www.engineshed.org).*

#### **New Town and Broughton Community Council response - dated 19 October 2020**

*The New Town & Broughton Community Council (NTBCC) had requested an extension to the main applications (20/03034/FUL & 20/03661/CON) - which was accepted, in order to finalise the community council's position on the above applications at their recent virtual monthly meeting on 12th October. From that discussion, it was evident that there remained a divergence of views within the community but a number of residents who had expended considerable time and effort looking in more detail at the large volume of documents lodged with this application becoming increasingly concerned at what was proposed.*

*As stated above, there is also a concurrent application (20/03661/CON) specifically covering Conservation Area Consent (CAC) for demolition of the existing buildings on the site. NTBCC has submitted a separate representation covering this.*

*NTBCC also notes with interest the response from Historic Environment Scotland (HES) which has now been lodged on the Edinburgh Planning portal. Whilst HES have not formally lodged an objection, their response raises many concerns shared both by NTBCC, other local interest groups as well as residents.*

*The proposed site, given its size, central location and adjoining a precious open space within the New Town, does offer a unique opportunity to add real value to the area whilst allowing the site to be developed such that the current owners can achieve sufficient value from the site. As such, NTBCC, along with many residents, are not against appropriate development for the site which directly abuts the Edinburgh World Heritage site and sits within the New Town Conservation Area - including replacement of some of the buildings that clearly have little or no architectural merit.*

*NTBCC were aware various local interest groups as well as NTBCC have had lengthy discussions with representatives from Ediston, Turley and the architects (10 Design) and that some changes, albeit minor) had been implemented based on those discussions over the past 12 - 18 months.*

*NTBCC would recognise and appreciate the significant time expended by the development team with many local interest groups. However, whilst some changes have been implemented vs. the indicative designs as outlined in the various previous*

*public consultations, there remains some frustration expressed both by residents and local interest groups that many of their suggestions as to possible improvements, made in good faith, have not been given adequate consideration.*

*Given that the development covers an extensive area and either abuts or is adjacent to several existing developments, residential areas or green space - it is helpful to consider these separately, although, it is clear that there are also common areas of concerns being expressed.*

*NTBCC's representation includes key points from :*

*I. Fettes Row & Royal Crescent Residents' Association (FRRRCRA) and the Drummond Civic Association (DCA) whose focus is on the impact residents in areas within the Edinburgh World Heritage site to the south of the proposed development but also includes the lower reaches of Dundas Street.*

*II. Eyre Place / Applecross residents - again, focussing on the lower stretches of Dundas Street as well as the abutting Applecross development on Dundas Street / Eyre Place / Eyre Terrace.*

*III. Friends of King George V & Scotland Yard Park (KGSY) - concerned with impacts on the future amenity of the park due to the development. & finally*

*IV. Impact on the amenity of the remaining tenement in Eyre Terrace - mainly daylighting / sunlight concerns.*

*Firstly, we would wish to address the key concerns raised by the local interest groups as listed above.*

*Fettes Row & Royal Crescent Residents' Association (FRRRCRA) and the Drummond Civic Association (DCA)*

*The key concerns raised by both of these amenity groups are covered in part in the response by Historic Environment Scotland (HES), in regard to the impact of the proposed development on the Edinburgh World Heritage site (WHS) and the setting of the listed buildings on Royal Crescent (Category A) & Fettes Row (Category B) and the longer views from the WHS.*

*HES state in their summary:*

*"We consider that the proposed development would give rise to some adverse effect on the OUV of the Old and New Towns of Edinburgh World Heritage Site (WHS) and the setting of the Category A listed Royal Crescent buildings'. Most notably, we have identified a significant adverse impact caused by the appearance of blocks C and D in the framed view occurring out of the World Heritage Site along Nelson Street/Drummond Place / Dundonald Street."*

*Whilst HES's conclusion is that the proposal as not raising issues of national importance (such that they would formally object), it is clear that despite ongoing dialogue with the development team over the past 12 months, the proposal brought forwards is not supported by HES.*

*NTBCC note that HES's position regarding the height of the proposed southernmost blocks directly adjacent to Royal Crescent is broadly unchanged vs. their response to the previous application (16/05454/FUL) that was ultimately withdrawn.*

*We also note HES's position regarding the six storey accommodation blocks to the north (Blocks C & D) that are positioned close to the boundary with King George V Park. As well as adversely impacting the views from the WHS down Dundonald Street, it is clear that there will be an adverse impact on the longer views to and from Royal Crescent located along the World Heritage Site edge. NTBCC supports the position as outlined by HES and residents' group that the height of Block C & D has an unacceptable impact on the WHS, the New Town Conservation Area as well as the amenity of King George V Park (both due to their height and positioning).*

*We would also note that previous application for development (in principle) along the western edge of KGVP, fronting Eyre Place (14/01177/PPP), which appears to be extant, was approved in principle, subject to further AMC applications. The proposal sought approval of the siting and maximum height of the principal block along the western edge of KGVP - with the proposed principal block being 4 storeys high rising to 5 storeys at the corners. The report to the Sub-committee also stated that "The positioning of the blocks on the site is acceptable with the potential exception of the building line next to King George V Park." & "The relationship between the development and the park is important in terms of linkages, impact on the existing trees and the character of the Conservation Area."*

*NTBCC are clear that these considerations were important then and are important now and furthermore, are equally applicable to both the western edge of KGVP as well as the southern edge. The report on 14/01777/PPP was clear that approval was limited to these buildings being a maximum of four storeys. We therefore do not support the proposal for the height of the blocks, especially along the southern edge of KGVP, being higher than four storeys and given the concerns expressed by HES (for Blocks C & D), perhaps even lower. This would clearly mitigate, to a degree, the impact on KGVP as well as being consistent with HES's position as outlined above.*

*With regard to the office block on the corner of Fettes Row & Dundas Street and accommodation block to the east, we note both concerns expressed by local residents and HES's position. The inclusion of an additional level of accommodation set back from the proposed wall-head level of the office and residential blocks, including the proposed tall set-back roof storey increases the overall height of these buildings such that they rise above the level of the terrace opposite. NTBCC share the concerns raised by residents which is also highlighted by HES and would urge that the height of these buildings is reduced appropriately.*

*Finally, we note HES's comment regarding the form of the buildings at the south-western edge of the development (Blocks L & H) suggesting a re-design such that they form a continuous, architecturally-unified frontage, better reflecting the scale and form of the B listed terrace opposite. NTBCC believe that this suggestion should be further considered.*

*Eyre Place / Applecross residents*

*The main concern raised by residents, both with NTBCC and with the applicant directly, relates to the Mid-Market Build to Rent (MMR) block proposed for the northern section of Dundas Street and Eyre Terrace. The application proposes demolition of the existing RBS office block that directly abuts the 2006 Applecross development, built in a horseshoe off the existing RBS buildings. This will also result in the existing 'gable end' to the RBS block being demolished. Currently the outlook to the rear of the 5-storey Applecross block enjoys a private, secluded and secure courtyard (with dimensions of approximately 13 metres north-south and 22 metres East-West). This application proposes removal of the gable-end and then proposes extending this courtyard by a further 5 metres (approx.) such that the Non-Statutory guidance ('Guidance to Householders' February 2019), which recognises (& seeks to protect as far as possible) people's privacy within their homes but also outlook. This guidance states that to achieve this, "the windows either have to be spaced sufficiently far apart so it is difficult to see into a neighbouring property or windows have to be angled away from one another."*

*Given the enclosed courtyard and the number of windows facing onto the courtyard, the option of angled windows would not achieve the required protection of privacy. The guidance further states that the minimum recommended distance between opposing windows should be a minimum of 18 metres, "usually equally spread so that each property's windows are 9 metres from the common boundary."*

*The current proposal of a 5 metre (approx.) setting back of the new building façade in an internal courtyard is stated to comply with the 18 metre minimum.*

*However, this seems to be achieved by 'stealing' 4 - 5 metres from the existing Applecross courtyard to achieve the minimum separation of 18 metres.*

*NTBCC note that the guidance also states this separation is usually equally spread so that each property's windows are 9 metres from the common boundary.*

*Therefore, it would seem appropriate and reasonable to ensure that the new building is set-back by 9 metres from the common boundary. We are also of the view that this guidance is normally applicable to developments across mews lane i.e. across a street rather than an enclosed courtyard. NTBCC understand that this option would be acceptable to residents.*

*Furthermore, this modification would also improve the amenity of residents in the new development with regard to daylight / sunlight , especially on the lower (ground & first) floors which , as far as we understand the plans as lodged, would face a vertical wall 5m away from their windows. These new apartments are also single aspect and north-facing.*

*Friends of King George V & Scotland Yard Park (KGSY)*

*The Friends raise similar concerns as to the proposed heights (six storeys) of the buildings on the immediate southern boundary of the park and the six storey block to the west, set back from the park by only the width of a path. NTBCC share their concerns that this would have a significantly negative impact on the park which although is currently fringed by a solid belt of shrubs and tall trees, would not provide sufficient protection. They raise the concern that although there may be adequate tree screening of the buildings in summer (with certain caveats regarding any future*

remedial tree works), this tree cover will provide sparse to non-existent screening in winter. It would appear from many visuals accompanying the application that the longer term desire is to move to a more open (and exposed) frontage on the northern edge of the development site boundary, using hedging, shrubs and fewer trees. NTBCC would not support this.

They also point to the consistency of the proposal with LDP (2016) policy ENV 6 which states for a Conservation Area "consent to a development should only be granted if (b) preserves trees, hedges and other features which contribute positively to the character of the area." NTBCC would urge that this is considered further during the determination of this application.

NTBCC share their conclusion which states the development, primarily due to the proposed heights of buildings along its boundary, is too difficult to screen successfully such that this small, peaceful, natural, green oasis is preserved such that it continues to offer amenity to local residents and visitors alike.

### *3,5-9 Eyre Terrace*

We have not received a formal response from residents in this tenement on Eyre Terrace but are aware that the proposed development will have a potentially significant impact on them, mainly with regard to Daylight /Sunlight at the rear of the building. We note the comprehensive Daylight and Sunlight report by Hollis accompanying the

It states that "The results indicate that the proposed development will be fully compliant with the Edinburgh Design Guidance criteria in respect of protecting daylight amenity to surrounding buildings, except in relation to four rooms to Eyre Terrace."

We accept that the daylight / sunlight received by these properties may already be compromised due to the proximity of existing buildings to the west. However, notwithstanding that there is some flexibility in terms of the application of this analysis; we would hope that the amenity of these residents is not further compromised by the new development.

### *Support for Aspects in the Proposal with Suggested Further Improvements*

*Brownfield Site Development:* NTBCC are supportive in principle of the redevelopment of this brownfield site to include a variety of uses, but being 'residential-lead'. Although the economic viability of a hotel on this site may be questionable, and views within the local community are mixed on whether this is a positive addition, it could be beneficial to the wider development.

*Podium Deck :* NTBCC are supportive of the principle of a podium deck, taking advantage of the topography of the site and serving as an elegant solution to the segregation of pedestrians and vehicles on the development site. It also allows the necessary parking provision & other functions to be hidden from view.

*Parking Provision:* We are supportive of the minimum parking provision proposed using the podium deck to mediate level differences between Dundas Street and King George V Park and the surrounding area, which enables all vehicle parking to be concealed from street view.

*The Planning Statement includes a section which states that a lower level of car parking provision 'is considered to be appropriate given the site's location [being] within a high accessibility area'. But in reality, this high accessibility is limited to access to bus services ( #23 & #27 buses currently running into the city centre and perhaps the #36 from Eyre Place). This may provide transport options for new residents but may be limiting for some new residents. Furthermore, although it is unclear whether vehicle movement and usage will be impacted in the longer term due to current shifts due to the Covid-19 pandemic, the concern raised by local residents concerning impacts on on-street parking outside of the controlled hours and weekends isn't addressed in detail. We would therefore not be against an increase in parking provision given the capacity that could be accommodated within the podium level but understand that this has been limited by Edinburgh Council guidance. NTBCC's view is that there needs to be a more realistic and pragmatic view about parking for the new scheme.*

*We would also support a greater provision of both accessible spaces (16 proposed) and perhaps more importantly, electric vehicle spaces (29 proposed) given the environmental (& legislative) pressures. We are also unclear as to the provision of Edinburgh Car Club spaces being provided - as we are aware of the increased interest and usage by local residents of the Car Club vs. ownership of a private vehicle. Hence, provision of a Car Club option as well as, if not already included, should be considered, consistent with LDP policy Tra 2 (a).*

*Class 4 Use provision: We support the inclusion of ~9,820 m2 of Class 4 usage (vs. the previous site provision of ~19,857 m2). Whilst the current Covid-19 pandemic raises questions as to the demand for city centre (or peripheral city centre) office space, we take the view that adaptable Class 4 provision is beneficial to businesses in the local areas. Furthermore, given that this is over one hectare, LDP policy EMP 9 applies; which requires (amongst other considerations) that any redevelopment incorporate "floor space designed to provide for a range of business users".*

*On-site Affordable Housing Provision : We note and support the provision of 25% Affordable Housing on the site (consistent with Edinburgh Council policy). Whilst this may be Mid-Market Rent (MMR) provision, it is still welcomed.*

*Permeability / Connectivity : We support the improved connectivity provided by this proposal. Although there is some concern as to the proposed connection from Dundas Street heading eastwards to connect with the south-western corner of KGVP, broadly NTBCC welcome the addition connection between Dundas Street and KGVP (as outlined in the representation to 20/03655/FUL). We are less supportive of the proposal to also permit non-pedestrians to use this route and have suggested mitigating measures that may be considered .If non-pedestrian access is deemed acceptable at this location, then consideration of an offset gate arrangement to limit the speed / impact of non-pedestrians entering the park at that location should be pursued.*

*Subsidence / Pre-Construction and Demolition Surveys: Local residents have been raising concerns for some time regarding the impact that any demolition or construction activity may have on the structure of listed buildings, especially along Fettes Row and Royal Crescent. We therefore support the calls from residents that need reassurance that subsidence will not occur and that all buildings overlooking the site should be properly surveyed by an independent surveyor. We understand that this may not be a requirement that can be enforced under planning legislation but welcome the verbal*

*commitments made in this regard by the developer as part of the pre-consultation discussions.*

*Finally, NTBCC would wish to cover several key considerations concerning the wider development.*

*Trees Report / Tree Management Plan: We note the detailed Tree Report lodged with the application and also the developer-funded Tree Report covering trees outwith the development site boundary in KGVP.*

*Whilst acknowledging that the existing trees in KGVP have suffered from previous lack of management / maintenance and now require attention, it is important that this is progressed in measured way - consistent with the aims as outlined in the Tree Management report.*

*However, there is an underlying concern that trees may be felled or cut back primarily to improve the outlook from the proposed development i.e. to create more open views and improved vistas for the new residential apartments. NTBCC share these concerns and support the view that existing mature trees on and around the site should be protected as far as possible, and that where felling/replanting takes place, this is not undertaken in order to improve the views looking out from the proposed development. Our observation would be that public gardens in the New Town tend to be planted around the edge, e.g. Drummond Place, Queen Street, both to create an enclosed, green and tranquil environment but also to limit views from the surrounding properties to provide an element of privacy for those users of the gardens. We take the view that this historic precedent should be followed here also.*

*We also note the proposals for the treeline adjacent to Royal Crescent and Fettes Row in the Waterman '25-Year Tree Management Plan' (EIA Vol 3 Appendix 2.6 Part 1) & acknowledge some work is required due to a lack of tree management.*

*However, at 5.4, it states that "Arbor-related works such as crown lifting and branch reducing works will be required for a number of trees along Fettes Row because they have branches that extend to the north beyond the proposed and existing Development footprint". Whilst a degree of branch removal would be acceptable, we also note the statements in the same report at 5.11 which indicates that the functional structure of the tree boundary line, which is, in our view, to provide a tree screen and the associated visual amenity for those properties within the World Heritage site along Fettes Row (& Royal Crescent)*

*"Pruning works must be done sympathetically to retain each crown area as far as possible to maintain the functional structure of the canopy / tree and also provide visual amenity and landscape value for each pruned tree where such works are required".*

*We believe that any deviation from this would require further consultation.*

*Building line on Dundas Street: Whilst we agree that none of the existing buildings on the development site are of high architectural merit (perhaps excepting the northern columned building at the foot of Dundas Street), we remain concerned that the underlying motivation for the demolition seems to be to allow the footprint of the new buildings to creep closer to the street.*

*We understood from earlier conversations with the development team that Historic Environment Scotland had indicated that in their view, 'restoring' the building line on the northern stretches of Dundas Street, north of Fettes Row, was desirable in their eyes. We also note that the response from HES does not make reference to this. Other residents state that the reason given for removing the trees was from the applicant's 'Heritage and Townscape (Appraisal) Statement' that led to the proposed removal of the trees and the proposal to restore the traditional line of the street with 'high quality and more attractive frontages...'*

*It appears that the developer now states that removal of trees on Dundas St is required because they sit on the basement slab and it would be problematic to demolish the buildings without removal of these trees along Dundas Street.*

*NTBCC take the view that it is important that sufficient recess is maintained so that there is a definite and distinct break between the strong classical sweep down the hill on Dundas Street and the new development, especially if its architectural treatment (although attempting to reflect a similar window-panel arrangement) is still in the eyes of local residents, distinctly different to that of the World Heritage site to the south.*

*We therefore remain of the view that retention of the trees and the building line are important factors as part of the overall acceptability of this proposal.*

*Treatment of Boundaries to the KGVP) - Soft vs. Hard Boundaries: It is perhaps unclear from the plans but they seem to show that KGVP is entirely open to the development on its southern side (with landscaped areas leading into KGVP from the development). It is clear from feedback from many current users of the park that their strong preference is for a clearly demarcated boundary between KGVP and the new development. We would therefore urge that a boundary fence is installed along the southern and western existing boundaries to KGVP in place of the current buildings. This would ensure that the proposed 'permeability' is limited to the south-western entrance and would reinforce that KGVP is indeed separate to the proposed development.*

*Hotel / Other Roof Terraces: We note that there is a significant provision of green roofs proposed for many of the buildings - primarily it seems to meet the current policy regarding amenity space standards for the new residents in the development. Whilst we are broadly supportive of green roofs, especially on relatively low buildings as they soften the visual impact of those buildings when viewed from a distance, providing access to residents or hotel guests to these raises concerns with respect to overlooking etc.*

*Construction / Demolition Management: We had had sight of the Safdem 'Outline Methodology for the Phase 2 demolition' document.*

*We note the proposal contained therein that it is intended to set up a Recycling facility on the existing car park area to recycle as far as possible much of the material from the demolition of the buildings. This would involve 'stone crushing' on site. Whilst we agree that this may, at first inspection, look to be justified on the grounds of being environmentally friendly (vs. the alternate of transporting the demolition materials off-site, processing them and returning some of the materials to the site to be reused, but this activity, if carried out on-site, will generate significant noise, dust and vibration.*

*Although we are unaware if further details of this operation are contained within the lodged documents, we would expect this operation to be rigidly controlled.*

*We also note that the times indicated in this document are from 8 am to 6pm. We would therefore urge that this proposal for onsite reclamation is examined in more detail, with appropriate noise monitoring and limits on the hours of operation, preferably avoiding weekend working completely. We would also urge that this is covered by an appropriate condition if planning permission is granted.*

*Finally, a few closing comments. Firstly, although carrying out site visits (as would be normal for a major application such as this) is difficult under current Covid-19 guidance, we believe that, as per the previously-withdrawn application, a site visit should be considered by members of the Development Management Sub-Committee Site visit in order to fully understand the proposal and its potential impact on the surrounding area. We have also had a suggestion that if this is not possible, then the use of drone footage may be helpful.*

*Secondly, although the current Local Development Plan as approved in 2016 is the key reference, we would note the direction of travel in the Emerging Local Development Plan ('Choices for City Plan 2030') and the clearly-expressed desire that the creation of usable greenspace in developments should be encouraged at levels beyond current requirements as detailed in the 2016 LDP and that emerging LDPs are a Material planning consideration.*

*In summary, NTBCC remain supportive of appropriate development of this city centre brownfield site and fully understand and acknowledge that a residential-led, mixed use development could help to revitalise this area of the New Town. There is an opportunity to create something which could be an asset to both the local community as well as the wider city.*

*We note comments contained within HES's response that their view is that there are some beneficial effects on the World heritage site from elements of the proposal but ultimately, they raise significant concerns with height, massing and views with the proposal. We accept the developer's often-stated intent that this is what they are trying to achieve and there are many aspects of the proposal that we could support.*

*However, given the many concerns raised by local residents as outlined above, we cannot support the proposals as presented for the wider site at this time and NTBCC would therefore reluctantly register their formal objection to this proposal.*

*We trust that these comments are useful in the determination of this application.*

### **New Town and Broughton Community Council response - dated 17 January 2021**

*The New Town & Broughton Community Council (NTBCC) requested a short extension to this revised application (still covered under 20/03034/FUL) to allow consideration of various submissions from residents' groups and other local interest groups in order to ensure that the community council's position reflected the views of the wider community. The revised application was also considered at the recent (virtual) monthly community council meeting on 11th January.*

*From that discussion, it was evident that although there was support for the majority of the revisions, there remained a frustration that the changes proposed, whilst mostly welcome, did not address some of the fundamental concerns that had been raised in responses to the original application in September/October 2020. Furthermore, there was frustration that residents had again expended considerable time and effort looking in more detail at the additional 200+ documents that had been lodged as part of this revision.*

*We would also note that it would seem that majority of the revisions proposed were either in response to concerns raised either by statutory consultees (Historic Environment Scotland) or council planning officers. Concerns raised by the wider community do not seem to have been addressed.*

*NTBCC has also revisited the response from Historic Environment Scotland (HES) to the original application. . Whilst HES did not formally lodge an objection, their response raised many concerns shared both by NTBCC, other local interest groups as well as residents, but only a small element of those concerns again appear to have been addressed in this revised application..*

*NTBCC would reiterate our long-standing position that the proposed site, given its size, central location and adjoining a precious open space within the New Town, does offer a unique opportunity to add real value to the area whilst allowing the site to be developed such that the current owners can achieve sufficient value from the site. As such, NTBCC, along with many residents, are supportive of t appropriate development for the site which directly abuts the Edinburgh World Heritage site and sits within the New Town Conservation Area - including replacement of some of the buildings that clearly have little or no architectural merit.*

*However, NTBCC would both acknowledge and express appreciation for the time again expended by the development team in liaising with both the community council and with many local interest groups to explain the proposed revision. . However, whilst some, relatively minor, changes have been made vs. the original proposal, it is disappointing that many of the concerns raised to the original application and suggestions as to possible improvements, proposed in good faith, have not been given adequate consideration.*

*In terms of the specifics of the revisions proposed, taken from the summary as contained within the revised Design & Access Statements (Parts 1 - 6), we have the following comments :*

*(1) Fettes Row - Office & Block 5 Relocation*

*(DESIGN AND ACCESS STATEMENT ADDENDUM Section 1*

*"Amended design proposals relocate the Office Building and adjacent Private Residential Block 5. Both buildings are moved 1.5m northwards - increasing the distance between the proposed development facades and that of the existing tenement to Fettes Row and the existing retained wall line to the streets North edge."*

*"The adjusted building positions ease the proximity of the proposed development to existing tree canopies to further mitigate any proposed tree pruning on Fettes Row."*

*NTBCC's position is that this is a marginal but beneficial change that reduces the extent of the tree works (as originally proposed) and will also improve (albeit very marginally) the views of Fettes Row from Dundas Street. However, although welcome, this is a relatively minor change and initial concerns remain with the proposed height of the relocated office building.*

*Many residents continue to have significant concerns regarding the building form, scale and relationship to Fettes Row proposed & whether it is commensurate with the height and scale of the existing Fettes Row north-facing street elevation as stated in the revised Design & Access Statement (Section 1).*

### *2 Private Residential Units - Amendments*

*(DESIGN AND ACCESS STATEMENT ADDENDUM Section 2)*

*"Amendments reduce the volume of proposed development at uppermost storey / penthouse level of North Crescent Blocks 1 & 2. This provides an increase in the 'gap' between the two buildings and improves the 'clear' view through the development when viewed 'formally' from within the New Town looking North."*

*NTBCC's view is that although this does increase the gap between the blocks forming the northern 'crescent' at the foot of Dundonald Street by 2 metres, together with a marginal reduction in height of those blocks by 0.5 metres - which, although limited, is to be welcomed - driven by the need to preserve 'framed views' from the WHS - which we assume to be in response to comments from Historic Environment Scotland (HES).*

*However it does not fundamentally change our concerns with respect to the height of these blocks (Northern crescent, Blocks 1 & 2) and their visual impact as seen by the users of King George V Park.*

### *3 Dundas Street - Elevation review*

*(DESIGN AND ACCESS STATEMENT ADDENDUM Section 3)*

*"Amendments have been made to the detail design of elevations to Dundas Street - specifically the MMR ('Mid-Market Rent') Residential building and adjacent Hotel. Changes address the detailed articulation of both facades to express proportions of base, middle and top."*

*"The main communal entrance to the MMR building is moved forward and provided with a more active 'presence' on Dundas Street, whilst providing secondary access also to main door entry flats located off the courtyard. The mass and form of proposed buildings - in response to the wider context and topography of Dundas Street - remains as before."*

*NTBCC take the view that whilst not being opposed to this minor change, it does not fundamentally mitigate concerns that have previously been raised both by NTBCC and by many local residents regarding the building line proposed along Dundas Street. Furthermore, NTBCC are not entirely convinced either by the need for a more 'active presence' to the Dundas Street elevation as an objective for this development or whether in fact this proposal achieves that.*

*Whilst we understand the rationale for moving the communal entrance closer to the Dundas St frontage - this change does not in any way materially change our previous*

wider concerns regarding the chosen building line being brought forwards & loss of trees on Dundas Street.

#### *4 Eyre Place - Elevation Review (DESIGN AND ACCESS STATEMENT ADDENDUM Section 4)*

*"Amendments have been made to the detail design of the BTR ('Build to Rent') elevation to Eyre Place. Changes address the detailed articulation of the facade and its relationship and interface with the existing adjacent tenement. This includes proposed parapet height review and interpreted / defined ground floor height - in response to the adjoining main tenement façade and shop fronts."*

*NTBCC accepts that the ground floor "Facade 'Frame' height" being better aligned with the fascia cornice of existing adjacent shop front is a marginal improvement when viewed from street level - however it appears that this also results in an increase in height of the overall building to align with the eaves of the existing adjacent tenement, with a further set-back storey as well as a roof terrace above the ridge line of the existing tenements. The proposed building is 5 storeys from street level (excl. the roof terrace) which appears incongruous in longer views. The previous (now approved application (14/01177/PPP)) was limited to 4 storeys by condition.*

#### *5 Materials Amendments (DESIGN AND ACCESS STATEMENT ADDENDUM Section 5)*

*Materials proposed for primary elevations (i.e. those facing Fettes Row & Eyre Place) have been amended such as to now provide natural stone as the predominant material on all outward-facing frontages of Dundas Street, Fettes Row, Royal Crescent, and Eyre Place.*

*NTBCC's view is that this would seem to be a clearer, more consistent approach - and is supported.*

#### *6 Daylighting / MMR Review (DESIGN AND ACCESS STATEMENT ADDENDUM Section 6)*

*"Amended design proposals are made to elevations of the MMR Residential building - relocating and increasing window sizes where appropriate to further enhance amenity and daylight / sunlight provision."*

*NTBCC is unclear why this was not included in the initial proposal as the amenity for some residents in the new building backing onto the Applecross courtyard was less than desirable & whilst this proposal does result in daylight improvements and an increase in rooms that now meet the Edinburgh Design Guidance requirements for Daylight standards (to 92% compliance), there are still many rooms in the proposal that do not meet the non-statutory guidance - again raising the question whether the overall proposal for this block with a small courtyard is viable and really meets overall LDP policies.*

#### *7 Housing Mix / Layout Review (DESIGN AND ACCESS STATEMENT ADDENDUM Section 7)*

*"Amended plans have been developed providing a revised housing mix (primarily within the developments Private Residential parts) providing a development wide allocation of housing for growing families and space standards in line with Edinburgh Design Guidance."*

*NTBCC's view is that this is primarily driven by commercial considerations (anticipated sales demand) as the change is primarily within the Private Residential block. However, the increase in family-sized accommodation as we understand it (as reflected in the revised housing mix) is welcomed.*

#### *8 Amenity / Open Space - Greenspace Review / Private Gardens / Access (DESIGN AND ACCESS STATEMENT ADDENDUM Section 8)*

*"Overall, private amenity / greenspace is provided in line with Policy Hou 3, providing communal provision based on a standard of 10 m2 per flat (excluding any units which are provided with private gardens > 10 m2)."*

*NTBCC would expect the provision of green space for all accommodation classes (Private residential / BTR & MMR) to fully meet LDP Hou 3 - we would trust that the details of amenity space would undergo the necessary scrutiny during determination to ensure that the requirement is fully met.*

*However, we would restate our previous concerns regarding the significant areas of roof terrace included to achieve a provision 'in line with Policy Hou 3'. It would appear, without further analysis, that a significant proportion of the amenity space is provided by the inclusion of the extensive roof terrace areas.*

*NTBCC's attention has again been drawn to the Council's "Open Space 2021 - Edinburgh's Open Space Strategy (December 2016)" which contains non-statutory guidance regarding desired open space provision for new developments (amongst much else).*

*Despite much data being provided in the Design & Access Statement Section 8, which does state the required Amenity Greenspace is provided (at 10 m2/flat) consistent with LDP Hou 3 to be provided, either by Private garden space or Communal gardens / Terraces & states that the policy requirements are met or exceeded - the majority (~62%) would appear to be from roof terraces with accessible and usable open space (per "Open Space 21") is a small percentage of the total (perhaps being the Northern Sunken Garden (434m2) & Park Gardens (215m2 in total). This seems a relatively poor provision when compared to the aspirations in "Open Space 2021".*

#### *9 Public Realm -Active Frontage (DESIGN AND ACCESS STATEMENT ADDENDUM Section 9)*

*"Active frontage is provided across the development - with primary communal residential entrances and main door entry dwellings providing activated 'residential' facades alongside 'commercial' frontages and associated primary and secondary entrances - located on primary public interfaces and where considered economically sustainable."*

*Unclear to NTBCC as to the purpose / desirability of the 'Primary Active Residential Frontage' as shown & unclear as to what this achieves?*

*10 Landscape Review - Amendments  
(DESIGN AND ACCESS STATEMENT ADDENDUM Section 10)*

*NTBCC broadly welcome the proposed reconfiguration to allow more opportunities for seating and break out spaces with integrated seating adjacent to soft landscape allowing a greater level of amenity than just circulation i.e. more of a destination rather than just through-route, but again, wonder if this change is significant enough?*

*'Site Interface with King George V Park'*

*"Across the northern boundary of the site the interface with KGVP has an existing level change (currently masked within buildings on the site). The following section illustrates the typical detail for retention of this edge in order to provide not only a technical solution but also one that is sympathetic to the surroundings fitting with existing trees, associated levels and anticipated roots."*

*"It is proposed that the area of land that sits between the private terraces and the edge of the park will be common ground maintained by collective management. This is to ensure that the interface with KGVP is consistently maintained to a high quality, which was felt was something that could not be regulated if entirely private."*

*In terms of the overall application, this is a very precise statement regarding management of the slivers of land bordering the KGVP boundary (we assume it refers to 'Area 3 : Park Gardens'). More generally, we have concerns whether this detail is relevant within the revised 20/03034/FUL application or whether it should be handled as a Condition (to be worked at a later stage).*

*'Works to King George V Park' - Park Infrastructure Improvements & Tree Works Needed to Existing Park Trees*

*NTBCC are somewhat confused as to the inclusion of these detailed works within KGVP in this application.*

*We understand that it may be useful background but we are unclear whether this is an appropriate mechanism to obtain 'approval' for the detail that is shown. From a planning perspective - setting a requirement for a Section 75 contribution (secured by legal agreement) from the applicants as a condition in the final determination is appropriate but the detail as to how CEC Parks, Greenspaces & Cemeteries would use that contribution is, in our view, outwith the scope of this application.*

*A more appropriate process may be for Council officers from the Council's Parks, Greenspace & Cemeteries to work with local community bodies (for example, the Friends of the Park) to agree appropriate improvements & if necessary, inform the developers what those agreed improvements are.*

*However, we note that the inclusion of possible improvements in this application has been helpful in bringing forward that discussion & that is to be welcomed, along with the Section 75 contribution itself.*

*NTBCC are aware that the Friends of the Park have submitted their views on this.*

### *11 Transportation - Car Parking*

*(DESIGN AND ACCESS STATEMENT ADDENDUM Section 11)*

*"The amended location of Office and Private residential Block 5 have had a minor impact on proposed car parking layout & numbers with proposed car parking numbers now totalling 161 (versus 164 previously).*

*Spaces are distributed throughout the car park providing shared provision across Office, Hotel, MMR residential, BTR residential and Private residential accommodation. The overall number of spaces sits below the maximum permissible parking standard.*

*Within these numbers, accessible and electric charging spaces are provided in line with guidance."*

*"general bicycle parking provision is allocated within the overall public realm for visitors and patrons. This is provided using Sheffield style stands discreetly located throughout."*

*NTBCC's position is that notwithstanding comments submitted to the original application on the proposed parking provision - an overall decrease of 3 spaces & 10 spaces being reallocated from hotel use to residential is a welcome but minor and is insignificant when looking at the wider scheme.*

*Finally, a few closing comments - as stated in our representation to the original 20/03034/FUL application, we would encourage a site visit to be considered by members of the Development Management Sub-Committee - whilst recognising that in the short term, carrying out a site visit (as would be normal for a major application such as this) may be difficult under current Covid-19 guidance. This would allow a full appreciation and understanding of the proposal and its potential impact on the surrounding area.*

*Secondly, although the current Local Development Plan as approved in 2016 is the key reference, we would note the direction of travel in the Emerging Local Development Plan ('Choices for City Plan 2030') and the clearly-expressed desire that the creation of usable greenspace in developments should be encouraged at levels beyond current requirements as detailed in the 2016 LDP and that emerging LDPs are a Material planning consideration.*

### *Summary*

*NTBCC remain supportive of appropriate development of this city centre brownfield site and fully understand and acknowledge that a residential-led, mixed use development could help to revitalise this area of the New Town. There is an opportunity to create something which could be an asset to both the local community as well as the wider city.*

*We note comments contained within HES's response that their view is that there are some beneficial effects on the World Heritage site from elements of the proposal but ultimately, they raised significant concerns with height, massing and views with the proposal. We accept the developer's often-stated intent that this is what they are trying to achieve and there are many aspects of the proposal that we could support.*

*However, given the many initial concerns remain, we cannot support the proposals as presented for the wider site and therefore retain our original stance on this proposal.*

*We trust that these comments are useful in the determination of this application.*

### **Roads Authority Issues - dated 20 January 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:*
  - a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
  - b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
  - c. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £23,500 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area;*
- 2. The applicant will be required to design and build signalised crossing on Dundas Street close to the proposed ramped access as possible to the satisfaction and at no cost the Council (location and type of signalised crossing to be agreed with CEC signal team);*
- 3. The applicant is required to demonstrate by design that the required minimum number of cycle parking spaces (840) can be achieved by the allocated cycle stores (minimum required - 751 spaces for the residential, 75 spaces for the office and 12 spaces for the hotel); double door entrances for the cycle stores will be required to ensure ease of access;*
- 4. Cycle wheel ramp will be required on at least one of the two stepped accesses besides the ramped access leading to Dundas Street from the courtyard to aid movement of cyclist.*
- 5. The main east west route from Dundas Street through the site is required to be secured by planning agreement to ensure public rights of access and will require CEC structural approval for the podium access;*
- 6. The applicant will be required to upgrade the surface course of the carriageway and both footways on Eyre Terrace from the development car park to its junction with Eyre Place and subsequently provides continuous footway on the eastern footway pend access junction of Eyre Terrace to ensure pedestrian priority to the satisfaction and at no cost to the Council;*
- 7. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
- 8. No tram contribution required (see note b below);*
- 9. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*
- 10. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of Welcome Pack, a high-quality*

map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

11. The applicant should be advised that: as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See

[https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-)

[\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](#) (Category A - New Build);

12. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

13. 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;

14. 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.

15. Any works affecting adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits

<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

16. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

17. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Note:

A transport statement has been submitted in support of the application. This has been assessed by transport officer and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments.

- The proposed residential development will generate a total two-way vehicular trip of 115 and 119 during the AM and PM peak hours respectively (existing office vehicular trips during AM peak 128: PM peak 128). Therefore, the proposed residential with 138(84%) of the total parking allocation (164) will have a net decrease of 13 and 9 two-way vehicular trips during the AM and PM peaks, respectively.

- The proposed development is predicted to generate approximately 370 (two-way) walking trips during the AM peak period and 400 (two-way) trips during the PM peak period.
- Cycling trips is estimated to be 14 and 31 for the morning and evening peak period respectively.
- Public transport trips for the proposed development are estimated at 197 and 184 for the morning and evening peak periods respectively;
- a) Tram contribution in Zone 3;
  - Existing office use 36,957m<sup>2</sup> GEA =£1,278,712
  - Existing warehouse use 1,955m<sup>2</sup> GEA = £10,642
  - Total tram contribution of existing use = £1,289,354
  - Proposed Office use 9,820sqm =£340,250
  - Proposed 116 bed hotel = £176,714
  - Proposed 349 Residential unit = £253,000
  - Proposed Gym 940sqm =£00
  - Total tram contribution for proposed =£769,964
  - Net tram contribution = £769,964(proposed) - £1,289,354(existing use) =£-519,390
- b) Vehicular access to be maintained from existing Eyre Terrace providing a link to the proposed undercroft parking areas, 3.7m wide emergency access designed as shared surface around the perimeter of BTR with collapsible bollards to prevent unauthorised parking;
- c) Ramped pedestrian access proposed from both Dundas Street and Royal Crescent to connect to the active travel network of King George V Park;
- d) Dundas Street ramp - the ramp is a minimum of 2.2m at the narrowest points but extends to 2.5m for the majority of its length. The ramp gradient meets the requirements of the DDA with a grade of 1:21 which ensures that access is available for all ranges of mobility
- e) Servicing to be undertaken from Eyre Terrace; hotel and office to be serviced from the car park (Lift provided);
- f) The site is accessible by public transport (Lothian service - 23, 27, 8, 24, 36, 42, 61), tram and rail
- g) The proposed 164 car parking spaces complies with the Council's parking standards which could allow a maximum of 349 parking spaces for the residential unit, 23 spaces for the 116-bed hotel and 3 spaces for the office. Car parking allocation as follows;
  - BTR/MMR 58 parking spaces (including 4 disabled bays and 8 EV charging)
  - Private residential 93 (including 8 disabled bays and 16 EV charging)
  - Hotel 10 parking spaces (including 3 disabled bays and 4 EV charging)
  - Office 3 (including 1 disabled bay and 1 EV charging);
- h) 22 motorcycle parking spaces proposed complies with the minimum CEC motorcycle parking requirement of 22 spaces;
- i) Cycle parking -
  - Proposed 753 cycle parking spaces for the 349 residential unit complies with CEC minimum cycle parking requirement of 751 spaces;
  - Proposed 75 cycle parking spaces for the office complies with the minimum requirement of 75 spaces
  - 12 cycle spaces for the hotel complies with the CEC minimum requirement of 12 spaces;

## **Scottish Water response 1 - dated 21 September 2020**

## *Audit of Proposal*

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

### *Water Capacity Assessment*

*Scottish Water has carried out a Capacity review and we can confirm the following:*

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

### *Waste Water Capacity Assessment*

*- There is currently sufficient capacity for a foul only connection in the Edinburgh Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

*To find out more about connecting your property to the water and waste water supply visit: [www.scottishwater.co.uk/business/connections](http://www.scottishwater.co.uk/business/connections) SW Public*

## *General*

### *Please Note*

*- The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

### *Asset Impact Assessment*

*According to our records, the development proposals impact on existing Scottish Water assets.*

*The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.*

*The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.*

### *Surface Water*

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

*There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.*

*In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making*

*a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

*General notes:*

- Scottish Water asset plans can be obtained from our appointed asset plan providers:*
- Site Investigation Services (UK) Ltd*
- Tel: 0333 123 1223*
- Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)*
- [www.sisplan.co.uk](http://www.sisplan.co.uk)*

*To find out more about connecting your property to the water and waste water supply visit:*

*[www.scottishwater.co.uk/business/connections](http://www.scottishwater.co.uk/business/connections)*

*SW Public*

*General*

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.*
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.*
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.*
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.*
- Please find information on how to submit application to Scottish Water at our Customer Portal.*

*Next Steps:*

*- All Proposed Developments*

*All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.*

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

*- Non Domestic/Commercial Property:*

*Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to*

act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

To find out more about connecting your property to the water and waste water supply visit: [www.scottishwater.co.uk/business/connections](http://www.scottishwater.co.uk/business/connections)

#### General

- Trade Effluent Discharge from Non Dom Property:

- Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

- If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

- For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on 0800 389 0379 or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

#### **Scottish Water response 2 - dated 25 September 2020**

##### *Existing Infrastructure within Site*

##### *Waste Water*

Scottish Water Records indicate that there is a 225mm Vitrified Clay combined sewer that crosses site, beginning on Dundas Street, passing beneath the existing bank and then flowing down Eyre Terrace.

Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of this letter. It is the applicant's responsibility to accurately locate the position of the pipes for line and depth on site and confirm the size and its material of construction.

*The minimum required access distance for public sewer assets of this size is 3.0 m from the outside edge of the sewer; please note this may increase up to 6.0 m if the depth is confirmed to be over 3m to invert. No building or other obstruction should be located within the stand-off distance of a sewer. If this access distance cannot be met, the sewer should be diverted around the perimeter of the new development.*

*If the build is expected to encroach within this access distance, an asset impact application showing proposals should be submitted to Scottish Water for review by the Asset Impact Team as soon as possible to prevent any possible delays to construction.*

*Again, please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of this letter. It is the applicant's responsibility to accurately locate the position of the pipe on site to ensure that it is not damaged during these works. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works.*

### **SEPA response - dated 13 October 2020**

*Advice for the planning authority*

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

#### *1. Air Quality*

*1.1 The location of the development in the city centre on a brownfield site with good public transport options and active travel routes supports the council's city mobility plan which considers building on and repurposing brownfield land rather than lower density development on greenfield sites as the most sustainable approach.*

*1.2 The city mobility plan aims to reduce the level of on-street parking in areas well served by public transport whilst enabling parking for residents and people with mobility difficulties. This development has a total of 164 parking spaces, of which 16 would be accessible parking spaces and 29 would be equipped with electric charge points. The development would also provide 840 bicycle spaces.*

*1.3 These measures support CEC's mobility plan and climate change ambitions by supporting sustainable transport modes and allowing residential parking. The detailed air quality impact assessment has concluded there will be a negligible impact on air quality when the development is in operational use. On this basis we have no objection to this development on air quality grounds.*

#### *2. Flood Risk*

*2.1 Flood risk at this site is from surface water risk only.*

*2.2 The proposed new flood defence wall and flood gates/pumping station to tie into existing flood protection scheme. Both matters are for CEC as the Flood Risk Management Authority and are outwith SEPA's remit.*

#### *3. Surface water and SUDS*

*3.1 We advise you to ensure that the applicant has completed a simple index calculation on the proposed SUDS and has demonstrated they are appropriate.*

*Regulatory advice for the applicant*

#### *4. Regulatory requirements*

*4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in the local SEPA office at: [ELB@sepa.org.uk](mailto:ELB@sepa.org.uk)*

## SNH response - dated 28 September 2020

*Thank you for consulting us with the above application and EIA.*

*This is a city centre development and as such does not raise significant natural heritage issues. We therefore have no comments to make to this application.*

*We are currently focusing our EIA advice to those cases that raise nationally significant issues or meet our placemaking priorities. This also applies to provision of landscape advice.*

*Our protected species information is available on our website as standing advice notes and they should provide you with any advice you need in relation to species surveys or mitigation.*

*<https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species>*

## Location Plan

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## Development Management Sub Committee

Wednesday 17 February 2021

### Application for Conservation Area Consent 20/03661/CON at 34 Fettes Row, Edinburgh, EH3 6RH. Complete Demolition in a Conservation Area.

**Item number**

**Report number**

**Wards**

B05 - Inverleith

### Summary

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The demolition of existing buildings will not detrimentally affect any listed buildings or their setting subject to retention of boundary railings and an appropriate redevelopment proposal being delivered in accordance with Local Development Plan (LDP) Policy Env 3 (Listed Buildings - Setting). The existing buildings do not make a positive contribution and their loss will not have any adverse impact on the character and appearance of the conservation area. The demolition of the existing buildings and redevelopment of the site as proposed in application 20/03034/FUL will preserve the character and appearance of the conservation area. With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. The proposals accord with LDP Policy Env 5 (Conservation Areas - Demolition).

### Links

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[Policies and guidance for this application](#)

HESSET, LDPP, LEN02, LEN05, NSG, NSLBCA, CRPNEW, HES, HESCAC,

# Report

## **Application for Conservation Area Consent 20/03661/CON at 34 Fettes Row, Edinburgh, EH3 6RH. Complete Demolition in a Conservation Area.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is approximately 2.44 hectares in area. It lies to the north of Edinburgh New Town.

To the north of the site are residential and commercial properties on Eyre Place. To the south, the site is bound by Fettes Row and Royal Crescent which comprise predominantly residential properties. To the east and northeast is King George V Park. To the west of the site is Dundas Street, which comprises a mix of residential and commercial properties.

The site has two existing large office buildings which front Dundas Street and Fettes Row. These are linked by another smaller building and are all formerly occupied by The Royal Bank of Scotland. The Scotsman Building to the north east of the site is accessed off Eyre Terrace and is used for related storage purposes.

Within the eastern part of the site, bound to the north by King George V Park, is a building used for parking. Directly to the south of this is a large hardstanding area, formerly used for car parking. This area provided parking for up to 100 cars; the building directly to the north of this provides spaces for 30 cars and spaces for cycle parking. These are accessed off Eyre Terrace.

There is an existing water main which runs directly through the site in a north-south direction directly to the north of Dundonald Street.

Broadleaved trees are located within the southern, part of the eastern and most of the northern boundaries of the site. These are a mixture of semi-mature and mature species and are up to 15 metres in height.

The site is mainly level, although there is an area of the site to the south which is approximately 6 metres above the rest of the site. This lies behind a stone retaining wall. Royal Crescent/ Fettes Row to the south of the site lie at a much higher level than the site itself. In the north of the site, Eyre Terrace rises slightly to adjoin Eyre Place.

The site is accessed via three separate routes. One pedestrian access is taken from Dundas Street to the RBS building; one is from Eyre Terrace for vehicles, bikes and pedestrians; and one is from Royal Crescent, which is a steep footpath leading down into the car parking area.

The site is located within the New Town Gardens Inventory Designed Landscape and is also immediately adjacent to the Old and New Towns of Edinburgh World Heritage Site boundary.

There are no listed buildings within the site itself. There are a number of Category A listed buildings within the vicinity of the site boundary. These include the following:

- 15 - 23A (Inclusive Nos) Royal Crescent, and 15 Dundonald Street, Including Railings and Lamps (reference LB29680, listed 22/09/1965).
- 1 - 13A (Inclusive Nos) Royal Crescent, 24 and 24A Dundonald Street and 26-28 (Even Nos) Scotland Street, Including Railings and Lamps (reference LB29679, listed 22/09/1965).

There are also a number of other listed buildings around the site, including:

B listed buildings:

- 1-12 (Inclusive Nos) Fettes Row, and 99-103 (Odd Nos) Dundas Street, including railings and lamps with 13 North East Cumberland Street Lane Including Wall (reference LB28754, listed 15/07/1965)
- Brandon Street 1-16 And 1-7a Eyre Place (reference LB28341, listed 25/11/1965).

C listed buildings:

- 1-29 Eyre Crescent and 21-23 Eyre Place (reference LB28739, listed 19/12/1979).
- Eyre Place 25-31 (reference LB28741, listed 19/12/1979).

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

## 2.2 Site History

Relevant recent history:

1 March 2015 - application for conservation areas consent granted for the demolition of 7 Eyre Terrace and existing warehouse known as the Scotsman Building (application number 14/01126/CON).

3 August 2018 - application for planning permission in principle for demolition and residential-led mixed-use redevelopment comprising residential; retail (Class 1); financial, professional and other services (Class 2); food & drink (Class 3); business (Class 4); hotel/Class 7; care home (Class 8); car parking, access and other associated works; detailed approval of the siting and maximum height of building blocks; landscaping strategy; location of principal pedestrian/cycle routes and points of pedestrian and vehicular access/egress withdrawn (application number 16/05454/PPP)

3 August 2018 - application for conservation area consent for complete demolition in a conservation area withdrawn (application number 16/05455/CON)

2 April 2020 - Conservation area consent granted for complete demolition of derelict cottage in a conservation area (application number 20/00705/CON)

7 September 2020 - associated planning application submitted for the demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office and other commercial uses, with associated landscaping / public realm, car parking and access arrangements. (application number 20/03034/FUL). Not yet determined.

14 September 2020 - associated planning application submitted for the formation of path linking through to King George V Park and associated landscaping (application number 20/03655/FUL). Not yet determined.

7 January 2021 - planning permission in principle granted for a mixed use development including retail (class 1), financial, professional and other services (class 2), food and drink (class 3), business (class 4), hotels (class 7), residential (class 8, 9 and sui generis), car parking and other works on land at the northwest of the site. The approval was for the siting and maximum height of principal building block, points of vehicular/ pedestrian access and egress at 7, 11, 13 Eyre Terrace (application number 14/01177/PPP).

## **Main report**

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### **3.1 Description of the Proposal**

The proposal is to demolish the existing buildings on the site. These are the Dundas Street office building, the Fettes Row data centre, the link building and the garages and warehouse buildings at the rear of the site.

#### **Supporting documents**

- Heritage and Townscape Statement
- Historic Building Recording
- Planning Statement

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

### **3.2 Determining Issues**

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

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

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

### 3.3 Assessment

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

- a) the demolition will seriously detract from the character and setting of adjacent listed buildings;
- b) the demolition will adversely affect the character and appearance of the conservation area;
- c) the proposal replacement development is acceptable and
- d) comments raised have been addressed.

#### a) Listed Buildings

In terms of Section 14 of the Listed Buildings and Conservation Areas Act, there are no listed buildings within the application site and the proposals do not contain any alterations or works to any statutory buildings. The requirement to assess the impact on the setting of the listed buildings in the vicinity of the site are considered in relation to Section 59 of the Act below.

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

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

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

Fettes Row and Royal Crescent:

The townhouses along Royal Crescent are listed as Category A in recognition of their national importance. The crescent was designed as a prominent landmark to the first extension of the New Town. The original scheme for three segments with a detached building in the middle was abandoned following the construction of the Scotland Street Tunnel in 1847. However, the western segments were completed more or less as intended, albeit with tenements rather than terraced houses, by James Lessels in 1888. The crescent is a key townscape component on the perimeter of the new town.

As a planned, raised crescent, Royal Crescent takes advantage of views over the ground at the northern edge of the New Town and is visually prominent in views into the World Heritage Site (WHS) from the north. Another key feature of this section of the New Town is its topography, with terraces and open spaces stepping down from one another in harmony with the landscape.

The properties along Fettes Row are a Category A listed Group within the New Town. The listing description rates this group as a significant surviving part of one of the most important and best preserved examples of urban planning in Britain.

At the eastern side, the listed buildings currently look onto the trees and the application site sits at a lower level. The demolition of the buildings on the site will not detract from the setting of the A listed buildings on the raised crescent and linking buildings on Fettes Row.

The existing data centre building adjacent to the listed buildings on Fettes Row sits behind trees and is sunken into the ground. It is modernist in design and with its stepped horizontal banding is set back into the site and different to the traditional buildings Georgian and Victorian properties within the area. It lacks the general uniformity of the buildings on Dundas Street. The loss of this building and adjoining offices will not have a detrimental impact on the setting of these listed buildings by itself.

Furthermore, the majority of the trees along Fettes Row and the Royal Crescent, along with the railings are being retained, which add to the setting of these buildings.

Brandon Street and Eyre Place:

The groups of listed buildings (B listed buildings on Brandon Street and Eyre Place and the C listed buildings on Eyre Crescent and Eyre Place) are considered together, due to their proximity.

These buildings comprise a mix of three and four storey tenements and townhouses of sandstone and slate construction. The proposed demolitions have a limited impact on the setting of these listed buildings, by virtue of the distance to the site, and the number of other intervening buildings.

In summary, the demolition of the buildings within the application site will not detract from the character and setting of the adjacent listed buildings. The majority of the existing railings along Fettes Row and the Royal Crescent are being retained and the associated planning application. The associated planning application sets out that in relation to the listed buildings that there will be impacts associated with the character and setting of adjacent listed buildings, particularly with regards to the relationship of the development with the existing listed buildings on Fettes Row and Royal Crescent. However, when viewed in the urban context of the site, coupled with the benefits of redeveloping the site with a more sympathetic design taking cognisance of the listed buildings, and the retention of the trees, the character and setting of the listed buildings is preserved. The proposals accord with LDP Policy Env 3 (Listed Buildings - Setting)

#### b) Character and Appearance of the Conservation Area

Section 64 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

*In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Historic Environment Scotland's, Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (April 2019) outlines criteria to assess the acceptability of the demolition of unlisted buildings within conservation area, including:

- the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site;
- if the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated;
- where demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult, consent to demolish should be given only where there are acceptable proposals for the new building.

The relevant policies within Local Development Plan (LDP) can also aid in the assessment of the proposals.

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) only supports the demolition of unlisted buildings in conservation areas which are considered to make a positive contribution to the character of the area in exceptional circumstances. If the building does not make a positive contribution, its removal is considered acceptable in principle so long as the replacement. If it does make a positive contribution, then reference is made to taking into account the considerations set out in Policy Env 2 (Listed Buildings - Demolition).

The essential characteristics of the New Town Conservation Area Character Appraisal (CACA) include:

The site is located within the New Town Conservation Area. The essential characteristics of the New Town Conservation Area Character appraisal include:

- the formal plan layouts, spacious stone-built terraces, broad streets and an overall classical elegance;
- views and vistas, including- terminated vistas that have been planned within the grid layouts, using churches, monuments and civic buildings, resulting in an abundance of landmark buildings. These terminated vistas and the long-distance views across and out of the Conservation Area are important features;
- the generally uniform height of the New Town ensures that the skyline is distinct and punctuated only by church spires, steeples and monuments;
- grand formal streets lined by fine terraced buildings, expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces;

- within the grid layouts, there are individual set pieces and important buildings that do not disturb the skyline;
- the New Town can also be viewed from above at locations such as the Castle and Calton Hill, which makes the roofscape and skyline sensitive to any modern additions;
- the setting and edges of the New Town and Old Town;
- Royal Crescent is characterised by a general consistency of overall building form, an almost exclusive use of sandstone, natural slate roofs and cast and wrought iron for railings, balconies and street lamps;
- boundaries are important in maintaining the character and quality of the spaces in the New Town. They provide enclosure, define many pedestrian links and restrict views out of the spaces. Stone is the predominant material;
- new development should be of good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area;
- any development within or adjacent to the Conservation Area should restrict itself in scale and mass to the traditionally four/five storey form.

The site lies within the Canonmills and Claremont part of the conservation area. The CACA states that the various development schemes in this area which began in the 1820s were never completed and only fragments were produced.

The area is described as consisting of a series of modest-sized Georgian developments, none of which were completed and which lack the formal layout of other parts of the New Town.

The site lies to the immediate north of the Northern New Town, the CACA notes that the basic architectural form of the area continued the precedent of the First New Town, with fine quality ashlar residential blocks of three storeys over a sunken basement arranged in straight formal terraces.

The site represents a change in the character of the conservation area between the two parts mentioned above, with the site siting considerably lower than the nearby surrounding streets, marking the end of the Northern New Town.

Across the site itself there is a change in the character running east to west, with the western part of the site demonstrating denser, more typically New Town characteristics. This part of the site is surrounded on three edges by characteristic New Town streets - Fettes Row, Dundas Street and Eyre Place, all of which demonstrate the New Town features of a perimeter block form, regular building heights and restrained, repetitive design features.

The eastern part of the site is influenced by the proximity to King George V Park. It sits closer to the area of Canonmills, which lacks the formal layout of other parts of the New Town

The site itself, retains surviving historic features (such as the retaining walls and boundary railings), which contribute to the character of the conservation area. There are also a number of trees within the site boundary, which form part of the character of this part of the conservation area, although different to many streets the conservation areas, but characteristic in its own right.

In terms of its importance within the conservation area, the unlisted buildings to be demolished were built in the 1970s and 1980s include the former data centre, office and link building associated garages and workshops.

The principle buildings on the site are relatively large and modern in design, especially when compared with the traditional buildings found within the conservation area.

The Dundas Street office building, link building and corner of the Fettes Row data centre building are all set back from the Dundas Street and are not in keeping with the wider townscape character in relation to the streets to the north and south of the site. Some features of the buildings are unsympathetic to their location, particularly in terms of building lines, design and landscaping

The datacentre itself, is modernist in design and with its stepped horizontal banding is set back into the site and different to the traditional buildings Georgian and Victorian properties within the area. It lacks the general uniformity of the buildings on Dundas Street.

The Archaeology officer does not object to the application, but does note that although undesignated, this building in his opinion is of some historic/archaeological significance in terms of the 20th century banking heritage of Edinburgh. In addition, its striking modern design has contributed significantly to the character of this part of the New Town. Accordingly, the loss of this locally significant building would be regarded as having a significant impact.

However, having assessed these impacts it has been concluded that its loss however would not be significant to warrant refusal on archaeological grounds. It is recommended that the building is recorded prior to its demolition.

There are objections to the loss of the buildings noting the architecture of the buildings which are of their time. But overall the buildings have a limited positive contribution to the appearance of the conservation area.

The demolition of any walls, such as that separating the development site from the existing development to the north, that are not visible from the conservation area will not be detrimental to its character and appearance.

The rear of the buildings from Eyre Terrace have little merit and limited townscape value.

Likewise, the garages and warehouse situated within the site adjacent to the park are industrial in appearance and generally of insignificant townscape value to the conservation area with no historic or architectural merit.

Historic Environment Scotland was consulted on the proposal and raised no comment.

The railings along Fettes Row and the Royal Crescent are to be retained, with a small section on Fettes Row removed to enable an entrance point to be created. The railings along Dundas Street are to be removed.

As the buildings are of limited importance to the character and appearance of a conservation area, a condition survey or the marketability of alternative uses is not required to be demonstrated.

In summary, the loss of the buildings will not have an impact on the character and appearance of the conservation area and therefore their demolition is acceptable.

#### b) Replacement Development

The HES interim guidance and the similar advice in LDP Policy Env 5 (Conservation Areas - Demolition) sets out that consent should generally only be given where there are acceptable proposals for the new building.

As detailed under planning application 20/03034/FUL, the proposals would enable the development of the site in a coherent and positive way.

A condition is recommended to ensure that the buildings are not demolished before a detailed scheme has been granted and the Notification of Initiation of Development has been received with a start date for the detailed development.

#### c) Public Comments

Many of the views submitted to the conservation area consent are expressed as objections to the development proposals submitted under planning reference 20/03034/FUL.

### **Material Objections**

- proposed demolition does not accord with LDP Policy Env 2 Listed Buildings - Demolition - considered in assessment 3.3a).
- demolition is contrary to LDP Policy Env 5 Conservation - Demolition of Buildings - considered in assessment 3.3a).
- demolition should not be allowed until agreement is reached on a suitable scheme for redevelopment is approved on the site - considered in assessment 3.3a) and condition.
- the merits of the alternative proposals - considered in assessment 3.3b).
- policy presumption in favour of retaining buildings that make a positive contribution to a conservation area - considered in assessment 3.3a).
- the RBS data centre adds to the character of the conservation area, being indicative of a bygone architectural era that has since fallen into disrepute. Unique example of architecture from this era in the city. If it is retained and renovated for office use, it will without doubt be celebrated in the future by a more enlightened generation for its boldness and character - considered in assessment 3.3b).

- archaeology officer notes the data centre is a striking modern design has contributed significantly to the character of this part of the New Town and accordingly the loss of this locally significant building would be regarded as having a significant impact - considered in assessment 3.3b).
- existing buildings add to the character of the conservation area - considered in assessment 3.3b).
- buildings in good condition and capable of re-use - considered in assessment 3.3b).
- retaining it will also have the advantage of reducing the environmental impact of the development by retaining the embodied carbon - considered in assessment 3.3b).
- demolition of courtyard wall to Applecross development - considered in assessment 3.3b).
- trees on Dundas Street should be kept as they contribute much to the character of the neighbourhood - trees considered in association planning application.
- retained trees should be protected - trees considered in association planning application.
- railings should not be demolished - considered in assessment 3.3a).

### **Non-material comments**

- construction stage concerns - this is not a planning consideration.
- demolition would affect ground stability and neighbouring properties - this is not a planning consideration.
- loss of employment space - not a consideration for the conservation area consent.
- timing of application - this is not a planning consideration.
- ownership issues - this is not a planning consideration.
- alternative proposals not clear - assessment made of current proposals in associated application reference 20/03034/FUL. Any future applications will need to be assessed against the development plan and any other material considerations.

### **Community Council Comments**

Comments from the New Town and Broughton Community Council are summarised below:

- adaptation and reuse of existing buildings is now promoted by many professionals as preferable to demolition and rebuilding - considered in assessment 3.3a).
- clear justification for the complete demolition across the site not provided - considered in assessment 3.3a).
- LDP Policies Env 5 and Env 2 set out criteria for assessing demolition of buildings within a conservation area. Expected that more details would have been provided in relation to retaining the buildings (emphasis on northern block) - considered in assessment 3.3a).
- merit in (and support) retention of the northernmost block, abutting the Applecross development, alongside features such as trees and railings - considered in assessment 3.3a).

- general acceptance of demolition of existing link building and Data Centre, although note some resident's fondness of the latter - - considered in assessment 3.3a).
- the majority of the trees along Dundas Street and adjacent to the Applecross development should be retained - trees considered in accompanying planning application 20/03034/FUL.

## **Conclusion**

The demolition of existing buildings will not detrimentally affect any listed buildings or their setting subject to retention of boundary railings and an appropriate redevelopment proposal being delivered in accordance with Local Development Plan (LDP) Policy Env 3 (Listed Buildings - Setting). The existing buildings do not make a positive contribution and their loss will not have any adverse impact on the character and appearance of the conservation area. The demolition of the existing buildings and redevelopment of the site as proposed in application 20/03034/FUL will preserve the character and appearance of the conservation area. With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. The proposals accord with LDP Policy Env 5 (Conservation Areas - Demolition).

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

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

#### **Conditions:-**

1. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation.
2. No demolition shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. No development shall commence on site until a detailed Arboricultural Method Statement, written with the contractor, that includes all work required under canopies and adjacent to mature trees is provided and approved by the Planning Authority.
4. Prior to the commencement of development a Tree Protection Plan in accordance with BS5837:2012 "Trees in relation to design, demolition and construction" to demonstrate how trees to be retained on and adjacent to the site will be protected, including the location of tree protection fences, must be submitted to and approved by the Planning Authority.

5. Prior to the commencement of development, the tree protection measures as approved in condition 4 must be implemented in full.
6. The tree protection measures approved in condition 4 must be maintained during the entire development process and not altered or removed unless with the written consent of the Planning Authority.
7. Only the railings identified for removal on plan 191396\_OP\_NTQ\_SK200121 (CEC drawing 10) are to be removed. The remaining railings are to stay in situ.

**Reasons:-**

1. In order to safeguard the character of the conservation area.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard protected trees.
4. In order to safeguard protected trees.
5. In order to safeguard protected trees.
6. In order to safeguard protected trees.
7. In order to safeguard the character of the conservation area.

**Informatives**

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. As this application involves the demolition of unlisted buildings in a conservation area, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow us the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the Consent Application Referral Form found at [www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme](http://www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme).

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The application was advertised on 18 September 2020 and attracted 46 letters of representation including objections from the Architectural Heritage Society of Scotland, Fettes Row and Royal Crescent Association and Drummond Civic Association.

The New Town and Broughton Community Council object to the application.

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

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

The site is within the urban area and the north eastern section is designated as open space as shown on the Local Development Plan Proposals Map.

The site is located within the New Town Gardens Inventory Garden and Design Landscape. It is also covered by the New Town Conservation Area.

The World Heritage Site is to the south of the site.

### **Date registered**

2 September 2020

### **Drawing numbers/Scheme**

01-10,

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**

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### **Relevant Policies:**

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

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

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

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

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

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

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

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

HES Interim Guidance on Conservation Area Consent sets out Government guidance on the principles that apply to the demolition of unlisted buildings in conservation areas

# Appendix 1

## Application for Conservation Area Consent 20/03661/CON At 34 Fettes Row, Edinburgh, EH3 6RH Complete Demolition in a Conservation Area.

### Consultations

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#### Archaeology Officer response dated 26 October 2020

*Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for the complete demolition in a conservation area.*

*The site lies across the northern limits of the Edinburgh's New Town, directly on the northern boundary of the World Heritage Site. The site is dominated by the 1971 RBS Data Centre designed by Richard Latimer. Historic maps indicate that until the mid 19th century the site remained relatively free from development with the exception of mill lades running across the northern limits of the site, which feed the medieval mills at Canonmills. The 1876 plan shows the eastern half of the site occupied by open air Royal Gymnasium in particular the large circular rowing machine known as 'The Great Sea Serpent'. By c.1905 the western half of the site had been developed with a mix of domestic and small industrial units, a process already started on the western half of the site during the mid-19th century, whilst the eastern half underly the grounds for St Bernard's Football Club.*

*Based on the historical and archaeological evidence the site has been identified as occurring within an area of local archaeological/historic importance principally in terms of Edinburgh's Victorian/Early 20th century social & industrial heritage, 20th century banking and earlier pre-industrial milling.*

*This application must be considered under terms 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 DES3, ENV5, 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.*

#### *Historic Building RBS Data Centre*

*The proposals will see the demolition of the 1971 Royal Bank of Scotland Data Centre designed by James Richard Latimer. Although undesignated this building in my opinion is of some historic/archaeological significance in terms of the 20th century banking heritage of Edinburgh. In addition, its striking modern design has contributed significantly to the character of this part of the New Town. Accordingly, the loss of this locally significant building would be regarded as having a significant impact.*

*Having assessed these impacts it has been concluded that its loss however would not be significant to warrant refusal on archaeological grounds. That said it is essential that the RBS Lorimar building is recorded prior to its demolition. This will require the undertaking of a historic building survey (phased plans/elevations, photographic and written survey) linked to an appropriate level of documentary research linked to a programme of archaeological work during ground breaking works (see my response to 20/03034/FUL dated 26th Oct 2020).*

*It is recommended that the above programme of archaeological work is secured using a condition based upon CEC model condition as follows;*

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

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

## **Historic Environment Scotland response dated 2 October 2020**

### *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 listed building/conservation area 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/](http://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.engine shed.org](http://www.engine shed.org).*

*As this application involves the demolition of unlisted buildings in a conservation area, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow us the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the Consent Application Referral Form found at [www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme](http://www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme).*

## **The New Town and Broughton Community Council response dated 19 October 2020**

*The New Town & Broughton Community Council (NTBCC) had requested an extension to the main applications for this proposal (covering both 20/03034/FUL & 20/03661/CON - which was accepted), in order to finalise the community council's position on these applications at their recent virtual monthly meeting on 12th October. From that discussion, it was evident that there remained a divergence of views within the community but with a number of residents who had expended considerable time and effort looking in more detail at the large volume of documents lodged with this application becoming increasingly concerned at what was proposed.*

*The concurrent application (20/03034/FUL) specifically covering the redevelopment proposal, which is also necessary to support demolition of non-listed buildings within a Conservation area is covered by a separate representation by NTBCC.*

*The proposed site, given its size, central location and adjoining a precious open space within the New Town, does offer a unique opportunity to add real value to the area, whilst still allowing the site to be developed such that the current owners can achieve sufficient value. As such, NTBCC, along with many residents, are supportive of an appropriate development scheme for the site which directly abuts the Edinburgh World Heritage site. The site also resides within the New Town Conservation Area. This appropriate redevelopment would include demolition and replacement of some of the buildings on the site that clearly have little or no architectural merit and do not make a positive contribution to the Conservation Area, in fact the opposite may be true.*

*However, NTBCC does not feel that the case for the complete demolition of all buildings on the site has been fully explored or the necessary reasoning behind the proposal for complete demolition being included in the accompanying documents. This reasoning would include more detail specifically stating what steps have been taken to explore options for re-purposing the existing buildings options and why retention of some (or all) of them is not possible.*

*In general, from the various responses received by NTBCC, we would support the view that the adaptation, repurposing and hence reuse of existing buildings should be explored in more depth , given the increasing focus on sustainability and being consistent with concerns with respect to climate change and the current Council-agreed targets relating to Edinburgh becoming a carbon-neutral city by 2030.*

*However, we would acknowledge and accept that new building standards (which would be applicable to new development) should ensure a higher level of operational energy efficiency in the future (which may not be fully achievable if the existing building(s) were to be repurposed), but there is a significant impact from embodied carbon relating to the buildings themselves. This is a complex analysis. However, we are aware that the adaptation and reuse of existing buildings is now promoted by many professionals as preferable to demolition and rebuilding on the basis that costs and embodied energy use are likely to be reduced.*

*We note that essentially the main documents lodged in support of the complete demolition consist of a 'Design & Access Statement' (in 28 parts), a 'Heritage and Townscape Assessment (with appendices)' and a 'Planning Statement'.*

*The Planning Statement (at section 1.4) states "The purpose of this Planning Statement is to describe the proposed development, assess it against the relevant statutory requirements, development plan policies and material considerations and, drawing on the range of assessment work undertaken, present supporting justification for the development proposed."*

*Whilst the Planning Statement is a useful summary of the proposed development, it does not provide a clear justification for the complete demolition that is being proposed.*

*With regard to current Edinburgh Council LDP policies - we refer to Env 5 'Conservation Areas - Demolition of Buildings', Env 2 'Listed Buildings - Demolition' which is referenced under Env 5 and the footnotes for Env 6 'Conservation Areas - Development'.*

*Env 5 states : 'Proposals for the demolition of an unlisted building within a conservation area but which is considered to make a positive contribution to the character of the area will only be permitted in exceptional circumstances and after taking into account the considerations set out in Policy Env 2 above.'*

*'Proposals for the demolition of any building within a conservation area, whether listed or not, will not normally be permitted unless a detailed planning application is approved for a replacement building which enhances or preserves the character of the area or, if acceptable, for the landscaping of the site.'*

*NTBCC take the view that the first paragraph of this policy is very relevant as a consideration for this application. We note that it includes the phrase 'permitted in exceptional circumstances' and furthermore, requires reference to the considerations as set out in Policy Env 2, which state::*

*"Proposals for the total or substantial demolition of a listed building will only be supported in exceptional circumstances, taking into account:*

- a) the condition of the building and the cost of repairing and maintaining it in relation to its importance and to the value to be derived from its continued use*
- b) the adequacy of efforts to retain the building in, or adapt it to, a use that will safeguard its future, including its marketing at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.*
- c) the merits of alternative proposals for the site and whether the public benefits to be derived from allowing demolition outweigh the loss."*

*We would therefore have expected more details in the lodged documents regarding paragraph b), especially in respect to the existing building at the northern end of Dundas Street. We accept that demolition of the current 'link' building and perhaps the adjoining building to the south permits the opening up of the site to allow access from Dundas Street eastwards which on balance, we could support and although there are residents who have developed a fond regard for the Datacentre, repurposing the Datacentre from offices to residential, due to the building geometry, could be difficult. However, NTBCC would see merit in (and support) retention of the northernmost block,*

abutting the Applecross development, which in turn would ensure retention of the current railings and mature trees in fronting of that building, which we believe, consistent with the requirements in Env 5, make a positive contribution to the character of the (Conservation) area.

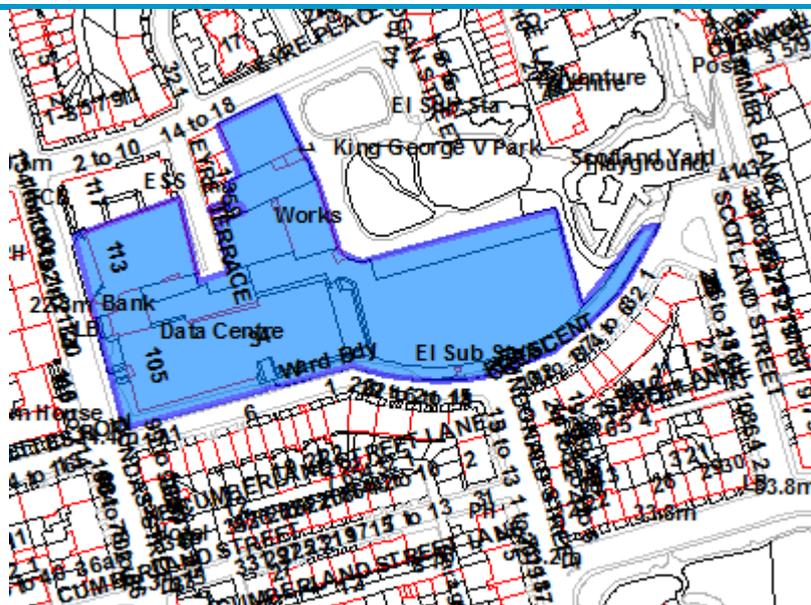
Retaining the majority of the existing trees within the development site boundary along Dundas Street along with the five trees adjacent to the Applecross development those would, in our view, also provide a more consistent, relevant and subservient streetscape leading to the entrance of the World Heritage site at Fettes Row / Dundas Street junction.

In summary, therefore, we remain unconvinced that the necessary case has been made for the complete demolition of all buildings on site and would urge Edinburgh Council to press for further justification in this regard. We continue to take the view that retention of some buildings on the development site would be beneficial and would support wider Council commitments as highlighted earlier.

The New Town & Broughton Community Council therefore cannot support this proposal as currently presented.

We trust that these comments are useful in the determination of this application.

## Location Plan



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## Development Management Sub Committee

Wednesday 17 February 2021

**Application for Planning Permission 20/02916/FUL at Land Adjacent To Former 34, Cramond Road North, Edinburgh.**

**Section 42 application to vary condition 1 of planning permission reference 13/01843/FUL (which modified consent 05/02947/FUL, which previously modified consent 01/01881/FUL), to extend the proposed timescale for laying out and operating the approved sports pavilion and sports pitches for a further five year period.**

**Item number**

**Report number**

**Wards**

B01 - Almond

### Summary

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Development on the residential element of the scheme is complete and the original planning application remains live. The proposal complies with the policies in the Edinburgh Local Development Plan and Edinburgh Design Guidance. The applicant has set-out a route-map detailing how they will use the five-year extension to deliver sports facilities on the site. Planning authorities have limited enforcement options in terms of delivery timescales of a private enterprise. The proposal remains acceptable and the five-year extension will remedy the current breach of planning control. There are no material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES07, LDES08, LEN18, LEN22, LHOU01, LHOU02, LHOU03, LHOU06, LTRA01, LTRA02, LTRA03, LEN03, LEN06, NSG, NSGD02,

# Report

## **Application for Planning Permission 20/02916/FUL at Land Adjacent To Former 34, Cramond Road North, Edinburgh.**

**Section 42 application to vary condition 1 of planning permission reference 13/01843/FUL (which modified consent 05/02947/FUL, which previously modified consent 01/01881/FUL), to extend the proposed timescale for laying out and operating the approved sports pavilion and sports pitches for a further five year period.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site, measuring 11.9 hectares, is the cleared site of the former Moray House Institute of Education campus at Cramond. The northern half of the site has been developed for housing as part of the original planning permission however, the southern half of the site, that this application relates to remains undeveloped. The undeveloped part of the site has been seeded as required by condition one of planning permission: 13/01843/FUL. The eastern and southern boundaries of the site are lined with mature trees.

There are traditional detached dwellings to the immediate west of the site, with larger three storey flatted dwellings to the south-west corner. To the east and north-east of the site are open fields which form part of the Green Belt, an Area of Great Landscape Value and a Local Nature Conservation Site. At the south-eastern corner of the site there are Category B listed (ref: LB50793) and Category C listed (ref: LB30269) buildings. To the south of the site is Cramond Road North with Bruntsfield Links golf course beyond. The north-west and south-west boundaries are residential properties.

This application site is located within the Cramond Conservation Area.

#### **2.2 Site History**

30 June 2020 - A planning enforcement enquiry regarding the alleged non-compliance with condition one of planning permission: 13/01843/FUL is pending consideration while this Section 42 application is determined (planning enforcement reference: 20/00319/ECOND).

10 April 2014 - Section 42 application for removal of condition 16 of planning consent for Cramond Campus reference - 01/01881/FUL (which was modified in consent 05/02947/FUL) to enable 100% occupation of the approved dwellings prior to completion / operation of the sports facilities.' was granted (planning permission: 13/01843/FUL).

4 April 2012 - Planning permission of principle for 'Option 1 - Cricket and Football. Application for planning permission in principle for proposed sports facilities (cricket centre and football pitches), sports pavilion and care village (class 8) including ancillary retail (class 1), health hub / sports clinic and crèche (class 10). Details brought forward for approval: layout, building footprints, massing and heights.' is Minded to Grant subject to concluding a legal agreement (planning reference: 11/01492/PPP).

4 April 2012 - Planning permission of principle for 'Option 2 - Tennis and Football. Application for planning permission in principle for proposed sports facilities (tennis centre and football pitches), sports pavilion and care village (class 8) including ancillary retail (class 1), health hub / sports clinic and crèche (class 10). Details brought forward for approval: layout, building footprints, massing and heights.' is Minded to Grant subject to concluding a legal agreement (planning reference: 11/01493/PPP).

4 April 2012 - Planning permission of principle for 'Option 3 - Tennis and Cricket. Application for planning permission in principle for proposed sports facilities (tennis centre and cricket centre), sports pavilion and care village (class 8) including ancillary retail (class 1), health hub / sports clinic and crèche (class 10). Details brought forward for approval: layout, building footprints, massing and heights.' is Minded to Grant subject to concluding a legal agreement (planning reference: 11/01494/PPP).

28 May 2008 - Section 42 application for the modification of condition 16 of planning permission: 01/01861/FUL to read 'the approved pavilion and sports pitches shall be constructed / laid out and fully operational to the satisfaction of the Head of Planning and Strategy prior to the occupation of no more than 88% of the approved dwellings.' was granted (planning reference: 05/02947/FUL).

30 January 2003 - Planning permission for the demolition of existing buildings and redevelopment for residential, sports and recreational purposes (as amended from 157 to 155 dwellings) (Further amended to delete country club and tennis courts and reposition pavilion) was granted (planning permission: 01/01861/FUL).

14 January 1999 - A Development Brief was approved for the wider site.

## **Main report**

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### **3.1 Description of the Proposal**

The application is to vary condition one of planning permission: 13/01843/FUL that states *'Prior to the occupation of the completed housing, the 3.357hectare area highlighted on drawing number CS-PL-(MP1)100 shall be temporarily seeded to the agreed grass seed mixture for a period of up to 5 years from the date of this approval. Thereafter, the approved sports pavilion and sports pitches shall be laid out and fully operational within 1 year of this end date'*.

The applicant is requesting the condition be amended to allow a further period of five years to deliver the sports pavilion and sports pitches.

### **3.2 Determining Issues**

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

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

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

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- a) the principle of the proposed development is acceptable;
- b) the proposed amendments to condition one of planning permission 13/01843/FUL is acceptable;
- c) there are any other material planning issues and
- d) representations raised to be addressed.

#### a) Principle of Development

The Edinburgh Local Development Plan sets out the current planning policy of the City of Edinburgh Council and subsequent applications must be assessed in terms of compliance with the adopted Plan. Policy Hou 1 (Housing Development) supports residential proposals on suitable sites within the urban area. Policy Env 19 (Protection of Outdoor Sports Facilities) supports development on existing facilities where the proposed development of an alternative outdoor sports facility is to be provided of equivalent sporting value.

The Cramond Campus Planning Brief approved in January 1999 set out a framework for the redevelopment of Moray House College. The framework sets out an appropriate level of development while preserving the sites recreation, amenity and archaeological values and remains a material planning consideration.

The principle of development on the site has been established by the original consent (planning reference: 01/01881/FUL). This application granted planning permission for residential, sports and recreational facilities on the wider site. The residential element of the permission has been implemented with only the sports facilities yet to be completed. As development has been initiated and substantially progressed the previous application remains a live consent. The current proposal is also within the urban area and will provide outdoor sports facilities of equivalent sporting value to the previous campus and therefore, compatible with policies Hou 1 and Env 19.

Sport Scotland has been consulted on the application and is keen to ensure facilities are delivered. Sport Scotland welcome the proposed route-map setting out how the applicant will progress delivery of the sports pavilion and pitches on the site and do not object to the application. Internal consultees including Sport and Recreation and Parks and Greenspace have provided a co-ordinated internal response. Their response highlights that in the current adopted plan, the land is within the urban area. However, it now meets the requirements for comprising open space as per Planning Advice Note 65 (2008) 'Planning and Open Space' as the site has been seeded as per the requirements of condition 1 and any vegetated land meets the definition of open space. The status of the land may be subject to review through City Plan 2030.

The existing consents, including the minded to grant planning permissions in principle, are a material planning consideration in determining future planning applications on the site. The developer is still committed to providing the sports pavilion and pitches on the site. However, subsequent planning applications for the remaining part of the site will be expected to deliver good quality, useable and publicly accessible open space of a large standard. This application will regularise the current breach of planning control whilst the future development of the site will be progressed through subsequent applications.

Accordingly, the principle of development remains supported by the Edinburgh Local Development Plan in accordance with policies Hou 1 and Env 19. The scheme has deviated from the Cramond Campus Planning Brief, however, this has been approved and implemented through planning application ref: 01/01881/FUL. The policy requirement for the replacement sports facilities remains and therefore the principle of development continues to be supported.

#### b) Amendments to Condition 1

Condition 1 currently states *'Prior to the occupation of the completed housing, the 3.357hectare area highlighted on drawing number CS-PL-(MP1)100 shall be temporarily seeded to the agreed grass seed mixture for a period of up to 5 years from the date of this approval. Thereafter, the approved sports pavilion and sports pitches shall be laid out and fully operational within 1 year of this end date.'* and the reason for the condition changed to *'In the interest of visual amenity'*.

This allowed the full occupation of the residential element of the scheme and was justified by the assumption that the sports facilities and pitches were being progressed through separate planning processes as detailed above in the planning history.

The consented housing and seeding have been carried out, but the required sports facilities have not been delivered and therefore there is a breach of condition 1 of the current consent. Therefore, the applicant has requested that condition 1 be amended to *'The 3.357 hectare area highlighted on drawing number CS-PL-(MP1)100 shall be maintained as a grassed area for a period of up to 4 years from the date of this approval. Thereafter, the approved sports pavilion and sports pitches shall be laid out and fully operational within 1 year of this end date'*. This would extend the delivery period by a further five years to 2026. The applicant has submitted a proposed route-map setting out the intended actions to deliver the sports pavilion and pitches. The route-map sets out timescales for securing a development partner, developing detailed proposals and construction of the facilities.

The developer has encountered difficulties in delivering sports facilities so far and has committed to reviewing progress after year two. If a development partner has not been identified, the developer will undertake further consultation with the local community and City of Edinburgh Council to discuss alternative options on the site. The internal Council departments have offered to engage with the developer to help identify potential development partners to meet identified need and progress delivery on the site. These departments support the proposed extension of five years to enable the delivery of the sports pavilion and pitches on the site in the first instance.

It is noted that there has been a delay in the delivery of the sports pavilion and pitches, however as the development is a private enterprise, the planning authority has little control over the timescales for delivery. Planning permission: 13/01843/FUL has attempted to condition the timescales for delivery of the sports facilities. However, a planning enforcement investigation into the alleged breach of condition has found the Council's powers in terms of enforcement action are limited and unlikely to result in the delivery of sports facilities. The reasons for condition one of planning permission: 13/01843/FUL was stated to be *'in the interest of visual amenity'*. In terms of taking enforcement action the planning authority is required to consider whether it is expedient to do so. As the ground has been seeded in compliance with the first part of the condition it would be difficult to argue harm is being caused in terms of visual amenity by not delivering the sports facilities. Enforcement have also cautioned that the wording of the condition one is unlikely to meet the tests of the Circular 4/1998: The Use of Conditions and Planning Permissions in terms of being enforceable, reasonable and precise. Representations have raised concerns regarding clutter on the site and this could be pursued through planning enforcement separately to the alleged non-compliance with condition investigation. If permission is granted this will resolve the non-compliance with the condition.

The applicant has submitted a route-map identifying how they will progress with developing the site, engaging the community and City of Edinburgh Council and looking at alternative options if required. The detail of the proposed sporting facilities is to be progressed through the separate Planning Permissions in Principle applications that are minded to grant. Further applications will be subject to statutory publicity and members of the public will have an opportunity to comment.

The planning authority could return the live Planning Permission in Principle applications to Committee if insufficient progress is made in progressing development on the site. The DM-Sub Committee could then consider if they are still minded to grant permission subject to conclusion of a satisfactory legal agreement.

#### c) Other Material Planning Issues

All other planning considerations in terms of this application are as per the previously consented scheme. The residential element of the scheme has been completed and the detailed design of the sports facilities will be pursued through separate planning applications. Accordingly, planning considerations including design, scale and layout, built heritage, transport, amenity and other issues are not subject to further assessment as part of this application.

#### d) Publicity

Neighbours were notified of Scheme 1 on 24 July 2020 and re-notified of Scheme 2 on 2 December 2020.

#### **Material Planning Issues - Objections**

- Compliance with the development brief; this is addressed in section 3.3 a)
- access to quality open space and sports facilities; this is addressed in section 3.3 b)
- amenity; this is addressed in section 3.3 b)
- planning enforcement options; this is addressed in section 3.3. b)
- whether the condition meets the tests of Circular 4/1998: The Use of Conditions in Planning Permissions; this is addressed in section 3.3 b) and
- timescales for development; this is addressed in section 3.3 b).

#### **Non-Material Planning Issues**

- trust in developer to deliver sports pavilion and pitches;
- applicants feeling misled buying the delivered residential units;
- allowing developer to build in other parts of the City;
- ongoing engagement and
- consideration of alternative options.

#### **Community Council**

The Cramond and Barnton Community Council requested to be a statutory consultee and objected to the application on the following grounds:

- use of the site; this is addressed in section 3.3 a)
- enforceability of planning condition; this is addressed in section 3.3 b)
- enforceability of proposed route-map; and this is addressed in section 3.3 b) and
- amenity; this is addressed in section 3.3 b).

## Conclusion

Development on the residential element of the scheme is complete and the original planning application remains live. The proposal complies with the policies in the Edinburgh Local Development Plan and Edinburgh Design Guidance. The applicant has set-out a route-map detailing how they will use the five-year extension to deliver sports facilities on the site. Planning authorities have limited enforcement options in terms of delivery timescales of a private enterprise. The proposal remains acceptable and the five-year extension will remedy the current breach of planning control. There are no material considerations that outweigh this conclusion.

## Addendum to Assessment

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

### 3.4 Conditions/reasons/informatives

#### Conditions:-

1. The 3.357-hectare area highlighted on drawing number CS-PL-(MP1)100 shall be maintained as a grassed area for a period of up to 4 years from the date of this approval. Thereafter, the approved sports pavilion and sports pitches shall be laid out and fully operational within 1 year of this end date.

#### Reasons:-

1. In the interest of visual amenity and to ensure the timely delivery of sporting facilities on the site.

#### Informatives

It should be noted that:

1. 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.
2. The applicant is to implement the proposed route-map submitted as background information. The five year period will be taken from the date of planning permission.

## Financial impact

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

The application was publicised on the weekly list of applications on 27 July 2020. Neighbours were notified of the application on 24 July 2020 and 21 days were allowed for comments. The proposals that formed Scheme 1 received 96 objections and one general comment.

Neighbours were re-notified on 2 December 2020 to allow for comments to be submitted on revised plans and further information. This period of representations received 40 objections.

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

## **Background reading/external references**

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

**Statutory Development****Plan Provision**

Edinburgh Local Development Plan

**Date registered**

20 July 2020

**Drawing numbers/Scheme**

01,

Scheme 1

**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**

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**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 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 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.

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

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

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

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

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

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

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

LDP Policy 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**

**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 20/02916/FUL  
At Land Adjacent To Former 34, Cramond Road North,  
Edinburgh  
Section 42 application to vary condition 1 of planning  
permission reference 13/01843/FUL (which modified consent  
05/02947/FUL, which previously modified consent  
01/01881/FUL), to extend the proposed timescale for laying  
out + operating the approved sports pavilion + sports  
pitches for a further five year period.**

## Consultations

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### Archaeology comment

*Further to your consultation request I would like to make the following comments and recommendations concerning this Section 42 application to vary condition 1 of planning permission reference 13/01843/FUL (which modified consent 05/02947/FUL, which previously modified consent 01/01881/FUL), to extend the proposed timescale for laying out and operating the approved sports pavilion and sports pitches for a further five-year period.*

*The site occurs across the limits of the Roman fort at Cramond with significant remains being uncovered as part of the AMA housing development relating to the forts defended annexes and road leading South-East. This earlier work by AOC indicated that the area of the sports pitches had a low potential for further remains and as such archaeological mitigation may still be required in the area of the pitches depending in scale of landscaping etc.*

*As such in regards this Section 42 application requiring an extension of time I have no comment to make.*

### Cramond+Barnton Community Council comment

*The Community Council is responding to the above application as a statutory consultee and following consultations with the community, including a questionnaire survey of residents of Brighthouse estate and homes in Cramond Road North, which overlook the site. The responses from neighbouring residents endorse the approach set out in this submission (see Appendix B).*

*In preparing this submission, the Community Council has -*

*Noted with concern AMA's failures over the past 16 years to progress sports provision, or even temporary greening of the site, as required by the Council's approval of the s.42 application in 2013 and commitments given by AMA to planning officers. It is also of concern that the City Council has been unwilling and/or unable to ensure compliance with the conditions. For example, no follow up action was taken on AMA's failure to fulfil its commitment to complete greening of the site in September 2016;*

*Recognised that amenity open space available for public enjoyment and informal recreation, including play, exercise and outdoor education, is of more priority to the Cramond community than a major sports complex. This reflects, also, the need for additional open space for use by Cramond Primary School, the site of which has been incrementally diminished by expansions of the School's built footprint. It is important to note that the Council's 'Open Space 21' Strategy identifies a shortfall in 'larger open space' provision available to the Cramond and Barnton communities.*

*The Community Council cannot express sufficiently the frustration and disappointment of the community at AMA's destruction of the former Dunfermline College sports fields by depositing spoil and construction materials on the pitches and tennis courts and its procrastination in providing the promised sports facilities, or even temporary effective greening of the site.*

*While AMA claims to have been unable to identify sports clubs willing to lease sports facilities, this is likely to be a consequence of AMA ignoring Condition 13 of application 01/01881/FUL, which required AMA to levy 'comparable' charges to those levied by the City Council for use of its pitches, and the Council's approval of AMA's 2002 application omitting the proposed Country Club and changing all pitches to grass pitches. Consequently, AMA has been able to argue that the income it would require to generate from pitch hires, at Council-equivalent charges, could not be sustained by grass pitches.*

*In respect of greening the site, the conditions attached to consent for application 05/02947/FUL stated that - 'Within 1 year of the date of this consent, the grass playing fields shall be fully prepared and seeded to the satisfaction of the Head of Planning and Strategy.'. This condition was echoed in the approval of application 09/01175/FUL and approval of 13/01843/FUL required temporary seeding of the 3.357ha area for 5 years from the date of approval (April 2004), with the pavilion and pitches being operational within 1 year, thereafter.*

*None of the above conditions have been fulfilled or enforced. Issues of enforceability were highlighted in the report on application 05/02947/FUL, which stated that Condition 16 of the original consent (01/01881/FUL) requiring completion of the sports pavilion and pitches -"prior to the occupation of no more than 50% of the approved dwellings " (our emboldenment), " makes it likely that formal enforcement procedures could only be pursued against the occupiers of the houses. This approach is neither desirable nor likely to succeed'. It is also contrary to guidance in Planning Circular 4/1998. Nevertheless, having modified the wording to refer to ' .. the construction of ' approved dwellings " in consenting to application 05/02947/FUL, the Council reverted to the term 'occupation' in its consent of 13/01843/FUL; thereby approving a condition it had previously accepted was unenforceable.*

*In above contexts, the Community Council urges the planning authority to -*

*Seek withdrawal of the current application referring to conditions requiring the provision of sports fields and pavilion, subject to the applicants entering negotiations and confirming a legal agreement with the Council setting out binding commitments to complete the provision of amenity and recreational public open space on the 3.357ha site within 12 months of completion of the agreement.*

*This agreement should require -*

*Preparation (e.g. drainage, debris removal, levelling/shaping ground) and grassing the site, to a plan agreed by the Council in consultation with the Community Council, and including provision for play, informal sports (e.g. kick-about area, children's sports) and wildlife;*

*Formation of public access to the grassed area from Cramond Road North and safe and convenient pedestrian access from Brighthouse estate;*

*Maintenance of the grassed area for a minimum of 5 years, or until arrangements are made for the Council or community to take over maintenance responsibilities.*

*Prepare and agree a new planning brief for the entire undeveloped area of the Brighthouse site, as identified in the original consent (01/01881/FUL). This brief should -*

*Be prepared in consultation with the community;*

*Be completed within 12 months of completion of the aforementioned legal agreement and set out timescales for implementation of the plan;*

*Identify land for open space, structural landscaping and a minimum scale of residential development, the proceeds from which can contribute, through a Planning Agreement, towards providing and maintaining open space and landscaping over the longer term;*

*Require completion of major open space and structural landscaping to the approval of the planning authority, prior to built development being commenced, to avoid repetition of issues currently applying to the development site.*

*Serve an Amenity Notice, under s.179 of the 1997 Planning Act, to require AMA, as owners of the land between the 3.357 ha site referred to above and the site entrance on Cramond Road North. The Amenity Notice should require-*

*Removal of the unsightly and unauthorised containers and waste materials and improvements to the appearance of the site entrance;*

*Preparation, including de-stoning, and grassing of the ground;*

*Completion of the above within 12 months of the Amenity Notice being served.*

*Failing achievement of a legal agreement as described in a. above, it is suggested that the Council should -*

*i. Extend condition b. of the current s.42 consent, referring to the sports fields and pavilion, for a further 3 year period; not the 5 year period sought in the application.*

*ii. Serve an Amenity Notice on AMA, as owners of the 3.357 ha site subject to the current application and adjacent land bordering Cramond Road North. This should require -*

*Removal of all waste materials, levelling/shaping the mounds of soil and debris from previous construction works and 'greening' the open space within the 3.357 ha site, to the planning authority's approval;*  
*Undertaking similar amenity improvements to those described in c. above, across all undeveloped land within the site;*  
*Completion of the above works within 12 months of the Amenity Notice being served.*

*The Community Council is aware that AMA may object to the above requirements on grounds of costs, but would have little sympathy for such considerations as -*  
*The Council gave the developers consent to develop housing on part of the playing fields, contrary to NPPG11, Structure and Local Plan policies and the planning brief. The report on application 01/01843/FUL stated that 'The justification for the larger housing area is given by the developer as the need to provide sufficient capital to construct the new sports pitches and courts and the pavilion ". It follows that, for a number of years, AMA should have had sufficient capital to construct the agreed sports facilities;*

*Following the Councils' incremental reduction in the conditions relating to the extent of occupancy of the site (i.e. 50% occupancy in 2004; 88% in 2008; 100% in 2014), prior to fulfilment of the sports provision conditions, the developers have benefitted from the sale of all the c.155 homes - many of which have sold for over £0.8m;*  
*The Report to the Development Quality Subcommittee (27/10/04), in referring to sports facilities, states that "The developers have registered a management company with Companies House, with a capital sum of one million pounds, to be used for the running and maintenance of the facilities. They envisage managing the site for a minimum of 10 years by which time the development should be self-financing.'. If this statement is accurate, there should be no reason for that money not being used for preparation of the site for informal recreation and amenity open space. However, if no evidence is available of the existence of this company and the funds mentioned, then this should be taken into consideration in respect of future applications for development on this site by the current applicants and a s.75 Planning Agreement or financial bond required to secure required public benefits and/or commitments given by the applicants.*

*The Community Council will be pleased to discuss this submission and any other matters applying to the application site, either in advance of Sub-Committee consideration of the application or at a hearing.*

### **Cramond + Barnton Community Council - response dated 15/12/2020**

*20/02916/FUL: S.42 application to vary condition of planning permission 13/01843/FUL. Land north of Cramond Road North.*

*Cramond and Barnton Community Council's response to 'AMA Cramond: Proposed Route-Map' (November 2020) (see Annex to this letter)*

*Cramond and Barnton Community Council would appreciate full consideration of the following -*

*a. Lack of notification of AMA's Route-Map and request for revised closing date for submissions*

*The Community Council understands that some neighbouring residents have been notified of the Route-Map paper submitted by AMA's agents, which outlines a variation in approach to the development of the former Cramond Campus/Brighthouse site. We*

*note also that the planning portal shows a closing date for responses to this new information by AMA of 23rd December. As of the evening of 14th December, the Community Council has had no formal notification of this new information and has seen no notification through the Weekly Lists or received tracking via the planning portal. The Community Council is, therefore, seeking an extension of the closing date for submissions on behalf of the local community. This should take account of the Festive Season and we suggest a final submission date of 6th January, or thereafter. This would give the Community Council time to publicise AMA's amended approach and give the many households across Cramond with concerns over the future of this site time to consider and respond to AMA's proposals.*

*b. Submission of Community Council's Alternative Route-map (see Annex, below)  
The Community Council, with support from residents of the Brighthouse development and taking account of responses to our survey of neighbouring households, has produced an alternative Route-map. This seeks to ensure a more effective and sustainable approach to the development of the site, through use of a range of planning mechanisms, and would provide public greenspace, biodiversity and landscape enhancement, and a limited scale of development, as identified in a revised Planning Framework for the remaining undeveloped and vacant land within AMA's ownership. Importantly, agreement to the Community Council's alternative Route-map would commit AMA to site improvements, overcome the impasse resulting from unenforceable planning conditions relating to sports pitches, which has been evident over the past 17 years, and provide the community with much needed public greenspace, with provision for informal sports, play and exercise.*

*c. Request for a Meeting with Planning Officers*

*The Community Council would appreciate the opportunity to present and discuss its alternative Route-map to yourself and relevant colleagues, including Enforcement and LDP Team members, prior to finalisation of your report to the Development Management Sub-Committee. Other than the period from 23rd December to 4th January, Community Council members are likely to be available for a virtual meeting.*

## **Annex: CRAMOND & BARNTON COMMUNITY COUNCIL'S ALTERNATIVE ROUTE-MAP**

### **FOR BRIGHOUSE SITE**

#### **Context**

*Without going into all issues and the long history of the site, some key factors appertaining to the development of the former Cramond Campus site are -*

*a. Current planning conditions are, and have long been, unenforceable.*

*b. AMA have had 17 years to find operators for a sports complex, but failed to do so (reasons include: intended high levels of charges on sports users, time limited clawback due to University on uplift in land values following any revenue-generating development of site). It is believed that AMA's primary objective is the development of further housing on the site and that they have persistently abused the planning system through attrition.*

*c. AMA's statements on establishing a Company with £1m capital to support maintenance of sports facilities cannot be verified.*

*d. AMA have deposited demolition and other debris across the site, increasing costs of new sports pitches and effectively rendering much of the ground derelict.*

*e. AMA have continually failed to comply with conditions regarding the provision of sports facilities and destoning, levelling and grassing of the site.*

*f. As a result of the above, the community has no confidence that AMA will find a sports facilities operator in the short-/mid-terms - especially given likely post-Covid and*

financial contexts. The community's discussions with sports interest have shown that none can meet the financial commitments required to develop and support formal sports facilities (e.g. pitches or courts) on the site along with built facilities (e.g. changing facilities)

g. There have been no approvals for development on the site owned by AMA other than the completed housing on the northern section of the site. AMA continue to use a vacant and undeveloped part of the site unlawfully for unsightly storage buildings and storage yard.

h. Consultations with the neighbouring community support CBCC's assessments that the local community's priorities lie with the provision of public amenity and activity greenspace (e.g. casual exercise, informal sports, play space and provision for Cramond Primary's needs) and landscape and biodiversity enhancement, rather than formal sports facilities - especially those serving commercial clients from outwith the local area. This is consistent with the needs assessment and policies in the Council's '2020 Open Space Strategy', its promotion of active citizens and tackling obesity, and the developing National Planning Framework.

Route-maps for future planning of the Brighthouse site

AMA's 'Proposed Route-Map' paper (Nov. 2020) suggests that -

i. If a sports solution is to be achieved, a further 5 years would be required to secure a partner, develop and implement proposals

ii. A review should be taken after 2 years, and if AMA fails to identify a sustainable sports scheme, it should discuss alternative options with CEC and the community.

iii. Quarterly up-dates should be provided through a Review Group of key stakeholders.

CBCC considers that i. and ii. are disingenuous, as AMA has already had 17 years and failed to achieve these objectives.

Having made no progress over the past 17 years, as demonstrated above, local residents and the wider community have little or no confidence that AMA will deliver a sustainable sports scheme and suitable partners, and improvements to the amenity of the entire site, including provision of much needed, community-oriented, greenspace. Hence, CBCC rejects the elements illustrated in the left-hand column of AMA's proposed Route-Map diagram -

Years 1 and 2: Activities to identify a sports facilities operator(s) and initial proposals

Years 3 to 5: Develop and implement sports facilities to operational stage.

CBCC's proposed route-map (overleaf) contrasts AMA's proposed approach with the desired approach of the community, but excludes the column in their table devoted to the delivery of sports facilities, for the reasons stated above.

Year AMA's Proposed Route-Map 'If no development partner/sports potential is identified' (summary) Community Council's Proposed Route-Map

1 New advertising/marketing for sports provision January/February, 2021: CEC withdraws the planning condition requiring sports provision, as this is unenforceable.

By March, 2021: AMA be required to identify any shortfalls in capital and revenue funding required to support the provision and management of agreed community greenspace, after taking account of revenues from sales of completed houses reasonably attributable to undertaking to provide sports facilities. Further, AMA must provide accounting for the £1m reported to have been invested in the management company it created to maintain sports facilities.

By June, 2021: CEC completes preparation of a new Planning Framework for all vacant and undeveloped land within AMA's ownership in partnership with AMA and the community. This Framework should give priority (including in terms of location and gross area) to -

- providing public activity greenspace
- landscape and biodiversity enhancement
- protecting the values of the adjacent Special Landscape Area and Local Nature Conservation Site

*in addition to identifying potential sites for, and types of informal sports, residential or related development, which may be acceptable and sustainable.*

*By end-July 2021: If no agreement is reached on the way forward, CEC serves an Amenity Notice on AMA. This should require ground preparation, greenspace and informal activities provision and landscaping and biodiversity enhancement over all of the site not identified for built development in the Planning Framework.*

*AMA begins to develop planning proposals.*

**2 Continued marketing.**

*Engage with interests on sports proposals Proposals for site progressed by AMA/other developer through planning process and in consultation with community and other stakeholders.*

*Details of proposals and progress to be reported bi-monthly.*

*If an Amenity Notice is required, AMA must fulfil its requirements by March 2022.*

*Otherwise, CEC undertakes remaining works at AMA's expense.*

**3 Consult on options for site**

*Work up details and progress scheme through planning process Subject to planning consent and only after all activity greenspace and landscaping has been completed, site preparation for development commences.*

**4 Progress scheme through planning process Construction and marketing of development**

**5 Commence site enhancement, greenspace provision and development**

*Notes Programme driven by AMA*

*No proposals for improvements to site in years 1-4.*

*Planning Framework driven, and greenspace and amenity improvements ensured, by CEC.*

*Greenspace and other amenity improvements are achieved by year 3, if Planning Framework progressed, or by year 2, if Amenity Order is required.*

*Site works can start by year 3 or earlier, if greenspace and amenity improvements are completed earlier.*

## **Roads Authority Issues**

*No objections to the application.*

## **Sportscotland - response dated 09/10/2020**

*Response from sportscotland*

*Condition 1 of the 2013 planning permission states:*

*Prior to the occupation of the completed housing, the 3.357 hectare area highlighted on drawing number CS- PL- (MP1) 100 shall be temporarily seeded to the agreed grass seed mixture for a period of up to 5 years from the date of this approval. Thereafter, the approved sports pavilion and sports pitches shall be laid out and fully operational within 1 year of this end date*

*Reason: In the interests of visual amenity.*

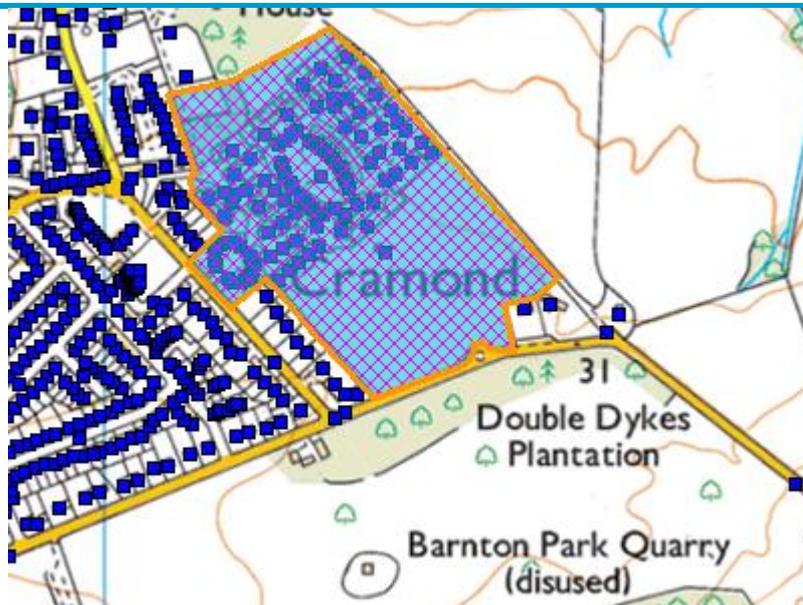
*The applicant seeks to extend the timescale for delivery of the sports pitch and pavilion and therefore wishes to temporarily seed the area in question for a further 5 years.*

*The delivery of the pavilion and the sports pitches is pivotal to this scheme and sportscotland are very keen to ensure that the facilities are delivered. It is therefore welcomed that the applicant has submitted a route map which details the proposed progress of the site over the 5 year period.*

*sportscotland do not object to this application.*

## Location Plan

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## Development Management Sub Committee

Wednesday 17 February 2021

**Application for Planning Permission 20/00486/FUL  
at 5 - 6 Marshall's Court, Edinburgh, EH1.  
Development of 25 new residential flats, cycle parking  
provision, associated works and infrastructure (as  
amended).**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

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The proposal is aligned with the policies within the Edinburgh Local Development Plan. The principle of the use is acceptable, there is no unacceptable adverse impact on neighbouring amenity and the accommodation will provide a good standard of amenity for future occupiers. The mix of units is accepted given the constraints of the site and the provision of an off-site financial contribution for affordable housing is justified here. Zero car parking is supported and the proposal has been designed to prioritise active travel and meets the requirements of the Edinburgh Design Guidance. The proposal will provide contemporary residential accommodation within the city centre and contribute towards maintaining a sustainable residential community. The building will provide an acceptable setting to the listed buildings and the regeneration of this vacant site, with a high quality design, will enhance the character and appearance of the New Town Conservation Area. There are no material planning considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LEN09, NSG, NSGD02, OTH, CRPNEW, LDPP, LDEL01, LDEL02, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN01, LEN03, LEN06, LEN08, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA02, LTRA03,

# Report

## **Application for Planning Permission 20/00486/FUL at 5 - 6 Marshall's Court, Edinburgh, EH1. Development of 25 new residential flats, cycle parking provision, associated works and infrastructure (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site covers an area of 0.07ha and is rectangular in shape, lying to the east of Marshall's Court and west of Greenside Row. The site is within the City Centre as defined in the Edinburgh Local Development Plan and has been vacant for several years. The tenements to the north are A listed (ref: LB28335). The predominant building materials within the area are stone, brick and slate.

Calton Hill is to the south of the site and Blenheim Place and Leith Walk to the north and east. To the west is the Omni Centre and Edinburgh Playhouse. The site slopes downwards to the north and up to the west with a steep slope connecting the Greenside area with Leith Walk. The surrounding area has a mix of uses including hotels, office and residential and form part of a wider mix within the city centre.

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**

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#### **3.1 Description of the Proposal**

The application is for detailed planning permission for a residential housing development comprising 25 flats with associated landscaping/public realm works.

The scheme represents a mix of sizes ranging from one bedroom to three bedrooms. Details of the mix are as follows:

1 Bedroom: 4  
2 Bedroom: 18  
3 Bedroom: 3

The accommodation will sit within a single flatted block with deck access to the flats at the upper levels on the Marshall's Court side. The height of the block is four storeys and fifth floor accommodation incorporated within the mansard roof. Brick is the predominant building material and zinc used at the roof level.

Zero car parking is proposed on the site and 54 cycle parking spaces are to be provided.

### Scheme One

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

- the number of units have been reduced from 26 to 25;
- the roof form has been revised to form a traditional roof type;
- the building length has been reduced to enable access to Greenside End parking spaces;
- the northern gable windows have been omitted and a projection included to avoid overlooking;
- slot windows have been incorporated on the southern gable to address the street;
- communal and private roof terraces have been omitted; and
- other minor changes.

### Supporting Information

The following documents were submitted in support of the application:

- Affordable Housing Statement;
- Archaeological Evaluation;
- Daylight/Sunlight Report;
- Design and Access Statement;
- Drainage Strategy Report;
- Flood Risk Assessment
- Planning Statement;
- Views and
- Sustainability Statement.

## **3.2 Determining Issues**

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

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

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

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- a) the 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 mix of units and level of affordable housing are acceptable;
- e) the proposal provides an acceptable level of amenity for future occupiers and existing neighbours;
- f) the transport, access and parking arrangements are acceptable;
- g) the impact on infrastructure is acceptable;
- h) the proposals affect trees and biodiversity;
- l) there are any other material issues and
- J) representations raised issues to be addressed.

#### a) Principle

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 Hou 1 Housing Development supports the delivery of housing on suitable sites within the urban area.

Residential accommodation will strengthen the residential population within the city centre, enhancing the vitality of the area and supporting local amenities. Therefore, the proposal is compatible with policies Del 2 and Hou 1 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 to the south of the category A listed tenements at 6 - 10 Blenheim Place and 2 - 3 Greenside End. The tenement is a symmetrical classical tenement range with flat roof, single storey to Blenheim Place and steep five storey drop to the rear. The tenements are characterised by their stone façades and classical architecture. The listed buildings are primarily viewed and appreciated from Blenheim Place. As the proposed building is set 13m back from Blenheim Place and with a modest increase in height there is no impact on the setting of the listed building from this view and the character of the building will be maintained.

The proposed scheme will affect the setting of the rear elevation of the listed buildings. The rear elevations are plain in design with regular window fenestration comprising six over six window formation with hard landscaping within the curtilage. This site historically contained buildings and its redevelopment offers the opportunity to strengthen the historic grain and resolve an unsightly area of land. The proposed scheme will provide a sympathetic setting to the rear elevation of the listed buildings. The building is set back around 13m from the listed buildings and maintains their setting. Private views of Calton Hill will be interrupted by the development on the site, however, private views are not protected. Historically, the building on the site would have had a similar impact on private views. The proposed residential block will form a plain elevation that does not detract from the character or setting of the listed building.

## **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 site has been cleared for a significant period and detracts from the character and appearance of the New Town. Whilst the New Town itself has been well preserved, there are several contemporary interventions within the Greenside area including the Baxter's Place hotel extension, Omni Centre and contemporary office developments. The proposed scheme, with its architectural language and materiality sits comfortably within this part of the conservation area. The traditional mansard roof form design featuring dormers pick up on the heavily articulated roofscape of the surrounding area.

The material palette including brick compliments the existing use of brick in this part of the New Town with the tone of the brick referencing the sandstone character of the wider New Town. The solid to void ratios, window patterns replicate a similar pattern to the traditional tenement patterns.

The proposal will reinvigorate this site and contribute towards the re-establishment of the tight knit character of the Greenside area. The changes will enhance the site's relationship with the street and appearance in local views. The character of the area is formed of a mix of uses and the use as residential site will contribute towards a balanced mix of uses within the conservation area and have a positive impact on the mixed-use character of the area. The scheme demonstrates a high standard of design and utilises appropriate materials within the historic environment and will enhance the character and 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 visible within views from Calton Hill. Edinburgh World Heritage has been consulted and consider the proposal to have a harmful impact on the Outstanding Universal Value of the World Heritage Site in terms of the design, height and understanding of secondary street hierarchy of heights in the New Town. Whilst higher than the original building on the site, this proposal will maintain the character of the Calton Hill valley. Although secondary streets within the New Town generally sit lower than primary streets, in this case the character of the area has been changed through contemporary interventions of a higher scale. The street no longer reads as a back street lane and accordingly a higher building is acceptable. 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 proposed scheme will not be prominent with the key view to the site from Calton Hill. The proposed changes have responded sensitively to its surroundings, integrating a contemporary development 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

Policy Des 1 Design Quality and Context, Des 2 Co-ordinated Development, Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features, LDP Policy Des 4 - Development Design - Impact on Setting , 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, footpaths and open space. Layouts should incorporate and enhance existing features contributing towards a sense of place. The layout should connect with the wider network and encourage walking, cycling and support public transport. Policy Hou 4 - Housing Density seeks an appropriate density having regard to the characteristics of the area and creating an attractive residential environment.

## **Layout and Density**

The development proposes a single rectangular block flanked at either side by Marshall's Court and Greenside Row. The orientation of the buildings will face onto the existing streets providing an active frontage onto Marshall's Court and Greenside Row. Minor setbacks at ground floor level apartments provide modest defensible space. To the west elevation facing Marshall's Court the entrances to the flats are recessed by around 1m and form a defensible space from the street. The layout includes a single stair with external deck access to the upper levels.

Cycle storage access is gained from Greenside End with additional on street storage to Marshall's Court. The layout will form an urban street, the building extends the full width of the space between Marshall's Court and Greenside Row which is in keeping with the historical building width of the site. Whilst 3 Marshall's Court is narrower and steps back from the street this building is the exception along the street with most other buildings occupying the full width. The space formed to the front of 3 Marshall's Court by the setback does not contribute towards the attractiveness of the street and is an underutilised space. An active street frontage will increase activity on Marshall's Court and Greenside Row and enhance the character of the street.

The residential density equates to around 357 units/ha. The higher density reflects the efficient use of the site with no space is given over to roads or car parking. Higher densities are supported within urban area with good access to public transport. High densities are a characteristic of the city centre and therefore, acceptable in this location when compliant with other policies.

## **Height, Scale and Massing**

The character of the area is predominantly flatted accommodation between two and five storey residential buildings. The hotel extension to Baxter's Place is the tallest building on the street and is around six storeys with a seven-storey set back. The surrounding flats are of a traditional design utilising traditional building materials. This proposal is four storeys with fifth floor accommodation incorporated within the roofscape and dormer windows. The proposed maximum height of the proposal is around 16.5m at the north elevation, which sits higher than the residential accommodation to the north and buildings to the south. However, as the section drawing shows the proposal sits around 5.5m lower than the Marriott Hotel to the west and office to the south and maintains the valley character of the street. This maintains the relationship between Leith Street and Calton Hill, maintaining the valley setting to Calton Hill. The overall height of the building is similar to the properties at Blenheim Place when considered from the rear with this proposal around 1.5m taller. Overall, in the context of the neighbouring buildings the proposal sits comfortably within its surroundings and will not have a detrimental impact the character of the area.

The massing of the scheme has been broken up on the east elevation facing Calton Hill through the rhythm of the window pattern, recessed downpipe guttering and dormers forming an articulated roofscape. These elements assist in reading the verticality of the proposal and maintain a rhythm that replicates traditional tenement vernacular. The north elevation facing Blenheim Place has a projecting pop-out maintaining privacy for the residents of Blenheim Place and reduces the overall mass of the elevation through providing an interesting design feature.

The massing on the east elevation on Marshall's Court has attempted to replicate the rhythm of the Greenside Row elevation through the incorporation of recessed downpipes and patterned brick detail. The southern gable has incorporated slot windows that reduces overall mass of this elevation and provides a welcoming reception to the street.

The applicant has submitted views that demonstrate that the development will sit comfortably within the wider townscape. Analysis of key views shows that proposed buildings sit comfortably within the view from Calton Hill and the view from Marshall's Court forming a close-knit urban street within this historic street. The proposals have been designed to ensure that the characteristics of this view, such as traditional roofs and the roofscape, are maintained.

## **Design and Materials**

The gable elevation to the north has been designed to provide an attractive setting to the listed buildings without any direct overlooking. The projecting gable provides an interesting design feature maximising access to light and outlook whilst avoiding overlooking the neighbouring properties. The south-east elevation has a strong verticality in its arrangement with windows and downpipes used to emphasise this. The south west elevation whilst not read directly in conjunction with the south east elevation has attempted to replicate some of its key features and verticality.

The roof has been designed to create a traditional looking mansard form to reflect the site's position within the conservation area, world heritage site. This roof form is in-keeping with the historic proportions and rhythms of the surrounding roofscapes when viewed from Calton Hill. Although the roof introduces a traditional form contemporary features such as full height windows have been included to provide uninterrupted views of Calton Hill.

In terms of materials, the predominant building material is brick. Whilst stone is the predominant building material within the New Town Conservation Area there are examples of brick used within the Greenside area included Baxter's Place hotel extension or the rear of the Edinburgh Playhouse. The abutting building has a dark render finish and the type of brick has been chosen to compliment the colour of sandstone buildings prominent within views. Accordingly, in this site, the use of brick is acceptable. Zinc cladding will be used on the roof which has been used successfully on other sites within the world heritage site to work well with its historic surroundings with stone copes over the brickwork of the parapet. Overall, these materials are acceptable. Therefore, the proposal complies with policies Des 1, Des 2, Des 3, Des 4, Des 7, Des 8 and Hou 4 of the LDP.

### **d) Housing Mix and Affordable Housing**

LDP Policy Hou 2 - Housing Mix requires a mix of housing types and sizes on suitable sites. The EDG stipulates that internal space standards should be at least 52 square metres per one bedroom unit, 66 square metres per two bedroom unit and 81 square metres per three bedroom unit. All units within the scheme meet or exceed the internal space standards.

The Edinburgh Design Guidance requires residential schemes to include 20% family housing classed as three bedrooms or more. This proposal includes only 12% and is a minor infringement of the guidance. However, given the constraints of the site, including sitting within a steep valley and lack of private amenity space on site, it is not considered to be an attractive site for growing families. The residential accommodation is likely to be more attractive to younger couples. Accordingly, in these exceptional circumstances an infringement in the guidance is acceptable and will make a positive contribution to the residential accommodation within this city centre.

The residential accommodation has been designed to facilitate access across all levels with access to the upper levels by lift. Whilst, the accessibility of the wider site may be restricted to those with special needs due to the changes in level from Leith Street to Marshall's Court, the accommodation on the site is accessible and the compliance with regulations will be considered as part of the building standards process. The wider accessibility issues regarding the change in levels cannot be dealt with through this application.

### **Affordable Housing**

Policy Hou 6 Affordable Housing of the LDP requires developments of 12 or more units to include provision for affordable housing amounting to 25% of the total number of units proposed. There is a requirement for 6.25 units on this site.

The applicant has explored all means of providing onsite affordable housing however, the site constraints, high build costs and market value have made this unviable. Instead, the applicant is to provide a commuted sum towards the provision of affordable housing of £325,000 to be secured through a S75 legal agreement. The sum will be used to deliver affordable housing within the local area (within the same or adjacent ward). Housing Management and Development accept that payment of a commuted sum can be justified and the equivalent to 25% on site provision. Therefore, the proposal complies with policy Hou 2 and Hou 6 of the LDP and will make a contribution to affordable housing needs.

### e) 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. Policy Hou 3 Private Green Space in Housing Development requires a minimum of 20% of the total site area should be useable communal greenspace.

The applicant has demonstrated that the level of daylighting to the proposed development and the impact on neighbouring properties is acceptable. The existing windows were assessed by Vertical Sky Component (VSC) and showed minimal impact to the neighbouring properties. All habitable rooms in the proposed development meet the right to light criteria and therefore, adequate daylight is maintained to the existing neighbouring properties and will be achievable for the proposed properties. 96% of properties will be dual aspect enhancing the internal amenity of the proposed flats.

No communal greenspace and will be provided due to the constrained nature of the site within a tight-knit urban area. Opportunities for open space were limited to roof level however, this would be detrimental to impact on built heritage considerations and in this instance, it was determined that a traditional roof form was an appropriate response to the site's historic context. Although no open space is provided on the site, there is direct access to Calton Hill for future residents. The applicant has agreed to make a financial contribution through the S75 agreement to upgrade access to Calton Hill from Greenside Row by resurfacing the top level path and funding replacement Caithness paving. Therefore, in this particular case, the contribution to enhancing existing neighbouring green space compensates for no on-site provision and meets the requirements of policy Hou 3 Private Green Space in Housing Development, Env 18 Open Space and is considered reasonable in relation to the development.

In terms of privacy, the proposed flats are set sufficiently back from the existing properties at Blenheim Place with no direct overlooking. The proposed ground floor flats incorporate a buffer zone between public spaces and the façade is created by the formation of privacy planting. The proposals therefore, comply with policy Hou 3 and Des 5 and will provide a high level of internal and external amenity.

#### f) Transport

The scheme has been assessed against policies Tra 2 - Private Car Parking, 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.

Zero car parking provision is being provided on the site. There is no minimum standard for car parking within zone one and in highly accessible locations such as the city centre zero car parking on site is encouraged. Cycle provision of 54 spaces is provided with a mix of internal secure cycle stores and some visitor cycle parking on-street. The Roads Authority was consulted and raised no objections and the proposals comply with policies Tra 2 and Tra 3.

#### g) 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.

### **Transport**

The site is within 0m - 250m of tram line 1 and therefore, within the Zone 1 contribution zone as defined in the Developer Contributions and Infrastructure Developer Delivery Supplementary Guidance. The applicant is required to contribute the net sum of £62,071 towards the tramline. and will be subject to a S75 legal agreement.

## **Education**

The Council's Action Programme identifies the need for additional secondary school capacity and primary school classes. Communities and Families provided a consultation response which sets out the level of developer contributions required for this proposal which falls within Sub-Area D-1 of the 'Drummond Education Contribution Zone' within the Developer Contributions and infrastructure Delivery Supplementary Guidance. The assessment was based on 21 residential flats (excluding one bedroom flats), using the established 'per flat' rates for that zone. The total land contribution required is £17,976.

A S75 legal agreement is recommended as the suitable method of securing this contribution and ensuring the scheme complies with policy Del 1. The applicant has confirmed acceptance of the proposed contributions.

### h) Other Matters

## **Flooding and Drainage**

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposals meet the Council's requirements. SEPA has no objection to the application. The proposal is acceptable in terms of flood risk, drainage and surface water management requirements and complies with LDP Policy Env 21 Flood Protection.

## **Waste**

An acceptable waste strategy is to be agreed by Waste and subject to a condition.

## **Archaeology**

Policy Env 9 Development of Sites of Archaeological Significance permits development where no significant archaeological features are likely to be affected or the benefits of the proposed development outweigh the importance of preserving the remains in situ. Where sites are of archaeological significance the applicant will be required to undertake a programme of works including excavation, recording, analysis and publication of the results. The site was historically used as part of the Greenside (Rude) Chapel and therefore, of archaeological significance. Accordingly, a condition has been included to secure a programme of archaeological works agreed with the City of Edinburgh Council.

## **Contamination**

Policy Env 22 Pollution and Air, Water and Soil Quality permits development where there will be no significant adverse effects on air, soil quality, quality of the water environment or on ground stability or appropriate mitigation to minimise adverse effects can be provided. The applicant has submitted a basic level of site investigation, however more information is required.

Accordingly, a condition has been included requiring further site investigation with remedial or protective measures if required before work is undertaken on site and ensure the site is made safe for the proposed use of the site.

#### i) Public Comments

Comments on scheme are as follows:

#### **Material Comments - Objections**

- uses; this is addressed in section 3.3 a)
- built heritage; this is addressed in section 3.3 b)
- height; this is addressed in section 3.3 c)
- layout; this is addressed in section 3.3 c)
- density; this is addressed in section 3.3 c)
- mass, scale, design; this is addressed in section 3.3 c)
- disabled access; this is addressed in section 3.3 d)
- amenity; this is addressed in section 3.3 e)
- open space; this is addressed in section 3.3 e)
- traffic and parking; this is addressed in section 3.3 f)
- waste; this is addressed in section 3.3 h)

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

- parking permits;
- building standards issues;
- construction process;
- non-compliance with approved use;
- private views;
- references to other planning permission reports and
- maintenance.

#### **Community Council**

The New Town and Broughton Community Council requested to be a statutory consultee and objected to the application on the following grounds:

- layout; this is addressed in section 3.3 c)
- height, scale and form; this is addressed in section 3.3 c)
- amenity; this is addressed in section 3.3 d) and
- access and parking; this is addressed in section 3.3 e).

#### Conclusion

The proposal is aligned with the policies within the Edinburgh Local Development Plan. The principle of the use is acceptable, there is no unacceptable adverse impact on neighbouring amenity and the accommodation will provide a good standard of amenity for future occupiers. The mix of units is accepted given the constraints of the site and the provision of an off-site financial contribution for affordable housing is justified here.

Zero car parking is supported and the proposal has been designed to prioritise active travel and meets the requirements of the Edinburgh Design Guidance. The proposal will provide contemporary residential accommodation within the city centre and contribute towards maintaining a sustainable residential community. The building will provide an acceptable setting to the listed buildings and the regeneration of this vacant site, with a high quality design, will enhance the character and appearance of the New Town Conservation Area. 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. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
3. Prior to the commencement of construction works on site:
  - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

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

4. Details of an acceptable waste management plan are to be submitted and approved by the planning authority prior to the commencement of development on site.

5. Details of the hard and soft landscape treatment of the site, including surface treatments and planters, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. The development shall be undertaken in accordance with the approved details, prior to its first occupation.

**Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.
3. To safeguard public safety.
4. For the planning authority to consider.
5. In order to ensure that a high standard of landscaping is achieved.

**Informatives**

It should be noted that:

1. Consent shall not be issued until a S75 agreement has been concluded in relation all of those matters identified in the proposed Heads of Terms.

These matters are:

**Transport**

Tram Contribution Zone - £62,071 (based on 25 units within Zone 1) to the Edinburgh Tram.

**Communities and Families**

Sub-Area D-1 of the 'Drummond Education Contribution Zone' - £17,976.

**Affordable Housing**

Commuted sum equivalent to 25% on site provision (£52,000 x 6.25 units units) - £325,000.

**Parks and Greenspace**

Greenside Row footpath works - £17,272.

Caithness paving installation - £8,694.

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

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

## **Financial impact**

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

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

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

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been considered and has no impact in terms of equalities or human rights. The site is accessible via a steep slope or steps that may reduce accessibility. However, this cannot be addressed through this application.

## **Sustainability impact**

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

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

## Consultation and engagement

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### 8.1 Pre-Application Process

Pre-application discussions took place on this application.

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

The application was publicised on the weekly list of applications on 10 February 2020. Neighbours were notified of the application on 5 February 2020 and 21 days were allowed for comments. The proposals that formed Scheme 1 received 24 objections, including a petition with 31 signatories and one general comment.

Neighbours were re-notified on 8 October 2020 to allow for comments to be submitted on revised plans and further information for Scheme 2. Scheme 2 received 21 objections including a petition with 31 signatories.

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

### Background reading/external references

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

## Statutory Development

### Plan Provision

Edinburgh Local Development Plan

### Date registered

3 February 2020

### Drawing numbers/Scheme

01 - 02, 03A - 09A, 10 - 12,

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

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### Relevant Policies:

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.

### Relevant Non-Statutory Guidelines

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

### Other Relevant policy guidance

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

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

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

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

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

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

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

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

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

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

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

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

# Appendix 1

## **Application for Planning Permission 20/00486/FUL At 5 - 6 Marshall's Court, Edinburgh, EH1 Development of 25 new residential flats, cycle parking provision, associated works and infrastructure (as amended).**

### **Consultations**

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#### **Scottish Water - response dated 11/02/2020**

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

#### *Water*

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

#### *Foul*

*o This proposed development will be serviced by EDINBURGH PFI Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link [www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)*

*The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

#### *Infrastructure within boundary*

*According to our records, the development proposals impact on existing Scottish Water assets.*

*The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).*

*The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.*

### *Scottish Water Disclaimer*

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

### *Surface Water*

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

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

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

### *General notes:*

*o Scottish Water asset plans can be obtained from our appointed asset plan providers:*

*Site Investigation Services (UK) Ltd Tel: 0333 123 1223*

*Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk) [www.sisplan.co.uk](http://www.sisplan.co.uk)*

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

*o If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.*

*o Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.*

o The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

o Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

**Next Steps:**

o **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre- Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

o **10 or more domestic dwellings:**

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

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

o **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

o **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using

the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

*Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.*

*For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.*

*The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)*

*If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).*

## **Archaeology - response dated 12/02/2020**

*Further to your consultation request I would like to make the following comments and recommendations concerning the above application for development of 26 new residential flats, cycle parking provision, associated works and infrastructure.*

*The site lies to the rear of Baxter's Place at the foot of Calton Hill. Historically the site formed part of the grounds associated with Greenside (Rude) Chapel established in the mid 15th century and which became a leper hospital in the 1590's. The hospital appears to have continued until around 1650 and it and the chapel were surrounded by a graveyard, remains of which were discovered in 2009 during Tram works in London Road and possibly during the construction of the green-side place carpark in the 1980's. The site was abandoned until redeveloped in the 18th/19th century.*

*Accordingly, this building and site is regarded as being of archaeological significance. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*Given the archaeological significance of the site a programme of pre-determination evaluation was carried out in 2019 by AOC Archaeology. The results (see accompanying AOC report 24983) demonstrated that archaeological remains do survive on site, including a well, dating to the 18th/ 19th centuries though no evidence for earlier chapel/hospital remains were positively identified.*

*The proposals will require significant ground works during construction which will affect the surviving 18/19th century remains, but which may disturb earlier archaeological remains (including possibly human remains) associated with former 15th-17th century Greenside (Rude) Chapel & Hospital. It is therefore considered that this scheme will have some low but potentially significant localised archaeological impacts. It is recommended therefore that a programme of archaeological work is undertaken prior to development to fully excavate and record any buried remains affected.*

*It is recommended that the following condition is attached to any granted permissions to ensure that this programme of archaeological works is undertaken prior to construction.*

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

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

### **Communities + Families - response dated 13/02/2020**

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

*In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).*

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

#### **Assessment and Contribution Requirements**

**Assessment based on:**

**16 Flats (10 one bedroom / studio flats excluded)**

**This site falls within Sub-Area D-1 of the 'Drummond Education Contribution Zone'.**

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

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

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

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

*Total infrastructure contribution required:  
£13,696*

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

### **Communities + Families - response dated 17/11/2020**

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

*In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).*

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

#### **Assessment and Contribution Requirements**

*Assessment based on:*

*21 residential flats (4 one bedroom/studio flats excluded)*

*This site falls within Sub-Area D-1 of the 'Drummond Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.*

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

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

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

*Total infrastructure contribution required:  
£17,976*

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

### **Transport - response dated 17/02/2020**

*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 £65,286 (based on 26 residential units in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
- 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), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 3. The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A - New Build);*

*Note:*

- o Zero car parking is acceptable for residential development in this area;*
- o The proposed 60 cycle parking spaces exceeds the required provision under the Council's parking standards.*

### **Transport - response dated 30/10/2020**

*Further to the memorandum dated the 17th of February and the subsequent amendments made Transport have 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 £62,071 (based on 25 residential units in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
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), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
3. The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A - New Build);

**Note:**

- o Zero car parking is acceptable for residential development in this area due to its proximity to public transport and local services and amenities;
- o The proposed 54 cycle parking spaces meets the required provision under the Council's parking standards and the proposed split between internal and external storage is considered acceptable

**Historic Environmental Scotland - response dated 20/02/2020**

Thank you for your consultation which we received on 07 February 2020. We have assessed it for our historic environment interests and consider that the proposals affect, or have the potential to affect, the following:

Ref	Name	
Designation Type 100018438	Edinburgh World Heritage Site Boundary	World
Heritage Sites LB28334	1-5 (INCLUSIVE NOS) BLENHEIM PLACE INCLUDING RAILINGS	Listed
Building LB28335	6-10 (INCLUSIVE NOS) BLENHEIM PLACE AND 2 AND 3 GREENSIDE END INCLUDING RAILINGS AND BOUNDARY WALLS	Listed
GDL00367 and Designed Landscape	THE NEW TOWN GARDENS	Garden

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

**Our Advice**

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

#### *Further Information*

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

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://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](http://www.englished.org).*

### **Historic Environment Scotland - response dated 21/10/2020**

*Thank you for your consultation which we received on 08 October 2020. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:*

<i>Ref</i>	<i>Name</i>	
<i>Designation Type</i> 100018438	<i>Edinburgh World Heritage Site Boundary</i>	<i>World</i>
<i>Heritage Sites</i> LB28334	<i>1-5 (INCLUSIVE NOS) BLENHEIM PLACE INCLUDING RAILINGS</i>	<i>Listed</i>
<i>Building</i>  LB28335	<i>6-10 (INCLUSIVE NOS) BLENHEIM PLACE  AND 2 AND 3 GREENSIDE END INCLUDING RAILINGS AND BOUNDARY WALLS</i>	<i>Listed</i>
<i>GDL00367</i> <i>and Designed Landscape</i>	<i>THE NEW TOWN GARDENS</i>	<i>Garden</i>

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

#### *Our Advice*

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

#### *Further Information*

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

*Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://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](http://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](mailto:mario.cariello@hes.scot).*

### **New Town and Broughton Community Council - response dated 10/03/2020**

*Firstly, thank you for agreeing a minor extension to allow the New Town & Broughton Community Council (NTBCC) to consider their response to this proposal in more detail. The proposal relates to the development of a block of 26 new flats on an existing gap site in the New Town Conservation Area and Edinburgh World Heritage Site.*

*NTBCC had been approached by a number of local residents regarding the application listed above and as well as meeting with residents to better understand their concerns, NTBCC accepted an invitation from those residents to present at the February NTBCC meeting.*

*Following that meeting, NTBCC then also accepted a prior invitation from the planning consultants, CBRE, to meet with them to better understand this proposal and the reasoning underpinning it.*

*NTBCC and a designated representative for the local residents met with CBRE on 26th February. A representative from EMA architects was also present. We would want to acknowledge both the pro- active contact from CBRE and the openness of the discussion during that meeting. However, despite the discussions with the planning agents and the architect, several important reservations regarding the proposal remained.*

*We are also aware that the local residents' association, the Regent, Royal, Carlton Terraces and Mews Association (RRCTMA), in support of their members, have also submitted an objection to the proposal in its current form, being concerned about the adverse impact of the development upon their amenity as a result of loss of privacy, light, over-shadowing and increased nuisance caused by the proximity of the new building.*

*We agree with the point made by the RRCTMA, as stated in their objection, that it is important to recognise the city's need to increase housing provision for residents, and that no-one is opposed to a residential development of an appropriate form, scale and height on the brownfield site at this location. We also acknowledge and accept that currently the site is poorly maintained and has essentially transmuted into a 'de facto' free parking area.*

*Whilst we understand that the recent commercial discussions between the developer and the City of Edinburgh Council Estates Dept. had indicated that a development of up to 27 units would be possible (now reduced to 26) which has dictated the height (& footprint) of the proposal, broadly, NTBCC are of the view that too much is being proposed for the site in terms of both footprint and height.*

*Regarding the specifics of the proposal, NTBCC have concerns with the following aspects :*

### *Height*

*NTBCC's view is that the 5 storey proposal is incompatible with the buildings both adjoining and adjacent in Greenside End and Greenside Row. Many residents have indicated that a more appropriate height for the development would be a maximum of three storeys (vs. the 5 storeys proposed). Numerous buildings within the vicinity are only three storeys high, and we are aware that the Planning officer's report for the development at 11 Marshall's Court (06/02317/FUL) recognised the possibility of there being future development on the current application site but also stated that the "land is in Council ownership and is to be sold as part of the Fit for Future project. The site may be suitable for residential use, for small-scale business use or a combination of both, up to three storeys in height" (p3 of the Development Quality Sub-Committee of the Planning Committee report for 06/02317/FUL).*

*However - given current floor - ceiling height requirements vs. those in earlier period buildings and the geometry of the proposed new building (stepped back flat-roofed design vs. pitched roof - it may be possible to incorporate an element of 4 storeys in the development (but still being stepped back towards Greenside End).*

### *Footprint*

*The footprint of the development is, in our view, larger than appropriate for the site. Although we understand from discussions with CBRE that the footprint has been reduced marginally from the initial proposal, the width of the proposed building is beyond that of the abutting building at 3 Marshall's Court. This appears slightly incongruous and lacking harmony with the existing tenement at 3 Marshall's Court. It also results in a reduced pavement width (p 47 of the Design and Access Statement) which is regrettable.*

*Whilst we are not entirely clear as to which sections of the current access road are adopted (& hence should meet Edinburgh Council guidance as to pavement width etc.), this impact on both the access amenity of the proposed and existing buildings is a concern.*

*NTBCC believe that it would be more appropriate for the development to match the width of 3 Marshall's Court, consistent with the requirements of LDP Policy Des 4 ('Development Design - Impact on Setting') and to LDP Policy Des 5 ('Development Design - Amenity').*

### *Overshadowing / Privacy*

*The proposed five storey building would result in a considerable loss of sunlight and daylight to residents at Greenside End and Blenheim Place. The proposed minimum distance between the feature gable-end of the new building and Greenside End is approximately 9 metres only (as a minimum, acknowledging that due to the slight offset in orientation, this is slightly more in places). It was stated to NTBCC that this is consistent with Edinburgh Council non-statutory guidance for minimum distances between adjacent gable ends. However, we are aware that the current CEC (non-statutory) 'Guidance for Householders' state a minimum distance requirement between building facades to be 18 metres. The impacted properties in Greenside End are mostly (if not all) single aspect and as such, we would expect that these minimum distance requirements should apply between buildings, being approximately 18 metres.*

*This reduction in building spacing requirements will have a significant and detrimental impact of existing residents within Greenside End.*

*We are also aware of the discussions that have been had regarding the inclusion (or otherwise) of slit feature windows in the new building gable end, facing Greenside End. . We also understand that as the apartments in the new building are dual aspect, these feature windows could be removed.*

*However, our preference would be stricter adherence to the building spacing requirements (being 18 metres & not the 9 metres minimum proposed) which would lessen the impact of overlooking from these feature windows.*

#### *Access / Parking*

*While NTBCC recognise the positive ambitions of initiatives that aim to reduce car ownership in the city, we are concerned at the lack of 'set down' spaces for activities such as deliveries, house moves, emergency response vehicles, taxi pick-up/drop-off, and more, all require appropriate vehicular access and short term parking. It is likely that residents in a car-free development will be more frequent users of such services. We were also surprised that there appears to be no mention of Car Club provision within the development site as we would anticipate there being a higher demand for such a facility - ideally complete with electric vehicle charging points.*

#### *Noise disturbance*

*The proposed location - being at the lower point of the valley will result in noise being generated from external terraces (as proposed) will be reflected off surrounding buildings - resulting in noise being an impact on amenity of adjacent residents. As far as we understand, the inclusion of the roof terraces was deemed necessary to meet the requirements for accessible open space for the residents within the new development.*

*However, there is public access from the development onto the lower reaches of Calton Hill and hence we would question if the issues that may emanate from the open and accessible roof terrace in terms of noise etc. may outweigh the requirement for accessible open space.*

*We would also acknowledge that in the discussions with CBRE, they indicated that there may be other improvements that could be made to the roof terraces (in terms of a reduction in size - pulling it away from the properties in Greenside End, coupled with*

improved screening). However, our preference would be to have inaccessible (but green / sedum) roofs.

*In summary, we consider the site in question a suitable choice for the development of flats, however at present the proposed overall scale of the building is too large. Additionally, the surrounding area would benefit from the application being reduced in height by at least one storey to better match, respond to and be more in harmony with the surrounding buildings, in particular, 3 Marshall Court and the properties in Greenside End.*

*As stated, we are of the view that the proposals contravene Policy Des4 'Development Design - Impact on Setting' which requires the proposal to have "a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views" - we do not believe that this application achieves that in its current form.*

### **Environmental Protection - response dated 23/04/2020**

*I refer to the above and would advise that Environmental Protection has no objections to the proposed development.*

*The application proposes to develop 26 new residential units with no car parking.*

*The application has included a basic level of site investigation information in support of the application however more information is required prior to the applicant being in a position to develop the site. Therefore, a condition is recommended to ensure that the site is made safe for the proposed end use.*

*The application proposes zero car parking spaces. The site is situated in central Edinburgh, feeds into the central Edinburgh air quality management area and has excellent public transport, cycling and walking links. Therefore, zero car parking is strongly supported by Environmental Protection to reduce the possibility of any further traffic related air quality impacts from occurring.*

*Therefore, Environmental protection would offer no objections subject to the following condition:*

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

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

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

## **Edinburgh World Heritage - response dated 22/10/2020**

*Thank you for consulting Edinburgh World Heritage regarding the above application. We offer the following comments to the formal submission, which we hope you find helpful in determining the application.*

*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 summarised in our previous response of March 2020, the proposals touch on a number of elements of OUV - principally Calton Hill, topography, classical, set pieces, and the rhythm of the New Town. In many respects the issues are similar to those encountered with past proposals for Calton Road.*

*Calton Hill and Topography: At the point of inscription of the WHS, the site was vacant, having been cleared in the 1960s. The site is at a low point in the valley between Calton Hill and Multrees Hill (on which the St James Centre was placed).*

*Classical set pieces: Nearby Blenheim Place was kept deliberately low in order to allow a sense of the valley and for the hill to remain prominent, with a gap in the built forms between this terrace, Greenside Church and Royal Terrace. The office building inserted into this space (pre-inscription of the WHS) was deliberately kept low and recessed. Blenheim Place is part of a wider classical set-piece, forming the base of the handsome Ionic portico that turns the corner from Leith Walk to the west, while allowing Greenside Church to be perceived almost as a country church in a bucolic setting.*

*Rhythm of the New Town: the general pattern across the New Town, established in the First New Town, is for taller buildings on the main routes, with secondary building at a lesser scale behind. Map evidence shows that the buildings on the site were the same width as the existing buildings at 3 Marshall's Court (i.e. OS 25 Inch, 1896). Old images show low level buildings behind the tenements on Calton Road and Picardy Place, in line with the scale of the surviving historic buildings in Marshall's Court and Greenside Row. The surrounding buildings at this level of the valley are three to four storeys high.*

### **IMPACT ON OUTSANDING UNIVERSAL VALUE**

*Our previous advice on these proposals (March 2020) raised concerns regarding the proposals as follows:*

*\_&Uacute Lack of understanding of the World Heritage Site value, characteristics and resultant lack of necessary consideration in the design and height of the proposals*

*\_&Uacute Lack of information necessary to judge the impact of the proposals on the OUV of the World Heritage Site (including verified images and context showing wider urban context)*

*\_&Uacute On the basis of the limited information provided at that time, the proposals would be likely to have a negative impact on OUV, particularly due to their scale and disruption of main street/secondary street hierarchy of heights characteristic of the New Town*

*While some design amendments have been made, the current proposals remain largely the same in principle, height, massing and level of information provided. For the reasons outlined in our previous letter, we therefore continue to advise that the proposals would have some harmful impact on the Outstanding Universal Value of the World Heritage Site.*

*This level of harm could be reduced primarily by reducing the height of the proposed development by one storey. The use of historic local materials (rather than buff brick as shown in the visuals) and details would also lower the level of harm.*

#### **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):*

*\_&Uacute Duty to protect, conserve and present OUV for future generations (UNESCO)*

*\_&Uacute 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)*

*\_&Uacute The siting and design of development should take account of all aspects of the historic environment (Scottish Planning Policy, 140)*

*\_&Uacute 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)*

*\_&Uacute Ensure that the Outstanding Universal Value of the WHS is taken into account in planning decision (WHS Management Plan 2017-22)*

#### **RESULTANT POSITION**

*The proposals would constitute a level of harm to the Outstanding Universal Value of the World Heritage Site and, in line with the legislative and policy considerations outlined above, we are therefore unable to give our support to these proposals. We advise that opportunities to reduce the level of harm is explored, principally by the reduction in height of the proposed development, as outlined above.*

*As always, we advise you engage the heritage expertise within your planning department to inform the wider heritage considerations and detail of this application. We are aware of a forthcoming additional consultation for this site, and will respond to this separately where consulted.*

### **Parks + Greenspace - response dated 22/12/2020**

*I can confirm I have been fully consulted on these plans and have provided from P1 the attached quotes for the works below and am fully supportive of these planned projects to improve Calton Hill.*

- 1. Caithness stone (£8,694); To increase to 40sm the Caithness site taking away muddy desire lines and giving an exceptional viewing platform looking over the Forth and parts of Edinburgh*
- 2. Path top section (£17,272.10) To provide a much safer surface and also improved stepped section leading to Greenside.*

*The funding is from a planning application funded through the provision of the 25 units at Marshall's Court to compensate for no on-site open space provision.*

*I have also attached photos of the site to get the Caithness upgrade and also photo of the top section of steps and pathway to be upgraded.*

### **Affordable Housing - response dated 22/01/2021**

#### **DEMOLITION OF EXISTING HOUSE AND ERECTION OF NEW RESIDENTIAL**

##### **1. Introduction**

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

*Housing Management and Development are the statutory consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).*

- o Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.*
- o 25% of the total number of units proposed should be affordable housing.*
- o The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:*

*<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>*

##### **2. Affordable Housing Provision**

*This application is for a development of 25 flats of one, two and three bedrooms. There is an affordable housing requirement for 6 units (25%) to be an approved affordable housing tenure.*

*The application was first submitted in February 2020. There has been extensive discussion with the applicant to try and find a way to secure on-site affordable housing, but all approaches to on-site delivery have been discounted for the reasons set out below.*

- o Delivery by a Registered Social Landlord (RSL)*

*The applicant engaged with RSLs at an early stage to explore the potential for on-site delivery as either social or mid-market rent, however this was not viable or feasible for the following reasons.*

*It was not possible to include a dedicated stairwell and entrance for the six affordable units as it is a small, contained site with existing buildings close by. RSLs will generally look to consolidate ownership of affordable homes within a single stairwell to avoid ownership, management and maintenance issues. In addition, access to on-site affordable units would be challenging for some potential occupiers as the site is at the bottom of a steep slope.*

*It should be noted that even if the applicant had been able to identify a RSL to deliver on-site affordable housing, the build costs will be markedly higher than what an RSL would typically be able to finance. This is due to the building abutting an existing property, the topography and the requirement for materials appropriate to its location in the World Heritage Site. The applicant has suggested that the construction cost per unit could exceed £200,000. RSLs build costs are approximately £130,000 per unit. The funding gap that would have to be bridged to deliver six affordable homes would be highly significant (potentially more than £400,000).*

- o Low-Cost Home Ownership (Golden Share)*

*Golden Share is a form of unsubsidised low-cost home ownership where units are sold at 80% of market value. The Council's guidance on 'Affordable Housing' states that the purchase price of a home when based on 80% of market value should not exceed £214,796 for it to be 'affordable', and properties approaching this value are expected to have three bedrooms.*

*The estimated sales values of the proposed units have been independently verified by the Council's Estates Team. The two-bedroom and three-bedroom units are expected to be priced above £214,796 even at 80% of market value. The price of the one-bedroom unit would be close to this price. The estimated sales values make 'Golden Share' an unviable affordable housing delivery model.*

- o Intermediate Rent*

*The delivery of on-site affordable homes as 'intermediate rent' was considered when the entire development was to deliver homes for rent, but this was discounted when the*

*scheme became a more traditional 'housing for sale' model with a reduced number of units.*

*The applicant is therefore proposing the payment of a commuted sum in lieu of delivering on-site affordable housing.*

*The Council expects the 25% affordable housing contribution to be delivered on site and in a manner that is well-integrated. Over 9 out of every 10 applications where there is a AHP requirement have affordable housing delivered onsite. However, the Council's planning guidance on 'Affordable Housing' (last updated in February 2019 and approved by Planning Committee) sets out that if options for onsite delivery have been explored but there are exceptional reasons why this is unviable or unfeasible, then a commuted sum payment can be agreed in lieu of onsite affordable housing.*

*Housing Management and Development accepts that it would be unviable or unfeasible to deliver affordable housing on-site and therefore the payment of a commuted sum can be justified.*

*The commuted sum should be secured through a S75 agreement. The sum required will be based on the site's land value and calculated in line with the approach set out in the planning guidance on 'Affordable Housing'. The sum is anticipated to be £325,000 (based on £52,000 per unit multiplied by the exact AHP requirement for 6.25 affordable homes).*

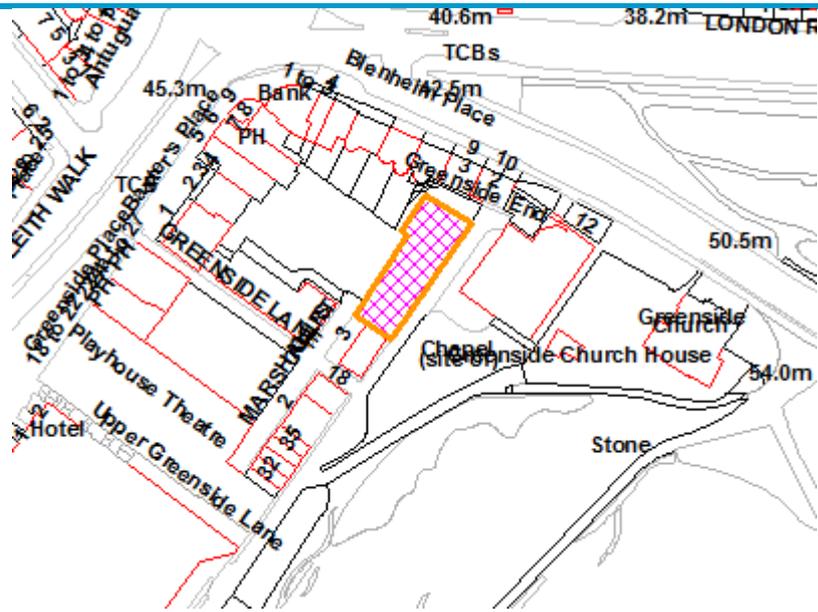
### *3. Summary*

*All means to find an onsite affordable housing solution have been explored. The site constraints, high build cost and high market value of these homes mean that they would not be financially viable as onsite affordable housing.*

*Housing Management and Development accepts that it would be unviable or unfeasible to deliver affordable housing on-site and therefore the payment of a commuted sum can be justified. The required sum is anticipated to be £325,000 and should be secured through a S75 agreement.*

*The Council will have 10 years to use the commuted sum to secure an affordable housing project. The site is within the City Centre ward. The sum will be used to deliver affordable housing within the local area (within the same or adjacent ward). Commuted sums have recently been used to support the delivery of affordable housing nearby at Shrubhill and Fountainbridge. With the expanding housing programme, Housing Management and Development are aware of potential projects close to the city centre ward where commuted sums could be used to deliver more or better-quality affordable homes.*

# Location Plan



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