

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 17th March, 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

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1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 15 March 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

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

3. Minutes

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| 3.1 | Minute of the Development Management Sub-Committee of the 17 February 2021 – submitted for approval as a correct record | 9 - 24 |
| 3.2 | Minute of the Development Management Sub-Committee of the 3 March 2021 – submitted for approval as a correct record | 25 - 34 |

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

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

- 4.1** Flat 1, 44 Arthur Street, Edinburgh - Convert 2x garages into flat (As amended) - application no 20/02750/FUL – Report by the Chief Planning Officer 35 - 44
- It is recommended that this application be **GRANTED**.
- 4.2** 5 Cluny Gardens, Edinburgh, EH10 6BE - Plot subdivision and the creation of a new dwelling by conversion of existing domestic garage and studio outbuilding with associated new works including reconstruction work, alterations and extensions - application no 20/05170/FUL – Report by the Chief Planning Officer 45 - 60
- It is recommended that this application be **GRANTED**.
- 4.3** 46 Craigleith Road, Edinburgh (Land 7 Metres West Of) - Erect new House - application no 20/05306/FUL – Report by the Chief Planning Officer 61 - 76
- It is recommended that this application be **GRANTED**.
- 4.4** Drylaw House, 32 Groathill Road North, Edinburgh - Change of use from Class 9 (domestic) to Class 7 (hotel) - application no 20/04410/FUL – Report by the Chief Planning Officer 77 - 90
- It is recommended that this application be **GRANTED**.
- 4.5** 8 Ettrick Road, Edinburgh, EH10 5BJ - Proposed extension, alterations to side and rear (as amended) - application no 20/05203/FUL – Report by the Chief Planning Officer 91 - 104
- It is recommended that this application be **GRANTED**.

- 4.6** 120 Ferry Road, Edinburgh, EH6 4PG - Demolish existing garage and create Class 1 convenience store with 2 x residential units above - application no 20/01949/FUL – Report by the Chief Planning Officer 105 - 122
- It is recommended that this application be **GRANTED**.
- 4.7** Granton Harbour, West Harbour Road, Edinburgh - Formation of access roads, cycle ways and public realm areas around Granton Harbour Plot 35 (as amended) - application no 20/05731/FUL – Report by the Chief Planning Officer 123 - 144
- It is recommended that this application be **GRANTED**.
- 4.8** 45 Grove Street, Edinburgh, EH3 8AF - Change of use from office/retail (class 2) to short stay serviced accommodation (as amended) - application no 20/01505/FUL – Report by the Chief Planning Officer 145 - 156
- It is recommended that this application be **GRANTED**.
- 4.9** 494 Lanark Road, Edinburgh, EH14 5DH - Change of Use from dwelling to bed and breakfast (in retrospect) - application no 0/00598/FUL – Report by the Chief Planning Officer 157 - 168
- It is recommended that this application be **GRANTED**.
- 4.10** 572 Lanark Road West, Edinburgh, EH14 7BN - Erection of residential development (six dwelling houses) with associated site development works and landscaping (as amended) - application no 20/00302/PPP – Report by the Chief Planning Officer 169 - 200
- It is recommended that this application be **GRANTED**.
- 4.11** 39 London Street, Edinburgh, EH3 6LX - Change of use from funeral parlour to holiday lets (ground floor) - application no 20/05421/FUL – Report by the Chief Planning Officer 201 - 214
- It is recommended that this application be **GRANTED**.
- 4.12** 39 London Street, Edinburgh, EH3 6LX - Change of use from derelict property to holiday lets (basement and sub-basement) - application no 20/05425/FUL – Report by the Chief Planning 215 - 228

Officer

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

- 4.13** Melville Statue, St Andrew Square, Edinburgh - A new A3 brass plaque on the Melville Monument - application no 20/03382/LBC – Report by the Chief Planning Officer 229 - 238

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

- 4.14** 45 Old Dalkeith Road, Edinburgh (at Land 447 Metres Northeast Of) - Proposed residential development Section 42 Application to vary condition 8 (noise reduction measures) and delete conditions 6 (surface water drainage scheme) and 10 (landowner agreements) of planning permission in principle 14/01057/PPP - application no 21/00284/FUL – Report by the Chief Planning Officer 239 - 260

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

- 4.15** Police Box, Heriot Row, Edinburgh - Change of use of police callbox to a coffee and food sale point - application no 20/02262/FUL – Report by the Chief Planning Officer 261 - 272

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

- 4.16** St Mary's Place Lane, Edinburgh (Land at) - Construction of new single dwelling - application no 19/06114/FUL – Report by the Chief Planning Officer 273 - 286

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

- 4.17** 1 West Clifton Road, Newbridge - Change of Use from Class 6 to Sui Generis Industrial (indoor waste recycling centre) - application no 20/03981/FUL – Report by the Chief Planning Officer 287 - 298

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

5. Returning Applications

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

and discussion on each item.

- 5.1** 25 Milton Link, Edinburgh, EH15 3QH - Variation of condition (ii) 299 - 302
imposed on planning permission TP/5/M/2264/85 to enable the
sale of food for up to 743 sq.m. - application no 18/09995/FUL –
Report by the Chief Planning Officer

It is recommended that this application be **REFUSED** and
ENFORCED.

6. Applications for Hearing

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

- 6.1** None.

7. Applications for Detailed Presentation

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

- 7.1** None.

8. Returning Applications Following Site Visit

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

- 8.1** None.

Andrew Kerr

Chief Executive

Committee Members

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

Information about the Development Management Sub-Committee

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

Further information

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

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

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damage or distress to any individual, please contact Committee Services (committee.services@edinburgh.gov.uk).

Minutes

Development Management Sub-Committee of the Planning Committee

**10.00 am, Wednesday 17 February 2021
(reconvened on 24 February 2021)**

Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Mary Campbell, Cameron (substituting for Councillor Griffiths for applications, 4.1, 4.3 - 4.6, 4.8, 5.1 - 5.3, 6.1 - 6.4), Griffiths, Mitchell, Mowat, Osler, Rose and Ethan Young

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of 27 January 2021 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Sections 4, 5, 6 and 7 of the agenda for this meeting.

Requests for a Presentation:

Councillors Gardiner and Booth requested a presentation in respect of Item 4.2 – 2-4, 6, 14 Bonnington Street Lane and 200 Bonnington Road, Edinburgh

Councillor Child requested a presentation in respect of Item 4.7 - 107 Newcraighall Road, Edinburgh

Requests for a Hearing:

Ward Councillor Ritchie requested a Hearing in respect of - Item 4.2– 2-4, 6, 14 Bonnington Road Lane and, 200 Bonnington Road, Edinburgh

Ward Councillors Hutchison, Lang, Young and Work requested a Hearing in respect of - Item 7.1– 34 Cramond Road North, Edinburgh

Ward Councillor Miller requested a Hearing in respect of - Item 7.2– 5 - 6 Marshall's Court, Edinburgh, EH1

Declaration of Interests

Councillor Child declared a non-financial interest in Item 4.7 – 107 Newcraighall Road, Edinburgh (Land Adjacent To) as she had a lot of dealings with a constituent who was an Development Management Sub-Committee of the Planning Committee 17 February 2021 (reconvened on 24 February 2021)

objector to the application, and did not take part in the discussion and decision on this item

Decision

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

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

3. King George V Public Park, Logan Street, Edinburgh / 34 Fettes Row, Edinburgh, EH3 6RH.

The Chief Planning Officer had identified two interlinked applications for planning permission and an application for conservation area consent to be dealt with by means of a hearing. The application for planning permission at King George V Public Park, Logan Street, Edinburgh proposed formation of path and associated landscaping – application no 20/03655/FUL. The application for planning permission at 34 Fettes Row, Edinburgh, EH3 6RH proposed 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 no 20/03034/FUL. The application for conservation area consent proposed the complete demolition in a conservation area – application no 20/03661/CON.

(a) Report by the Chief Planning Officer

The site at Fettes Row was approximately 2.44 hectares in area. To the north of the site were residential and commercial properties on Eyre Place. To the south, the site was bound by Fettes Row and Royal Crescent which comprised predominantly residential properties. To the east and northeast was King George V Park. To the west of the site was Dundas Street, which comprised a mix of residential and commercial properties. The site had two existing large office buildings which fronted Dundas Street and Fettes Row. These were linked by another smaller building and were all formerly occupied by The Royal Bank of Scotland. Within the eastern part of the site, bound to the north by King George V Park, is a building used for parking

The site was located within the New Town Conservation Area. The World Heritage Site was to the south of the site, it was not in the World Heritage Site but it was next to it. There were no listed buildings within the site itself. There were a number of Category A listed buildings within the vicinity of the site boundary.

Details were provided of the proposed Blocks. Block 1, Built to Rent, was located at the north eastern part of the site next to King George V Park and formed a perimeter block around a central courtyard with the existing buildings on Eyre Terrace and Eyre Place. There were 144 units split into 22 studio flats, 49 units with one bedroom, 56 units with two bedrooms and 17 units with three bedrooms. Block 2 - Mid Market Rent / Affordable (Dundas Street / Eyre Terrace). The mid-market rent (MMR) accommodation was situated between Dundas Street and Eyre Terrace at the north western part of the site. The proposals included the demolition of the existing blank wall that separated the existing RBS building and the rear courtyard of the adjacent residential block to the north. A courtyard would also be created to the south between the MMR building and the hotel. It would be six storeys high with a further roof garden area. There would be 88

units split into 26 units with one bedroom, 46 units with two bedrooms and 16 units with three bedrooms. Block 3 would be the hotel. The proposed 116-bedroom hotel would lie to the south of the adjoining MMR block within an internal courtyard between the two uses. It fronted 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 would be located at the junction with Dundas Street. The hotel block was seven storeys, though was six storeys when viewed from street level on the Dundas Street elevation with the top level, comprising of a bar/restaurant, set back. Block 4 would be an office block. The office block was located on the south west corner of the site. It would extend to 9,820sqm gross external area with accommodation provided over five storeys. Within this was a retail unit (282 sqm) at street level on Dundas Street. There was a rooftop amenity level also proposed. Block 5 would be Private Residential (Fettes Row) 47 units. This comprised the two southern crescent blocks and the tenement building (and link building) along the Royal Crescent and Fettes Row. The five storey tenement block contained 26 units consisting of six units with one bedroom, 14 units with two bedrooms and six units with three bedrooms. Block 6 - Private Residential - two blocks south of the park (Crescent) total 70 units This part of the proposal comprised two buildings set out in crescent shapes to the south of the park. They were six storeys, though this appeared as four on the southern elevation as they sit on a podium deck. The blocks were split by a central gap and a sunken garden. Block 7 would be a Gym. Located under the central east / west public realm opposite the proposed BTR block. It covered a floorspace of 990sqm. The external wall to the gym was designed as a living green wall to the street edge. In general layout terms the buildings provide frontage onto the main streets surrounding and within the site.

In summary, the application proposed 349 residential units in a combination of affordable, private residential and build to rent, 25% affordable housing, 116 bedroom hotel, office space of 9,820 sqm, ancillary uses such as retail and gym, vehicular access from Eyre Terrace, 161 car parking spaces and 840 cycle parking spaces.

Details were provided of an application for conservation area consent at 34 Fettes Row, Edinburgh. In terms of its importance within the conservation area, the unlisted buildings to be demolished were built in the 1970s and 1980s included the former data centre, office and link building associated garages and workshops. The principle buildings on the site were 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 were all set back from Dundas Street and were 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 were unsympathetic to their location, particularly in terms of building lines, design and landscaping. The demolition of existing buildings would 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 did not make a positive contribution and their loss would not have any adverse impact on the character and appearance of the conservation area.

Details were provided of an application for planning permission at King George V Public

Park, Logan Street, Edinburgh for the formation of path and associated landscaping. The proposed link through the park enabled development to come forward in a coordinated manner in line with Policy Des 2 (Co-ordinated Development). The proposals would not result in an overall loss of open space in accordance with Policies (Trees) and Env 18 (Open Space Protection).

The presentation can be viewed in full via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/547282

(b) Fettes Row and Royal Crescent Association

Jenni Inglis addressed the Development Management Sub-Committee on behalf of Fettes Row and Royal Crescent Association. Ms. Inglis advised that residents were upset to have to object to all three applications and that everyone's interest would have been better served by applications that met all the policies in the Local Development Plan. Ms. Inglis further advised that residents wanted the site back in use too. The community had made a significant effort to work alongside the applicant but saw no appreciable positive movement from the applicant.

The presentation can be viewed in full via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/547282

(c) Friends of the George V Public Park

Christine McIntosh addressed the Development Management Sub-Committee on behalf of Friends of the George V Public Park. Ms. McIntosh advised that granting consent to the current proposals would forever damage this very special green space. Friends of the George V Public Park did not object to redevelopment of the site. However, Ms. McIntosh explained that they objected to the scale of the proposed development and that it was out of proportion to the size of the park. Friends of the George V Public Park urged the Sub-Committee to refuse the current planning applications and encouraged the developer to modify their plans to address their concerns to protect King George V Park for future generations.

The presentation can be viewed in full via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/547282

(d) Eyre Place Residents Committee

Nikki Miller addressed the Development Management Sub-Committee on behalf of the Eyre Place Residents Committee. The Resident Committee's primary objections concerned the building that intended to become one with theirs and change the character of their development to the detriment of their amenity, privacy, noise, health, and safety.

The presentation can be viewed in full via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/547282

(e) New Town and Broughton Community Council

Richard Price addressed the Development Management Sub-Committee on behalf of the New Town and Broughton Community Council. Mr Price advised that, despite the

Chief Planning Officer's reports being very comprehensive, the Community Council still had several concerns as to the conclusions reached in some areas. Mr Price focussed on 4 key areas, those were a brief summary of the Community Council's concerns with the proposal as they persistently highlighted in the various Community Council responses and which they stood by. The second was the responses to these concerns in the planning officer's report but also highlighted the cumulative effect of acknowledged and seemingly non-compliance with Council Planning policies. The third was the support for the proposal which had been expressed by local businesses for this now redundant and empty site and why any redevelopment cost should not be an overriding consideration in the determination of the application. Mr Price also discussed the emerging City Plan 2030. Mr Price concluded that while there was strong support from the Community Council for development at the site, this should not involve significant compromise in terms of appearance and planning policies.

The presentation can be viewed in full via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/547282

(f) Cockburn Association

Alistair Cook and Terry Leventhal addressed the Development Management Sub-Committee on behalf of the Cockburn Association. Mr Leventhal advised that the Cockburn Association's additional engagement with the current development team started early in the process and at that point they articulated their view that they could have accepted this site as being a major development opportunity consistent with their past 40- or 50-years oversight of it. The Cockburn Association indicated to the developers at the outset that the development would only be successful if the DNA of this kind of site was understood through a comprehensive heritage and design analysis, if the scale and mass respected the local environment and if the local landscape and streetscape was successfully integrated into the scheme as design began to emerge. Over the course of 5 to 6 meetings the Cockburn Association believed that overall the developers succeeded in meeting that initial brief that they set. Mr Leventhal noted that the Cockburn Association appreciated comments from the local community and Community Council with the significant change and the impact that would bring with such a significant redevelopment on this northern fringe of the World Heritage Site but felt that the repurposing of the site with a new architectural presence was appropriate and necessary going forward.

Mr Cook advised that the Cockburn Association not only supported development at this site but supported the current proposals. Mr Cook outlined four fundamental objectives the Cockburn Association felt needed to be met in order for the Association to move forward. The retention of the trees on Fettes Row and Royal Crescent, the effective integration with King George V Park and the wider active travel routes, the need to turn the corner at Fettes Row and Dundas Street with a strong urban edge and the need to allow the architecture of these building to have their own presence.

The presentation can be viewed in full via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/547282

(g) Ward Councillors – City Centre

Councillors Doran and Miller addressed the Sub-Committee as members for the City Centre Ward.

Councillor Doran stated she had been contacted by a number of constituents in the area who had many concerns regarding the proposal. The constituents believed the development would destroy their living conditions and was extremely detrimental to the adjacent buildings in the World Heritage Site and the general character of the northern new town conservation area. Councillor Doran asked why the proposed number of car parking spaces was necessary. Councillor Doran stated that the sighting, height, mass and style of the proposed buildings would have a detrimental effect on the character and setting of the whole area.

Councillor Miller stated residents had contacted her regarding their concerns including issues about the height of some of the designs, the impact on the heritage of the site and the geology of the site and whether the construction work would be possible without damage to surrounding buildings. Councillor Miller focussed on the green space and trees in her contribution. The feedback received from the Architectural Heritage Society of Scotland said the developer diminished the importance of King George V Park and they should instead be creating buildings that, through appropriate height and scale, showed respect for this secluded green oasis. Residents Councillor Miller had spoken to said this summed up their views. Councillor Miller stated this green space was called on by many people and used all the time and was a place for play for young people and also for dog walkers. It also served as a place for health and exercise, highly valued by people who trained outside. Councillor Miller stated the green space was already too small for the people who used it and this pressure would increase with the proposed development. Councillor Miller also asked Committee to consider the requirement to protect the trees which lined the site.

The presentation can be viewed in full via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/547282

(h) Ward Councillors - Inverleith

Councillor Barrie addressed the Sub-Committee as a member for the Inverleith Ward.

Councillor Barrie noted he had watched the plans for this site evolve over many months and stated that it was his view that with a brownfield site in this location, some compromises would always be required to get the best use of the land in the area of the city where there should be plentiful demand for occupancy of all elements of the application. Councillor Barrie stated he received some, but not a huge amount of correspondence regarding the application and had been in direct correspondence with those whom had contacted him and the developer to seek some mitigation of what was concerning residents.

The presentation can be viewed in full via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/547282

(i) Applicant and Applicant's Agent

Colin Smith and Catherine Kidd (on behalf of Turley), Matt Bremner (on behalf of 10

Design), Ross McNulty (on behalf of Ediston), Pol Macdonald (Open), and Colin Whiteford (Edinburgh Blue Gentleman's Barbers, 126 Dundas Street) were heard in support of the application.

When the developer was bidding to acquire the site in 2018, they set five pillars on which to base their vision for the site. These were; respecting heritage, enabling change, community and inclusion, place making and wellbeing and delivering a positive legacy for the city. The developer stated that from the outset, they involved the community. Mr. McNulty stated the developer made a commitment that building height and density would be in keeping with the adjacent neighborhood and that the developer had stuck to this commitment. The existing density of the area was 165.2 dwellings per hectare and the proposal was 166 dwellings per hectare.

The current configuration of what was a redundant site prohibited public access, use, or movement through it with little response to its immediate context. The redevelopment of the site would provide an opportunity appropriate and specific response to the historic surrounding townscape based on a thorough understanding of context and a considered urban design approach which would deliver a new cohesive and sustainable masterplan. From inception, the approach was to take what was a closed, brownfield site, and transform it in to an active, open, inclusive and publicly accessible place. At the heart of the masterplan was to approach the development as a new piece of city integrated into its immediate and wider context with a fundamental focus on sustainable place making.

The presentation can be viewed in full via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/547282

Motion

- 1) To **GRANT** planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer (application no 20/03655/FUL)
- 2) To **GRANT** planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer (application no 20/03034/FUL)

An additional sentence was to be added at the end of the third last paragraph of reason for decision which would state that due to concerns about impact on existing and proposed residential amenity from the housing block proposed between Dundas Street and Eyre Terrace, the grant of planning permission was conditional on that element of the proposal not being constructed.

An additional condition:

Notwithstanding what was shown on the drawings, the block of housing and hotel which was located between Dundas Street and Eyre Terrace would not be constructed above the level of the car park in order to adequately preserve residential amenity for existing residents and ensure adequate amenity was provided for the new housing.

An additional informative:

In relation to park path improvements an informative that a Legal agreement would be required to secure the delivery of park path improvements by the Developer from the Development to the other park exits. The Developer would be required to:

1. Agree with the planning authority a list of consultees on the design of the park path improvements, prior to commencement of the development;
2. Agree, following consultation, the design of the park path improvements with the Planning Authority, prior to occupation of any of the development;
3. Deliver the park path improvements in accordance with the agreed design, prior to the occupation of 25% of the residential development;

An additional informative:

Sandstone used for facades within the scheme should be chosen to harmonise with the colouring and weathering characteristics of sandstone on nearby buildings.

Replace the informative on affordable housing to:

25% of the residential units to be of an agreed affordable tenure. The affordable housing within this development was intended to be delivered as intermediate rent (unsubsidised mid-market rent). If there was a change to the intended tenure prior to the formation of the legal agreement the housing would be delivered in accordance with the Council's affordable housing policy and guidance.

An additional informative:

Applicant should consider "greening" on landscaping associated with details required to purify condition no. 3.

- 3) To **GRANT** conservation area consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer (20/03661/CON)

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To **REFUSE** planning permission and conservation area consent on all three applications as the applications were contrary to Local Development Plan policies Env 3, Env 6, Env 12, Env 20, Des 5 (a) and Des 7 (c, e and f)

- moved by Councillor Booth, seconded by Councillor Osler.

Voting

For the motion: - 7 votes

For the amendment: - 4 votes

(For the motion: Councillors Cameron, Child, Gardiner, Gordon, Mowat, Rose, and Young.

For the amendment: Councillors Booth, Mary Campbell, Mitchell and Osler)

Decision

- 1) To **GRANT** planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer (application no 20/03655/FUL)

- 2) To **GRANT** planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer (application no 20/03034/FUL)

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An additional condition:

Notwithstanding what was shown on the drawings, the block of housing and hotel which was located between Dundas Street and Eyre Terrace would not be constructed above the level of the car park in order to adequately preserve residential amenity for existing residents and ensure adequate amenity was provided for the new housing.

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In relation to park path improvements an informative that a Legal agreement would be required to secure the delivery of park path improvements by the Developer from the Development to the other park exits. The Developer would be required to:

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2. Agree, following consultation, the design of the park path improvements with the Planning Authority, prior to occupation of any of the development;
3. Deliver the park path improvements in accordance with the agreed design, prior to the occupation of 25% of the residential development;

An additional informative:

Sandstone used for facades within the scheme should be chosen to harmonise with the colouring and weathering characteristics of sandstone on nearby buildings.

Replace the informative on affordable housing to:

25% of the residential units to be of an agreed affordable tenure. The affordable housing within this development was intended to be delivered as intermediate rent (unsubsidised mid-market rent). If there was a change to the intended tenure prior to the formation of the legal agreement the housing would be delivered in accordance with the Council's affordable housing policy and guidance.

An additional informative:

Applicant should consider "greening" on landscaping associated with details required to purify condition no. 3.

- 3) To **GRANT** conservation area consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer (20/03661/CON)

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

4. 5 - 6 Marshall's Court, Edinburgh, EH1

Details were provided of an application for planning permission for the development of 25 new residential flats, cycle parking provision, associated works and infrastructure (as amended) – application no 20/00486/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Decision 1

Motion

To **REFUSE** the request for a hearing and agree to determine the application at the meeting of the Development Management Sub-Committee of the Planning Committee 17 February 2021 (reconvened on 24 February 2021).

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To **CONTINUE** consideration of the application for a hearing.

- moved by Councillor Booth, seconded by Councillor Mary Campbell.

Voting

For the motion: - 9 votes

For the amendment: - 2 votes

(For the motion: Councillors Child, Gardiner, Gordon, Griffiths, Mitchell, Mowat, Osler, Rose and Young.

For the amendment: Councillors Booth, Mary Campbell.)

Decision

To **REFUSE** the request for a hearing and agree to determine the application at the meeting of the Development Management Sub-Committee of the Planning Committee 17 February 2021 (reconvened on 24 February 2021)

Decision 2

To **REFUSE** planning permission as the application was contrary to LDP policies Des 4, Des 7e and Env 1, 3 and 6.

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

Appendix

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|---|--|--|
| <p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p> | | |
| <p>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.</p> | <p>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</p> | <ol style="list-style-type: none"> 1) To note the key issues at this stage. 2) To take into account the following additional issues: <ul style="list-style-type: none"> • Understand methodology of how much housing was in the area and whether the applicant had considered other uses • How the development would contribute to the wider area; there was opportunities to improve the public realm. |
| <p>4.2 – 2-4, 6, 14 Bonnington Road Lane and, 200 Bonnington Road, Edinburgh</p> | <p>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</p> | <p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer plus two additional informatives:</p> <p>To re-examine the potential for a pedestrian and/or cycle route at the Water of Leith with Natural Heritage officers.</p> <p>To agree that officers would explore the possibility of retaining the stone wall along boundary with Anderson Place.</p> |
| <p>4.3 – 10 Craigmillar Park, Edinburgh, EH16 5NE</p> | <p>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</p> | <p>To REFUSE planning permission for the reasons as set out in section 3 of the report by the Chief Planning Officer</p> |

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|--|---|---|
| <p>4.4 – Easter Kinleith Farm, Harlaw Road, Balerno</p> | <p>Change the use of a cottage from a dwelling house to self-catering holiday accommodation for short term lets - application no 20/04531/FUL</p> | <p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer</p> |
| <p>4.5 – 1 Essex Road, Edinburgh, EH4 6LF</p> | <p>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</p> | <p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer</p> |
| <p>4.6 – 296 Milton Road East, Edinburgh, EH15 2PH</p> | <p>Proposed single storey rear / gable extension with internal alterations - application no 20/05486/FUL</p> | <p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer</p> |
| <p>4.7 – 107 Newcraighall Road, Edinburgh (Land Adjacent To)</p> | <p>Application to construct 2 No. new dwellings - application no 20/04338/FUL</p> | <p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.</p> |
| <p>4.8 – Western Harbour, Western Harbour Drive, Edinburgh</p> | <p>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</p> | <p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer</p> |
| <p>5.1 – 10, Buiyeon Road, South Queensferry (Land 288 Metres Southwest of)</p> | <p>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</p> | <p>To AGREE to a further 3 month extension to the period to conclude the legal agreement which will enable the planning permission to be released for this application.</p> |

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|--|---|---|
| <p>5.2 – Carlton Highland Hotel, 19 North Bridge, Edinburgh</p> | <p>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</p> | <p>To AGREE to a further 3 month extension to the period to conclude the legal agreement which will enable the planning permission to be released for this application.</p> |
| <p>5.3 – 38-40 Shandwick Place, Edinburgh, EH2 4RT</p> | <p>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</p> | <p>To AGREE to a further 3 month extension to the period to conclude the legal agreement which will enable the planning permission to be released for this application.</p> |
| <p>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</p> | <p>Protocol Note by the Chief Executive</p> | <p>To note the protocol note.</p> |
| <p>6.2 – King George V Public Park, Logan Street, Edinburgh</p> | <p>Formation of path and associated landscaping - application no 20/03655/FUL</p> | <p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer (On a division)</p> |

| | | |
|---|--|---|
| <p>6.3 – 34 Fettes Row, Edinburgh, EH3 6RH</p> | <p>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</p> | <p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer</p> <p>An additional sentence was to be added at the end of the third last paragraph of reason for decision which would state that due to concerns about impact on existing and proposed residential amenity from the housing block proposed between Dundas Street and Eyre Terrace, the grant of planning permission was conditional on that element of the proposal not being constructed.</p> <p>An additional condition:</p> <p>Notwithstanding what was shown on the drawings, the block of housing and hotel which was located between Dundas Street and Eyre Terrace would not be constructed above the level of the car park in order to adequately preserve residential amenity for existing residents and ensure adequate amenity was provided for the new housing.</p> <p>An additional informative:</p> <p>In relation to park path improvements and informative that a Legal agreement would be required to secure the delivery of park path improvements by the Developer from the Development to the other park exits. The Developer would be required to:</p> <ol style="list-style-type: none"> 1. Agree with the planning authority a list of consultees on the design of the park path improvements, prior to |
|---|--|---|

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|---------------------------|----------------------------------|---|
| | | <p>commencement of the development;</p> <ol style="list-style-type: none"> 2. Agree, following consultation, the design of the park path improvements with the Planning Authority, prior to occupation of any of the development; 3. Deliver the park path improvements in accordance with the agreed design, prior to the occupation of 25% of the residential development; <p>An additional informative:</p> <p>Sandstone used for facades within the scheme should be chosen to harmonise with the colouring and weathering characteristics of sandstone on nearby buildings.</p> <p>Replace the informative on affordable housing to:</p> <p>25% of the residential units to be of an agreed affordable tenure. The affordable housing within this development was intended to be delivered as intermediate rent (unsubsidised mid-market rent). If there was a change to the intended tenure prior to the formation of the legal agreement the housing would be delivered in accordance with the Council's affordable housing policy and guidance.</p> <p>An additional informative:</p> <p>Applicant should consider "greening" on landscaping associated with details required to purify condition no. 3.</p> <p>(On a division)</p> |

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|---|--|---|
| <p>6.4 – 34 Fettes Row, Edinburgh, EH3 6RH</p> | <p>Complete Demolition in a Conservation Area - application no 20/03661/CON</p> | <p>To GRANT conservation area consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer (On a division)</p> |
| <p>7.1 – 34, Cramond Road North, Edinburgh (Land Adjacent To Former)</p> | <p>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 - application no20/02916/FUL</p> | <p>To CONTINUE the application for determination by means of a hearing at a future Development Management Sub-Committee.</p> |
| <p>7.2 – 5 - 6 Marshall's Court, Edinburgh, EH1</p> | <p>Development of 25 new residential flats, cycle parking provision, associated works and infrastructure (as amended) application no 20/00486/FUL</p> | <p>1) To REFUSE the request for a hearing and agree to determine the application at the meeting of the Development Management Sub-Committee of the Planning Committee 17 February 2021 (reconvened on 24 February 2021). (on a division)</p> <p>2) To REFUSE planning permission as the application was contrary to LDP policies Des 4, Des 7e and Env 1, 3 and 6.</p> |

Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 3 March 2021

Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Mary Campbell, Griffiths, Mitchell, Mowat, Osler, Rose (agenda items 4.1 – 4.13, 4.15 – 4.17, 7.1 and 7.2) and Frank Ross (substituting for Councillor Gordon, agenda items 4.1 – 4.10, 4.12 – 4.20 and 7.2) and Ethan Young.

1. General Applications and Miscellaneous Business

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

Requests for Presentations

Councillors Booth and Mowat requested a presentation in respect of items 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.12, 4.13, 4.15, 4.16, 4.17, 4.18, 4.19 and 4.20 (all of the applications for Advert Consent at various addresses).

Councillor Rose requested a presentation in respect of item 4.14 - 72 Leith Walk, Edinburgh.

Declaration of Interests

Councillor Rose declared a non-financial interest in item 4.14 - 72 Leith walk - as he had been in contact with the applicant and planning officers and did not take part in the discussion and decision on this item.

Decision

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

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

2. 132 Commercial Street, Edinburgh (at Advertising Drum)

Details were provided of an application for planning permission for the Display of Arts and Culture Advertising Structure at Commercial Street, Edinburgh (at Advertising Drum) - application no. 20/03664/ADV.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

To continue consideration of the matter for the following reasons:

- 1) To allow transport officers to visit the site to clarify the distance of the cycle rack from the Advertising Drum and the rack's possible re-location.
 - 2) Further information on whether the location of the structure at this busy location was appropriate, considering the proximity of the new Aldi Store, the potential for congestion, pedestrians stepping out on to the road and the effect on more vulnerable pedestrians.
- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To grant advertisement consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer.

- moved by Councillor Rose, seconded by Councillor Mitchell.

Voting

For the motion: - 9 votes

For the amendment: - 2 votes

(For the motion: Councillors Booth, Mary Campbell, Child, Gardiner, Griffiths, Mowat, Osler, Frank Ross and Ethan Young.

For the amendment: Councillors Mitchell and Rose.)

Decision

To continue consideration of the matter for the following reasons:

- 1) To allow transport officers to visit the site to clarify the distance of the cycle rack from the Advertising Drum and the rack's possible re-location.
- 2) Further information on whether the location of the structure at this busy location was appropriate, considering the proximity of the new Aldi Store, the potential for congestion, pedestrians stepping out on to the road and the effect on more vulnerable pedestrians.

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

Appendix

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|--|--|--|
| <p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p> | | |
| <p>4.1 – Albert Street (at Advertising Drum), Edinburgh</p> | <p>Arts and Crafts Advertising Structure - application no. 20/03668/ADV – Report by the Chief Planning Officer</p> | <p>To GRANT advertisement consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer</p> |
| <p>4.2 – Bonnington Road (at Advertising Drum), Edinburgh</p> | <p>Arts and Culture Advertising Structure - application no. 20/03677/ADV – Report by the Chief Planning Officer.</p> | <p>To GRANT advertisement consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer</p> |
| <p>4.3 – Brunswick Street, Edinburgh (at Advertising Drum)</p> | <p>Arts and Culture Advertising Structure - application no. 20/03658/ADV – Report by the Chief Planning Officer It</p> | <p>To continue consideration of the matter for further information on the communal bin review and its impact on the location of the advertising drum, the realignment of Brunswick Street with the tram works and whether the existing trees would be damaged by the drum.</p> |

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|--|--|---|
| <p>4.4 – Commercial Street, Edinburgh (at Advertising Drum)</p> | <p>Display of Arts and Culture Advertising Structure - application no. 20/03664/ADV – Report by the Chief Planning Officer</p> | <p>To continue consideration of the matter for the following reasons:</p> <ol style="list-style-type: none"> 1) To allow transport officers to visit the site to clarify the distance of the cycle rack from the Advertising Drum and the rack's possible re-location. 2) Further information on whether the location of the structure at this busy location was appropriate, considering the proximity of the new Aldi Store, the potential for congestion, pedestrians stepping out on to the road and the effect on more vulnerable pedestrians. <p>(On a division.)</p> |
| <p>4.5 – Dundee Street, Edinburgh (at Advertising Drum)</p> | <p>Arts and culture advertising structure - application no. 20/03688/ADV – Report by the Chief Planning Officer</p> | <p>To GRANT advertisement consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer</p> |
| <p>4.6 – East Fountainbridge (at Advertising Drum)</p> | <p>Arts and culture advertising structure - application no. 20/03691/ADV – Report by the Chief Planning Officer</p> | <p>To GRANT advertisement consent subject to the conditions and reasons 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><u>4.7 - 147 Ferry Road, Edinburgh (at Advertising Drum 8 metres North Of)</u></p> | <p>147 Ferry Road, Edinburgh (at Advertising Drum 8 Metres North of) - Arts and culture advertising structure - application no. 20/03685/ADV – Report by the Chief Planning Officer</p> | <p>To continue consideration of the matter to get a transport assessment to check the width of the pavement where the Advertising Drum was located, to ensure that it would not impede pedestrian movements and that the drum would not distract drivers passing or impede driver's line of sight at the corner of Ferry Road and Trafalgar Street.</p> <p>Dissent</p> <p>Councillor Rose requested that his dissent be recorded in respect of this item</p> |
| <p><u>4.8 – Ferry Road, Edinburgh (at Advertising Drum)</u></p> | <p>Arts and culture advertising structure - application no. 20/03687/ADV – Report by the Chief Planning Officer</p> | <p>To GRANT advertisement consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer</p> |
| <p><u>4.9 – Fountainbridge, Edinburgh (at Advertising Drum)</u></p> | <p>Arts and culture advertising structure - application no. 20/03689/ADV – Report by the Chief Planning Officer</p> | <p>To GRANT advertisement consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer</p> |
| <p><u>4.10 – Hawkhill Avenue, Edinburgh (at Advertising Station)</u></p> | <p>Arts and Culture Advertising Structure - application no. 20/03669/ADV – Report by the Chief Planning Officer</p> | <p>To GRANT advertisement consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer</p> |
| <p><u>4.11 – 122 Howden Hall Drive, Edinburgh</u></p> | <p>Proposed single storey rear extension with internal alterations - application no. 20/05395/FUL – Report by the Chief Planning Officer</p> | <p>To GRANT planning permission subject to the informatives as set out in section 3 of the report by the Chief Planning Officer</p> |

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|---|--|--|
| 4.12 – Hutchison Terrace, Edinburgh (at Advertising Drum) | Hutchison Terrace, Edinburgh (at Advertising Drum) - Arts and culture advertising structure - application no 20/03695/ADV – Report by the Chief Planning Officer | To GRANT advertisement consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer |
| 4.13 – Lauriston Place, Edinburgh (at Advertising Drum) | Arts and culture advertising structure - application no. 20/03692/ADV – Report by the Chief Planning Officer | To GRANT advertisement consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer |
| 4.14 – 72 Leith Walk, Edinburgh | Change of use from funeral directors to restaurant - application no. 20/03083/FUL – Report by the Chief Planning Officer | To REFUSE planning permission for the reasons given in section 3 of the report by the Chief Planning Officer. |
| 4.15 – 2 Lindsay Road, Edinburgh (at Advertising Drum) | Arts and Crafts Advertising Structure - application no. 20/03666/ADV – Report by the Chief Planning Officer | To GRANT advertisement consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer |
| 4.16 – Lindsay Road, Edinburgh (at Advertising Drum) | Arts and Culture Advertising Structure - application no. 20/03675/ADV – Report by the Chief Planning Officer | To continue consideration of the matter to determine whether the Advertising Drum would impede the path of those using the Toucan Crossing, and to confirm the width of the pavement, ensuring pedestrian access, its location in relation to the kerb lines and railings, and how the drum would fit in with the post-tram development. |

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|---|--|---|
| 4.17 – <u>Marionville Road, Edinburgh (at Advertising Drum)</u> | Arts and Culture Advertising Structure - application no. 20/03670/ADV – Report by the Chief Planning Officer | To GRANT advertisement consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer |
| 4.18 – <u>North Junction Street, Edinburgh (at Advertising Drum)</u> | Arts and Culture Advertising Structure - application no. 20/03665/ADV – Report by the Chief Planning Officer | To GRANT advertisement consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer |
| 4.19 – <u>Portobello High Street, Edinburgh (at Advertising Drum)</u> | Arts and Culture Advertising Structure - application no. 20/03676/ADV – Report by the Chief Planning Officer | To GRANT advertisement consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer |
| 4.20 – <u>Tolbooth Wynd, Edinburgh (at Advertising Drum)</u> | Arts and Culture Advertising Structure - application no. 20/03663/ADV – Report by the Chief Planning Officer | To GRANT advertisement consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer |

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|--|---|--|
| <p>7.1 – Meadowfield Farm, Turnhouse Road, Edinburgh (at Land to South West of)</p> | <p>Mixed use development including business and employment uses (use classes 4, 5 and 6); residential (class 9) and sui generis flatted development (including affordable and student accommodation), hotels (class 7), ancillary uses including retail (class 1), financial and professional services (class 2), food and drink (class 3 and sui generis), non-residential institutions (class 10), assembly and leisure (class 11) and associated works including car parking, servicing, access and public realm - application no. 20/03219/PPP – Report by the Chief Planning Officer</p> | <p>1) To note the conclusions within this report and agree as the basis of the submission to support the Council position at Appeal.</p> <p>2) Officers to circulate e-mail to members to clarify the stage in procedures, when the application came to the proposed plan stage, when weight could be given to the responses to the City Plan Consultation.</p> <p>Note: Officers would continue to work to attain a comprehensive development that promoted active travel and sustainable communities and adhered to the values of the Council.</p> <p>Dissent</p> <p>Councillor Rose requested that his dissent be recorded in respect of this item.</p> |

| Agenda Item No. / Address | Details of Proposal/Reference No | Decision |
|--|--|---|
| <p>7.2 – Roseburn and Union Canal at Roseburn Path (at Link Between), Edinburgh</p> | <p>Roseburn and Union Canal at Roseburn Path (at Link Between), Edinburgh - Creation of shared pedestrian and cycle path link including new bridge crossings over existing infrastructure, access points and public open spaces and habitats - application no. 20/03561/FUL – Report by the Chief Planning Officer</p> | <p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1) The conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer 2) An additional informative that a road safety audit be prepared and alterations carried out to the junction at Sauchiebank and Russell Road to address the connection to the Roseburn cycle network. <p>Note: Officers to clarify if it was not possible for there to be a more direct route for the cycle path, checking out if the gradient of the slope for the more direct route was feasible.</p> |

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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/02750/FUL
at Flat 1, 44 Arthur Street, Edinburgh.
Convert 2x garages into flat (As amended).**

Item number

Report number

Wards

B12 - Leith Walk

Summary

The application generally complies with the relevant policies of the Edinburgh Local Development Plan and the relevant non statutory guidelines. The proposal is acceptable in this location and is of an appropriate scale, form and design. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU05, LDES12, LEN06, LHOU04, LHOU07, NSG, NSHOU, OTH, CRPPIL,

Report

Application for Planning Permission 20/02750/FUL at Flat 1, 44 Arthur Street, Edinburgh. Convert 2x garages into flat (As amended).

Recommendations

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

Background

2.1 Site description

The application site comprises two ground floor garage units located on the corner of Arthur Street and Arthur Street Lane. The site forms part of a three-storey tenement building. The area is residential in nature, with some commercial garages located nearby.

This application site is located within the Pilrig Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

Planning permission is sought for alterations to two ground floor garages to form a one bedroom residential flat. The proposal includes internal and external alterations.

Previous scheme

Proposal reduced from two bedrooms to one bedroom.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The proposal is acceptable in principle;
- b) The proposal preserves the character and appearance of the conservation area;
- c) The proposal will result in the creation of a satisfactory residential environment;
- d) The proposal raises any issues in respect of parking and road safety;
- e) Public comments have been addressed.

a) Principle of the Proposal

Policy Hou 1 of the adopted Edinburgh Local Development Plan (LDP) states that housing development will be supported on suitable sites in the urban area, provided proposals are compatible with other policies in the plan. The application site is located within the urban area in the LDP. The principle of housing on the site is acceptable.

Policy Hou 5 supports the conversion of existing non-residential uses to housing, provided a satisfactory residential environment can be achieved; the use would be compatible with nearby uses; appropriate open space, amenity and car and cycle parking is appropriate. This is assessed below.

Policy Hou 4 seeks an appropriate level of density on each site with regard to the characteristics of the surrounding area; the creation of an attractive living environment; and the accessibility of the site including access to public transport. The creation of an additional flat in this high density residential area with good public transport links is compliant with policy Hou 4.

The proposal complies with LDP Policies Hou 1 and Hou 4 and is acceptable in principle.

b) Impact on the Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2) , special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

LDP Policy Env 6 - Conservation Areas - Development states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The existing building is formed of facing concrete blocks with uPVC double glazed window units. The building does not make a significant or positive contribution to the character or appearance of the conservation area.

The external alterations would use materials that are in keeping with the type and style of the neighbouring properties. The uPVC windows proposed would be constructed to match the design of other windows in the building and would be acceptable within the context of the property. The proposed external alterations are compatible with the existing dwelling and will preserve the character and appearance of the conservation area.

The proposal would preserve the character and appearance of the conservation area. The proposal complies with LDP Policy Env 6.

c) Creation of a Satisfactory Residential Environment/Neighbouring Residential Amenity

The Edinburgh Design Guidance (EDG) states that new dwellings with one-bedrooms should have a minimum floor area of 52 square metres. The one-bedroom flat will have floor area of approximately 52 square metres. The floor area of the property meets the standards set out in the EDG. All habitable rooms within the flat will receive adequate levels of daylight through the proposed window openings.

There is no amenity space situated within the site. However, the site lies in close proximity to Pilrig Park and the Water of Leith Walkway. Prospective residents will therefore be within convenient walking distance of several high-quality amenity spaces.

The proposed use would be compatible with the surrounding area and would not introduce activities that would have the potential to adversely affect existing residential amenity.

The proposal will result in the creation of a satisfactory residential environment and the exception to policy Hou 5 with regard to amenity space is justified in this instance.

d) Parking, cycling and road/pedestrian safety

The Road Authority has been consulted and does not object to the proposal. The proposal is located in Zones 1 to 8 and would be eligible for one residential parking permit, in accordance with guidance. This is in compliance with Transport policy which seeks to minimise car movement in the City. The proposal would have sufficient internal space for bike storage.

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

e) Public comments

Material Comments - Objection:

- Proposal represents overdevelopment - addressed in 3.3a);
- Negative impact on neighbouring amenity - addressed in 3.3c);
- Proposal is out of neighbourhood character - addressed in 3.3b);
- Proposed materials are inappropriate within the conservation area - addressed in 3.3b);
- Removal of private parking provision - addressed in 3.3d);

Conclusion

The proposal would represent an appropriate development, that would respect the character and appearance of the area. It would provide adequate levels of amenity for future occupiers and would have no adverse effect on neighbouring residential amenity.

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 applicant should be advised that, as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013.

See

https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category B - Newly sub-divided or converted).

2. This consent is for planning permission only. Work must not begin until other necessary consents, e.g. listed building consent, have been obtained.
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. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Financial impact

4.1 The financial impact has been assessed as follows:

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Eight objections were received in relation to the proposal. The material considerations raised have been summarised and addressed in the assessment sections of the report.

Background reading / external references

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

Statutory Development

Plan Provision

Edinburgh local Development Plan

Date registered

30 July 2020

Drawing numbers/Scheme

01-04,05A,06-08,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Adam Gloser, Assistant Planner

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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.

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 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 HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Other Relevant policy guidance

The Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing.

Appendix 1

Application for Planning Permission 20/02750/FUL At Flat 1, 44 Arthur Street, Edinburgh Convert 2x garages into flat (As amended).

Consultations

Road Authority's response:

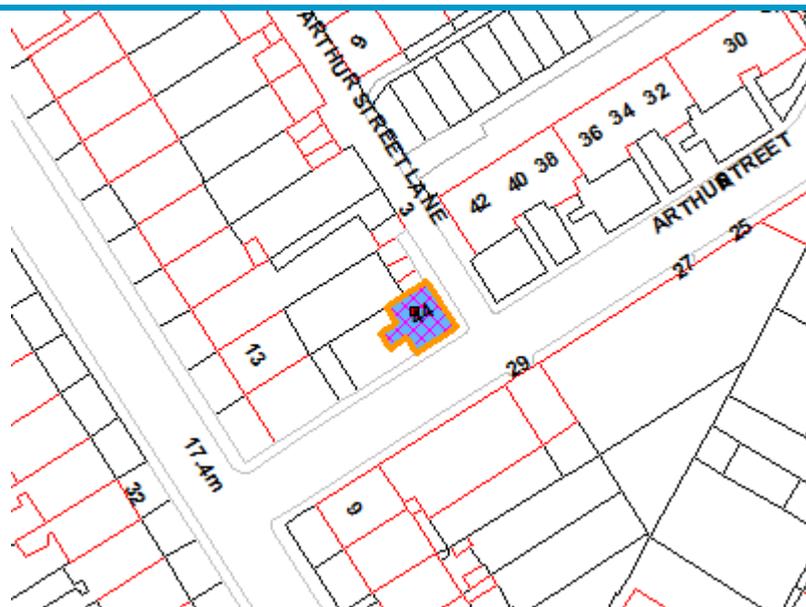
No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant should be advised that, as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category B - Newly sub-divided or converted);

Note:

Zero car parking is considered acceptable.

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/05170/FUL
at 5 Cluny Gardens, Edinburgh, EH10 6BE.
Plot subdivision and the creation of a new dwelling by
conversion of existing domestic garage and studio
outbuilding with associated new works including
reconstruction work, alterations and extensions.**

Item number

Report number

Wards

B10 - Morningside

Summary

The principle of the proposal is acceptable and the character and appearance of the conservation area will be preserved. The proposal is of a suitable scale, form and design and there are no transport issues. Neighbouring amenity will not be unreasonably impacted and there will be an appropriate living environment for future occupiers. Conditions are recommended in relation to materials, landscaping and drainage to ensure the quality of the development.

Links

[Policies and guidance for this application](#)

LDPP, LEN06, LHOU05, LDES01, LDES04, LDES05, LHOU04, LDES12, LTRA02, LTRA03, LTRA04, NSG, NSLBCA, NSGD02, OTH, CRPMON,

Report

Application for Planning Permission 20/05170/FUL at 5 Cluny Gardens, Edinburgh, EH10 6BE. Plot subdivision and the creation of a new dwelling by conversion of existing domestic garage and studio outbuilding with associated new works including reconstruction work, alterations and extensions.

Recommendations

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

Background

2.1 Site description

The application site is a semi-detached stone villa on the north side of Cluny Gardens near its junction with Morningside Road. The villa appears as two and a half storeys from the front and, due to the sloping nature of the site, three and a half storeys from the rear. It has garden ground to the front, which is laid out mostly as hardstanding, and a large rear garden.

A partially constructed building sits to the west between the gable of the application property and number 3 Cluny Gardens. This was originally a garage.

The street and surrounding area are predominantly residential although there are other land uses nearby including a church and retail.

This application site is located within the Morningside Conservation Area.

2.2 Site History

The relevant site history is:

4 November 1999 - planning permission granted to alter, extend and sub-divide dwelling house (as amended) (to form two flats) (application number 99/01974/FUL).

12 April 2000 - planning permission refused to alter and extend dwelling house (application number 00/00523/FUL).

20 April 2001 - planning permission granted to extend the dwelling house (application number 01/00541/FUL).

29 January 2004 - Planning permission granted for decking (in retrospect) (application reference 03/04098/FUL).

4 June 2007 - Application Refused to form on-site parking with pavement crossing (Not appealed) (application number 07/01417/FUL).

2 April 2009 - Planning permission refused for extension and conservatory (application number 09/00239/FUL).

22 November 2019 - Planning permission granted for the reinstatement of the main house into one dwelling and the demolition of the existing extension at lower ground (application number 19/04486/FUL).

4 April 2019 - Planning permission granted for the subdivision of plot and conversion of existing garage/studio to dwelling (as amended) (application number 19/04488/FUL).

29 September 2020 - planning permission granted for amendment to permission (Ref: 19/04488/FUL) relating to new vehicle turntable within existing driveway, boundary wall and changes to external stairs to lower garden for new house in grounds of 5 Cluny Gardens, Edinburgh (application number 20/03061/FUL) and

2 December 2020 - appeal to Local Review Body upheld decision to refuse planning permission for amendment to permission (ref: 19/04488/FUL) relating to new vehicle entrance, boundary wall and changes to external stairs to lower garden (refused on 05.10.2020) (application number 20/03062/FUL).

Recent relevant Tree application history:

16 July 2020 - not make a Tree Preservation Order for Deodora (Himalayan Cedar) - to crown lift by 20% to a height of 6 metres (tree is 29 metres high (application number 20/02565/TCO).

26 August 2020 - not make a Tree Preservation Order Large cedar rear garden to remove the tree (application number 20/02951/TCO) and

01 September 2020 - application withdrawn for Cedrus deodora of approximately 20m height - sectional dismantle to ground level (application number 20/03057/TCO).

Recent relevant Enforcement History:

22 July 2010 - Case closed for unauthorised development (hardstanding) - Enforcement Notice Served (Reference: 10/00420/EOPDEV).

13 May 2011 - Case closed regarding unauthorised operational development for unauthorised hardstanding, with soft landscaping not removed as per the previous investigation (i.e. formation of hardstanding in conservation area). Enforcement Notice issued 20 December 2010 and appeal to DPEA dismissed subject to a variation of the steps for compliance (reference: 10/00550/EOPDEV).

27 January 2015 - Case closed for non-compliance with enforcement notice - no further action for hardstanding to front (Reference: 14/00772/ECOND) and

22 December 2020 - enquiry received for alleged non-compliance with plans and works without planning permission (re: application numbers 20/03061/FUL and 19/04488/FUL) (reference: 20/00790/EOPDEV).

Main Report

3.1 Description of the Proposal

The proposal is for the subdivision of the plot and the creation of a new dwelling by converting the existing domestic garage and studio outbuilding. The formation of the dwelling unit will include a gable end to the front and an extension and terrace/balcony to the rear with a spiral staircase leading down to the rear garden.

The dwelling will be single storey from the front and two storeys at the rear with a pitched slated roof. The front and rear elevations will be stone and the side elevations will be render.

Access from the street will be taken from the existing vehicular access.

Revised Scheme

The spiral staircase has been repositioned to the east elevation in Scheme 2.

Supporting Documents

- Planning Statement
- Design Statement

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

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- (a) the principle of development at this location is acceptable;
- (b) the proposals will preserve or enhance the special character or appearance of the conservation area;
- (c) the proposals are an acceptable scale, form and design;
- (d) the impact on neighbouring amenity is acceptable;
- (e) the proposal will result in a satisfactory residential environment;
- (f) there are any road safety or parking issues;
- (g) there are any other material considerations and
- (h) the comments raised have been addressed.

a) Principle of the 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 street and surrounding area are predominantly residential in character. The principle of housing development at the site is therefore acceptable as long as the proposals are compatible with other policies in the plan.

The proposal complies with Policy Hou 1.

b) Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2) , special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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

The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

The building sits subtly within the gable to gable of two stone villas of two and half storeys to the front. The street is characterised by garages positioned in the spaces between the villas and the dwelling unit will not detract from this spatial relationship.

The building will improve the frontage appearance in street scene, compared to the former garage.

The rear of the lower level of the proposed dwelling will have a terrace on its roof, which is not a traditional characteristic of the conservation area. However, it integrates well with the design and will not diminish the special qualities of the conservation area.

Materials proposed are mostly suitable for the conservation area and it is recommended that a condition be used, should planning permission be granted, to ensure the quality and details of the materials. Although render is not a traditional material of the conservation area, it is found in the area, for example, on the gables of garages in the street and in this context it is acceptable.

The principle of the subdivision of the plot has already been established in planning permission 19/04488/FUL which was granted on 4 December 2019. This permission is still valid and is, therefore, a material planning consideration for the current application. Whilst the plot will be thinner than that of the plots in the street, it will retain its depth in the rear garden and will not detract adversely from the spatial pattern of the surrounding plots nor from the character and appearance of the conservation area. Further, the drawings show suitable physical boundary treatment between plots in the form of hedge planting which is characteristic of boundary treatments within the conservation area. A condition is recommended to ensure the boundary treatment and landscaping will be good quality. The principle of subdividing the plot will not detract from the special qualities of the conservation area.

The proposal will preserve the character and appearance of the conservation area. It complies with policy Env 6.

c) Scale, form and design

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

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 need to create an attractive residential environment within the development; the accessibility of the site to public transport; and the need to encourage and support the provision of local facilities necessary to high quality urban living. It goes on to explain that in established residential areas, proposals will not be permitted which would result in unacceptable damage to local character, environmental quality or residential amenity.

The application states that the proposal is for the conversion, alteration and extension of an existing building. However, the agent has advised that when works commenced on site to implement the extant planning permission, the walls of the garage were found to be unstable and could not be used for the conversion. This included a section of boundary wall which was unsafe and has been taken down. The current application, therefore, seeks permission for an amended scheme which will be almost all new build.

The dwellinghouse is of a simple design which will sit comfortably between two taller traditional stone villas. It will not be dominant in the streetscene and will be subservient to the original villa. Although it will be slightly longer than the consented scheme (19/04486/FUL), it will not dominate the subdivided plot nor detract from the original villa. It will be the same height and width as the extant planning permission.

The front building line remains unchanged and the rear building line of the proposal will marginally extend beyond the existing rear building line of the row of villas. Due to the low level and simple design of the proposal, this does not detract from the spatial pattern of this part of the neighbourhood area nor from the row of villas and extends no further than nearby rear extensions.

Whilst the scale of the neighbouring houses is much higher than the proposed dwelling, its design, scale, size and overall positioning is very similar to that which existed when the garage was present. Overall, the proposal is compatible with the surrounding context of neighbouring properties and respects the character and appearance of the conservation area.

The scale, form, and design respect the character of the area. The proposal complies with policies Des 1, Des 4 and Hou 4.

d) Existing Residential 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 house will be in a gable to gable position and will not result in unacceptable overshadowing of the neighbouring properties. Analysis of the impact on daylight and sunlight has demonstrated that there will be no adverse impact on daylighting or overshadowing to neighbouring properties. A negligible amount of overshadowing will be created in a small area of the rear gardens of the neighbouring properties. This is acceptable given the large size of the neighbouring gardens. A reasonable amount of sunlight will still be experienced in the neighbouring gardens.

The front windows will look onto the public street and the rear windows are more than 20 metres from opposite windows. A patio window proposed in the side elevation at lower ground (basement) level will face onto the solid gable elevation of the existing property at No.5.

The proposed balcony/terrace will be surrounded by a 1.8m high privacy screen. The spiral staircase has been relocated to the eastern side of the proposed building and will not present an unacceptable loss of privacy to neighbouring gardens. Therefore, there are no overlooking or privacy issues.

It is unlikely that normal residential use of the property would generate a significant noise impact upon existing residents.

There would be no unreasonable loss of amenity to neighbours as a result of the development.

The proposal complies with policy Des 5 and the Edinburgh Design Guidance.

e) Residential Environment

LDP Policy Hou 4 (Housing Density) takes account of the need to create an attractive residential environment within the development.

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.

LDP Policy Des 5 (Development Design- Amenity) relates to the impact on amenity of a proposed development.

The Edinburgh Design Guidance also seeks to address the criteria of an acceptable level of amenity for future occupiers of the development.

The Edinburgh Design Guidance (EDG) states that private open space/gardens should be designed for a range of functions. Edinburgh Design Guidance requires a minimum internal floor area.

The proposed internal floor space of 143 square metres well exceeds the minimum requirement in the EDG of 66 square metres for a two bedroom unit and is acceptable.

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.

A rear garden will be provided of a satisfactory amount and type of private outdoor amenity space. The element of the garden which will remain allocated solely to No.5 will also continue to provide adequate private outdoor amenity space.

The rear facing windows of the dwelling will directly overlook its rear garden. The outlook from the windows on the front elevation of the dwelling will be similar to those of the existing neighbouring properties on Cluny Gardens.

The proposal complies with policies Des 5, Hou 4 and Hou 3 and will, therefore, provide adequate amenity space for prospective occupants.

f) Road Safety and Parking

LDP Policies Tra 2 - Tra 4 sets out the requirements for private car and cycle parking. The Council's Parking Standards are set out in the Edinburgh Design Guidance.

The Roads Authority has advised that it has no objections to the application subject to conditions or informatives as appropriate, relating to residential parking permit.

The existing vehicle access currently used for no. 5 Cluny Gardens will remain and be used for the proposed dwelling unit.

LDP Policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance. The proposal indicates existing car parking space will be used by the new dwelling unit. This is acceptable given the established landscaping design of front gardens in the neighbouring properties and as the site is currently part mono blocked it does not currently provide an active garden area frontage.

Scope for bicycle parking in the proposed house or the rear garden could be achievable given the generous space available and, thus, the proposal could comply with Policy Tra 3.

There are no road safety or parking issues.

The minor infringement of Tra 2 - 3 are acceptable in this case.

g) 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 would be required to ensure the proposed dwellinghouse does not flood and that it will not result in the flooding of neighbouring properties or of the road. Therefore, a condition is recommended to ensure that the associated drainage of the site is acceptable should planning permission be granted.

Trees

LDP Policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any 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 few existing trees on the application site, none of which will be affected by the new dwellinghouse. One tree in the neighbouring garden is close to the existing boundary and will be adjacent to the proposed terrace/balcony. It has been pruned and its growth would not be constrained by the proposal.

Setting of Listed Building

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

The new dwellinghouse will not be within the curtilage of a listed building and will not result in a major change within the streetscene or the conservation area. It is not immediately adjacent to the grounds of the listed church and will not be any closer than the former garage building. The proposal will not be detrimental to the architectural character, appearance or historic interest of the listed building (church) or its setting.

The proposal complies with LDP Policy Env 3.

Waste Development Management

No details have been provided regarding the location of bin stores. Any domestic collection of waste would need to be agreed in advance with Waste and Cleaning Services before developing the site.

h) Public Comments

Material Comments - Objection:

- adverse impact on Conservation area. Addressed in 3.3b).
- scale, form and design inappropriate. Addressed in 3.3c)
- increase in traffic and congestion. Addressed in 3.3f).
- privacy, over and overlooking issues; Addressed in 3.3d).
- overshadowing and loss of daylighting and sunlight. Addressed in 3.3d).

Non-material Comments:

- Future development - only the planning application presented in front of the planning authority can be considered;
- Trees felled without consent/permission - the records for tree applications show that consent was given for removing and cutting down trees;
- Planning applications and process - applicants may submit any number of applications at any time; reasons for revisions not required; plans submitted meet relevant regulations; planning legislation allows for retrospective applications;
- Current building development started without/contrary to permission -planning legislation allows for retrospective applications; current planning enforcement investigation; and
- Neighbour Notification - Neighbour notification undertaken correctly; only properties within 20 metres from application site are notified.

CONCLUSION

The principle of the proposal is acceptable, and the character and appearance of the conservation area will be preserved. The proposal is of a suitable scale, form and design and there are no transport issues. Neighbouring amenity will not be unreasonably impacted and there will be an appropriate living environment for future occupiers. Conditions are recommended in relation to materials, landscaping and drainage to ensure the quality of the development. No other material considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions: -

1. A Surface Water Management Plan shall be submitted for the further approval of the Planning Authority prior to the commencement of the development hereby approved. Full details can be found at http://www.edinburgh.gov.uk/info/20045/flooding/1584/planning_application_guidance_on_flooding
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. 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 approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. To ensure water run off is properly managed.
2. In order to enable the Planning Authority to consider this/these matter/s in detail.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 11 December 2020 and 32 public comments have been received. All of the comments were objections.

Background reading/external references

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

Statutory Development

Plan Provision

Edinburgh - Local Development Plan - Conservation Area and Urban Area

Date registered

24 November 2020

Drawing numbers/Scheme

01-02, 03A-07A, 08, 09A.,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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 Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

Appendix 1

**Application for Planning Permission 20/05170/FUL
at 5 Cluny Gardens, Edinburgh, EH10 6BE.
Plot subdivision and the creation of a new dwelling by
conversion of existing domestic garage and studio
outbuilding with associated new works including
reconstruction work, alterations and extensions.**

Consultations

Roads Authority

Summary Response
No objections.

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

1. as the development is located in the extended Controlled Parking Zone, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category D - New Build);

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/05306/FUL
at Land 7 Metres West Of 46, Craigleith Road, Edinburgh,
Erect new House.**

Item number

Report number

Wards

B05 - Inverleith

Summary

The proposal complies with the relevant policies in the adopted local development plan and non statutory guidance. The proposed site has been shown to be a suitable location for the erection of a dwelling house. This proposal would not be damaging to the character and appearance of the surrounding area and wider townscape. There are no material considerations upon which to refuse granting planning permission.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LEN12, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, NSG, NSGD02,

Report

Application for Planning Permission 20/05306/FUL at Land 7 Metres West Of 46, Craigleith Road, Edinburgh Erect new House.

Recommendations

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

Background

2.1 Site description

The application site is a separate plot which was previously part of the garden ground of No. 46 Craigleith Road, a semi-detached two storey house on the south side of Craigleith Road. The area is characterised by traditional bungalows, semi-detached and terraced two storey properties which share a horizontal emphasis. Access to the proposed property will be via the existing driveway utilised by No.46.

2.2 Site History

5 October 2016- An application for planning permission to erect a new house within the curtilage of No. 46 Craigleith Road was withdrawn (application reference: 16/03885/FUL).

17 February 2017- An application to erect a new house within the curtilage of No. 46 Craigleith Road was refused under delegated powers (application reference:17/00023/FUL).

28 July 2017- The Local Review Body upheld decision by the Chief Planning Officer to refuse planning permission (review reference:17/00044/REVREF).

5 December 2018 - An application to erect a new house within the curtilage of No. 46 Craigleith Road was refused by the Development Management Sub-Committee (application reference:18/07513/FUL).

13 May 2019- Appeal allowed by the Planning and Environmental Appeals Division to grant permission to erect a new house within the curtilage of No. 46 Craigleith Road (Appeal Reference: PPA-230-2262).

14 August 2020- An application to erect a new house within the single building plot to the west of No. 46 Craigleith Road was approved by the Development Management Sub-Committee (application reference:20/00890/FUL).

Main report

3.1 Description of the Proposal

The application is for planning permission for the erection of a three-bedroom, two storey flat roofed house with single storey rear element. The plot is approximately 8.1 metres wide and approximately 40 metres deep.

The proposed house would be approximately 18.8 metres deep, 6 metres wide and will have a maximum height of 6.57 metres, which will closely match the eaves height of the neighbouring two storey buildings. The single storey rear element of the property will have a maximum height of approximately 2.9 metres.

The new building will be set back from the mutual boundary shared with the neighbouring properties to the west of the site (No. 48 and No. 50) by approximately 1.2 metres. The distance between the proposal and these neighbouring dwellings will be about 3 metres.

The distance between the proposed property and the dwelling to the east of the site, No. 46, will be approximately 1.6 metres.

One parking space would be located within the curtilage of the proposed dwelling.

The dwelling would be externally finished in render and timber cladding. It will also have a green roof.

A fence has already been erected along the new boundary formed between No.46 and the application site, while there is a solid wall present along the mutual boundary currently shared with the neighbouring properties, No. 48 and No. 50 Craigleith Road. The applicant now proposes to construct a new stone wall between the plot and No.46.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of development at this location is acceptable;
- (b) the proposal is of an appropriate scale, form and design;
- (c) the proposal will result in a satisfactory residential environment;
- (d) the proposed use would result in any loss of amenity;
- (e) road safety, car and cycle parking has been addressed;
- (f) the proposal will have an impact in terms of flooding;
- (g) the proposal will have an impact on trees;
- (h) other material matters have been addressed and
- (i) public comments have been addressed.

(a) The Principle of Development in this Location

Policy Hou1 (Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposal is compatible with other policies in the plan.

LDP policy Hou 2 - (Housing Mix) states that the Council will seek a mix of house types and sizes where practicable to meet a range of housing needs. The surrounding area consists of largely detached, semi-detached and terraced dwellings. The proposed dwelling would provide further accommodation within the area for families and complies with LDP policy Hou 2.

Planning permission was refused by the Development Management Sub Committee for the erection of a new dwelling house on this site under planning application 18/07513/FUL.

The decision was then overturned by the Scottish Government's Planning and Environmental Appeals Division (DPEA) and consent was granted. Another application for the erection of a dwelling house on the site, of materially different design to that already consented, was then approved by the Development Management Sub Committee under planning application 20/00890/FUL. This consent is still extant. The principle of constructing a dwelling within the site is therefore established.

Overall, the proposal is also compatible with other policies in the plan and therefore the principle of housing development is acceptable.

The proposal complies with Policy Hou1.

(b) Scale Form and Design

LDP policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place.

LDP Policy Des 4 (Development Design- Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact upon its surroundings.

LDP policy Hou 4 - (Housing Density) sets out criteria for establishing whether the density of a proposed development is compatible with the character of the area.

The dwellings in the surrounding area are largely terraced, semi-detached dwellings and traditional bungalows.

The new proposed house is a two-storey dwelling with an eaves line that matches that of the directly neighbouring properties.

The proposed house will be externally finished in a mixture of render which is common on many of the surrounding properties and timber.

The main two storey body of the proposed dwelling will largely match the height and depth of the directly nearby properties. The scale, form and design of the proposed dwelling is overall very similar to that approved under 20/00890/FUL. There are some differences in the number and positioning of windows proposed and to the layout of the already approved external finishing materials. However, the main design difference between this application and that approved under 20/00890/FUL is that the depth of the rear single storey element of the building has been extended. The approved application had a single storey element which was approximately 4.3 metres in depth and 6 metres in width. The proposal will also have this single storey element, but it will be further extended in depth by 3.6 metres to a total depth of 7.9 metres. This proposed addition will, however, only be 3.1 metres in width and will only be 2.9 metres in height.

The application site is deep and there will still be approximately 13.8 metres between the rear of the proposed property and the rear mutual boundary of the garden. More than adequate garden ground will be retained. It is further acknowledged that many of the neighbouring properties have also been extended, to quite a degree, which could be expected given the depths of their rear gardens.

Overall, the proposal broadly complies with LDP policies Des1, Hou 4 and Des 4.

(c) Residential Environment

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

The Edinburgh Design Guidance also seeks to address the criteria of an acceptable level of amenity for future occupiers of the development.

The proposed dwelling will have large windows to its front and rear elevations at both ground floor and upper level. It would provide adequate levels of sunlight/daylight for any future occupiers. It will also provide adequate internal floorspace and a good amount of external garden ground will also be provided. It would have to comply with the building regulations in terms of adaptability and sustainability and it meets the other criteria of Des 5.

The proposal complies with policy Des 5 and the Edinburgh Design Guidance.

(d) Loss of Amenity to Neighbours

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

It is noted that the majority of the two-storey element of the proposed property will lie within a gable to gable situation between the neighbouring two storey buildings.

The Edinburgh Householder Guidance states that *Windows will only be protected for privacy and light if they themselves accord with policies in terms of distance to the boundary. Windows on side walls or gables - as often found on bungalows, for instance- will not normally be protected as they are not set back sufficiently from the boundary to be "good neighbours" themselves, taking only their fair share of light.*

The Edinburgh Design Guidance states that *Daylight to gables and side windows is generally not protected.*

There are two side windows proposed within the main body of the dwelling, which will face towards the west. However, these windows will lie within the gable to gable zone and are relatively high level, approximately 1.65 metres off the ground level, and will be shielded, to a degree, by the existing boundary wall. It is further noted that these windows will provide sunlight to a bathroom and kitchen area.

The boundary distances between the application site and the gable windows of the directly neighbouring dwellings has been established through the approval of the previous consents. As such the windows of neighbouring properties that lie within the gable to gable zone cannot be expected to be protected from loss of privacy or sunlight.

The original plans showed a large window in the proposed rear office which would face west. The proposal has now been amended so that this large window has been replaced with high level windows which are 1.8 metres (approximately) off the ground level. These windows will also be set off the mutual boundary which they will face by roughly 4 metres and will also be shielded by the existing boundary wall. The rear facing windows will overlook the garden of the application property. Windows are assessed for privacy only within the width of the window and spread views are not considered.

The plans submitted show an upper level window which opens onto the flat sedum roof of the single storey rear element of the proposal. It is highlighted on the plans that this is only for maintenance purposes. Planning permission would be required if the applicant wanted to utilise the roof as a balcony area as formation of security/safety barriers would be required. It is unlikely that consent for these changes would be forthcoming.

The proposed dwelling will not materially impact upon existing levels of privacy currently enjoyed by neighbouring properties.

The proposed two storey element of the building shall project approximately 800mm beyond the rear elevation of No. 46. It will, however, be set back from the existing rear elevation of No. 48. The limited degree of projection beyond the existing rear elevation of No. 46, by the two-storey element of the proposal, will ensure that any additional overshadowing will not be significant.

The single storey rear element of the proposal will extend 3.6 metres further into the plot than that previously approved. However, it is acknowledged that the overall height of the single storey element is limited at roughly 2.9 metres. The applicant is proposing a 1.8 metre high stone wall along the mutual boundary and a wall/fence up to 2 metres in height could be erected along the mutual boundary without the requirement for planning permission. The proposed additional office element will only be 900mm above the maximum height of a fence over a distance of 3.6 metres. The applicant has provided a supporting sun analysis which shows that the additional office will not have a material impact on the levels of sunlight/daylight received by No. 46.

The neighbouring properties have large rear south facing gardens which the proposal will not materially impact.

The proposed property will be detached and set back off mutual boundaries. It is unlikely that the normal residential use of the property would generate a significant noise impact upon existing residents. Construction noise is not controlled by the planning authority.

The proposal complies with policy Des 5 the Edinburgh Design Guidance and the Edinburgh Guidance for Householders.

(e) Traffic or Road Safety Issues

LDP policy Tra 2- Private Car Parking states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council Guidance.

LDP policy Tra 3 - Private Cycle Parking states that planning permission will be granted for development where the proposed cycle parking and storage facilities comply with the standards set out in Council guidance.

The Roads Authority was consulted as part of the assessment of the application. It has confirmed that it has no objections to the proposal

The application proposes one off street car parking space which is acceptable. The dwelling will have a large rear garden for the secure storage of bikes and a bike store is shown in the plans.

The proposal complies with LDP policy Tra 2 and Tra3.

f) Flooding

LDP policy Env 21- Flooding states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself.

The recently updated Scottish Environmental Protection Agency (SEPA) flood maps show that the area around the site has a high risk of surface water flooding. Flood Planning were consulted as part of the assessment of the previous application for the site (20/00890/FUL) and stated that given the scale of the development, a separate flood risk assessment would not be required. Flood Planning did, however, ask for a Surface Water Management Plan (SWMP) to be submitted for their written approval.

They further commented that as part of the SWMP, they would request that the surface water flood risk is considered, as the online indicative SEPA flood maps show ponding on Craigleith Road. The SWMP should consider the flood risk from surface water runoff from outside of the development boundary entering the site and should ensure that the development does not increase the flood risk to neighbouring properties.

The property does not lie within an area defined as at risk of river or coastal water flooding. A condition has been applied to the consent to ensure that a surface water management plan is submitted for the written approval of the Council prior to works commencing on site.

g) Trees

LDP policy Env 12- Trees states that development will not be permitted if likely to have a damaging impact upon a tree protected by a tree preservation order or on any other tree worthy of retention.

The site does not lie within a conservation area and no trees within the site or directly nearby are covered by a tree preservation order. It appears that the majority of small trees that were previously within the site have already been cleared.

There is a line of mature/semi mature trees to the north of the site. However, these are approximately 10 metres from the proposed development and are separated by the pavement, boundary wall and existing driveway.

The previous applications for a detached dwelling house on the site largely shared the same position and footprint as that proposed. No concerns were raised in the report produced by the DPEA with regards to the proposals potential impact on trees either within or surrounding the site.

The proposal broadly complies with LDP policy Env 12.

h) Waste

The neighbouring properties are already served by Waste Services. Waste Services will provide a service here. The plans submitted show that the refuse bins shall be sited within a bin store to the rear of the garden. The rear gardens, and bin store will also be separated by a 1.8-metre-high stone wall. The proposed bin store will not have a material impact upon neighbouring properties in terms of potential odours. The previously approved plans had a bin store in a very similar position.

(i) Public comments

Material Representations - objection

- Concerns relating to design and appearance of building. This is addressed in section 3.3b
- Proposal is overdevelopment of the site. Scale of proposed office building. This is addressed in section 3.3a & b.
- Overshadowing and loss of sunlight. This is addressed in section 3.3d.
- Overlooking and loss of privacy. Concerns about the use of the access door to flat roof. This is addressed in section 3.3d.
- Potential disturbance and noise. This is addressed in section 3.3d.
- Odours, proposed siting of bins. This is addressed in section 3.3h.

Non Material Representations - objection

- Proposed wall must be constructed fully within the grounds of the application site. - Any disputes over boundaries are a civil matter.

Conclusion

The proposal complies with the relevant policies in the adopted local development plan and non statutory guidance. The proposed site has been shown to be a suitable location for the erection of a dwelling house. This proposal would not be damaging to the character and appearance of the surrounding area and wider townscape. There are no material considerations upon which to refuse granting planning permission.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. A Surface Water Management Plan shall be submitted for the written approval of the Council as Planning Authority prior to any works commencing on site. This should be prepared in line with the self-certification scheme below.

CEC Flood Planning Self-Certification Requirements and Guidance:

http://www.edinburgh.gov.uk/info/20045/flooding/1584/flood_planning_application

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) order 1992 as amended (or any order amending, revoking or re-enacting that order), no extensions to the new house as hereby permitted shall be constructed without the submission of a new planning application for the assessment of the Council as Planning Authority.

Reasons:-

1. In the interests of amenity.
2. In the interests of amenity.
3. In the interests of surface water management.
4. In order to protect the amenity of neighbouring properties.

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. As part of the SWMP, we would request the surface water flood risk is considered, as the online indicative SEPA flood maps show ponding on Craigleith Road. The SWMP should consider the flood risk from surface water runoff from outside of the development boundary entering the site and should ensure that the development does not increase the flood risk to neighbouring properties.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

In total, seven letters of objection have been received.

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

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 30 November 2020

Drawing numbers/Scheme 01,02,03a,04a,05a,06,07a,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

Appendix 1

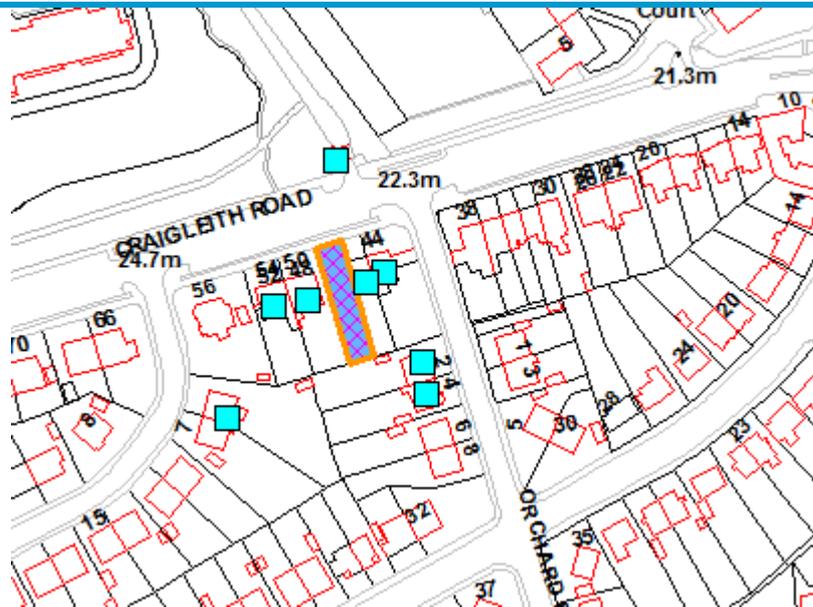
Application for Planning Permission 20/05306/FUL at Land 7 Metres West Of 46, Craigleith Road, Edinburgh Erect new House.

Consultations

Roads Authority

No objections.

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/04410/FUL
at Drylaw House, 32 Groathill Road North, Edinburgh.
Change of use from Class 9 (domestic) to Class 7 (hotel).**

Item number

Report number

Wards

B05 - Inverleith

Summary

The change of use of the building from residential to a hotel is acceptable in principle and will not harm the special interest of the listed building. It will not result in an unreasonable loss of amenity for neighbouring residential properties or raise any transport concerns. The proposal complies with the adopted Edinburgh Local Development Plan and associated guidance. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN03, LEN04, LEN18, LEN12, LEMP10, LHOU07, LTRA02, LTRA03, LTRA04, NSG, NSBUS, HES, HESSET, HESUSE,

Report

Application for Planning Permission 20/04410/FUL at Drylaw House, 32 Groathill Road North, Edinburgh. Change of use from Class 9 (domestic) to Class 7 (hotel).

Recommendations

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

Background

2.1 Site description

The application site relates to Drylaw House, No. 32 Groathill Road North, Edinburgh.

Drylaw House was constructed in 1718. It is a substantial 2 storey, 15 bedroom, category A listed building set in large wooded grounds with its own private access off Groathill Road. More modern residential properties have been constructed around the grounds of the House.

The west elevation of the house is unaltered with 6 windows and a central door. It has a big piended roof with twin chimneys. The front of the building facing east was remodelled in the late 18th century. Drylaw House also has a notable interior.

The building was listed on 27 October 1965. LB reference 28060

2.2 Site History

28 January 2020- Listed building consent granted for proposed installation of partitions to form two en-suite rooms with associated sanitary provision installations for each room formed (in retrospect) (Application reference: 19/05683/LBC.)

Main report

3.1 Description of the Proposal

The application is for planning permission for the change of use of the property from a class 9 (Residential Building) to a class 7 (Hotel). The hotel will have 15 rooms, a staffed check-in lounge, a dining room in which meals will be served and a duty manager's room.

Previous scheme

Originally the applicant applied for a change of use from class 9 (Residential Building) to class 7 (hotels and hostels) and short-term self- catering accommodation (Sui Generis).

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the proposed change of use is acceptable in this location;
- b) the development has special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest;
- c) the proposal will materially impact on residential amenity;
- d) the proposal raises any road or pedestrian safety concerns and the development meets car and cycle parking standards;
- e) other material considerations have been addressed and
- f) public comments raised have been addressed.

a) Change of use

Adopted Edinburgh Local Development Plan (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.

Paragraph 220 of the LDP states that tourism is the third biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Maintaining and developing this key sector in the city's economy relies upon sufficient provision of high-quality tourist accommodation.

The site is well served by public transport access to the City Centre. There is a stop for the No. 24 bus just outside the site, whilst other bus services are available within walking distance on Ferry Road and Telford Road.

It is noted that in recent years with the increase in short term lets many hotels have either been converted to other uses or have closed. The proposed change of use of Drylaw House to hotel accommodation will provide high quality tourist accommodation and will help one of Edinburgh's key economic sectors.

The principle of the change of use of Drylaw House to a hotel is acceptable. The proposal complies with LDP policy Emp 10.

b) Impact on the Listed Building

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

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

Historic Environment Scotland's (HES) Guidance Notes on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings states; *"For a building to stay in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect of them. This should always be considered carefully and avoid harming the building's special interest. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm. New uses may enable us to retain much of the fabric and special interest of a building, but they will always have an impact on its intangible value. The process of conversion will have some impact on a building's special interest, regardless of how well it is handled. The continued use of a listed building for its original function will normally be the best way to retain its historic character"*.

LDP Policy Env 4, (Listed Buildings - Alterations and Extensions), permits alterations to listed buildings when they are justified, in keeping with its character and can be undertaken without damage to historic structures or diminution of interest.

No external or internal alterations are proposed to the listed building. Whilst it is acknowledged that the use of the building will change from residential to a hotel, the change will not have a material impact on the special interest of the listed building and secures its future use.

HES was consulted as part of the assessment of the application. It confirmed that it had no objections.

The proposal complies with LDP Policy Env 4 and the HES Managing Change in the Historic Environment guidance notes.

c) Residential amenity

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

The application site has its own private access and the building is set back from the surrounding residential properties. However, it is noted that many of the surrounding properties rear gardens back directly onto the grounds of Drylaw House and in the past there have been complaints relating to noise and disruption from the site. Many of the objections made to this application relate to noise and disruption concerns. However, the building has not previously been utilised as a hotel, which is now proposed. The proposed hotel will have a staffed check-in, a manager with their own room, and CCTV within the building.

No extensions or alterations to the existing building are proposed. Drylaw House is a large property with substantial garden grounds. The privacy distances between the House, its grounds and that of the surrounding properties is long established. It is also acknowledged that the property has stone boundary walls/fencing and numerous trees along the mutual boundaries which provide a degree of screening.

Environmental Protection was consulted as part of the assessment of the application and it stated that it had no objections to the proposal as there are many hotels which are sited within close proximity of neighbouring residential properties and they do not cause any impact on residential amenity.

It is recommended that a condition be applied to the consent restricting the use of the site to a hotel within planning use class 7. This should further protect the amenity of surrounding residential properties.

The proposal complies with LDP policy Hou 7.

d) Road/Pedestrian Safety and Parking Provision

LDP Policy Tra 2- (Private Car Parking) and LDP Policy Tra 3- (Private Cycle Parking), state that planning permission will be granted for development where proposed car and cycle parking provision complies with and does not exceed the parking levels set out in the Non-statutory Edinburgh Design Guidance. LDP policy Tra 4 -(Design of Off-Street Car and Cycle Parking) states that where off street car parking is required or considered to be acceptable, certain design considerations will be taken into account.

The property has its own private access which is long established. No alterations to the entrance to the site or existing parking layout are proposed. Whilst the access to the site may be busier when the property is utilised as a hotel, the hotel will only have 15 rooms. There will not be a significant amount of traffic entering or exiting the site during the course of a day. Vehicles entering the site off Groathill Road should be expected to slow to get through the narrow entrance to the property and when exiting the site to slow as they approach the main road. However, the planning service cannot control the behaviour of road users.

The grounds of the site are expansive and there are currently parking spaces within the property's grounds for cars or motor bikes. There is ample space within the hotel itself or within the hotel grounds for the storage of bikes for visitors to navigate the city. As previously discussed, the property is also within walking distance of local bus routes.

The proposal complies with LDP Policy Tra 2, Tra 3 and Tra 4.

e) Other material considerations

Trees

The application site falls within a defined Tree Preservation Order (TPO) zone (TPO 105).

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order unless for good arboricultural reasons.

The applicant has confirmed that no works to the trees within the site are proposed. The application complies with LDP Policy Env 12.

Open Space Protection

LDP policy Env 18 (Open Space Protection) aims to protect all open spaces, both public and privately owned, that contribute to the amenity of their surroundings and the city, provide or are capable of providing for the recreational needs of residents and visitors or are an integral part of the city's landscape and townscape character and biodiversity.

The site also falls within a defined open space protection area. There is no development proposed within the gardens of the site. The open space will continue to contribute to the city's landscape, biodiversity and the recreational needs of visitors. The property's large garden could be utilised just as fully by residential owners as by future hotel visitors. Anyone sensibly utilising the garden for recreational purposes will not harm or disturb any wildlife which is present within the garden grounds. The application complies with LDP policy Env 18.

f) Representations

Material Comments - Objections

- Concerns relating to loss of privacy. Further fencing should be constructed around the site. This is addressed in section 3.3 c.
- Concerns relating to noise and disturbance, proposed development not suitable in a residential area, development not in compliance with LDP policy Hou7. This has been addressed in section 3.3 c.

- Hotels are not a suitable use in a residential area, development not in compliance with LDP policy Emp 10. This has been addressed in section 3.3 a.
- Concerns relating to traffic generation, parking and road and pedestrian safety. This has been addressed in section 3.3 d.
- Impact on the character and history of the Listed Building. This has been addressed in section 3.3 b.
- The proposal will harm wildlife within the site. This is addressed in section 3.3e.
- Lack of information has been provided about numbers of residents expected. A floor plan highlighting the number of rooms proposed has been submitted.
- Applicant has an enforcement complaint ongoing about the proposal. The application has been submitted in order to regularise the use.
- Impact on local infrastructure. No required developer contributions have been identified.

Non Material Comments - Objections

- Impact on house prices. This is not a material planning consideration.
- Concerns about future use of the property as an Air BnB or party flat. This is not what has been applied for. The applicant has applied for the property to be utilised as a hotel.
- The proposal will bring unwanted visitors. This is not a material planning consideration.
- There are too many hotels/short term lets. This is not a material planning consideration.
- The proposal could have an alcohol license. This will have to be applied for from licensing.
- The property has been rented out during Covid 19 restrictions. This is not a material planning consideration.

Conclusion

The change of use of the building from residential to a hotel is acceptable in principle and will not harm the special interest of the listed building. It will not result in an unreasonable loss of amenity for neighbouring residential properties or raise any transport concerns. The proposal complies with the adopted Edinburgh Local Development Plan and associated guidance. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. The use of this building shall be restricted to hotel use only within class 7 of The Town and Country Planning (Use Classes) (Scotland) Order 1997.

Reasons:-

1. In the interests of residential amenity.

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application received nineteen objection comments. The points raised are addressed in section 3.3 of this report.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 21 October 2020

Drawing numbers/Scheme 01, 02,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail: robert.mcintosh@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines '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.

Relevant Government Guidance on Historic Environment.

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

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

Appendix 1

Application for Planning Permission 20/04410/FUL At Drylaw House, 32 Groathill Road North, Edinburgh Change of use from Class 9 (domestic) to Class 7 (hotel)

Consultations

Archaeology

"Further to your consultation request I would like to make the following comments and recommendations concerning this application for the change of use from Class 9 (domestic) to Class 7 (hotel and hostel) including short-term self-catering accommodation.

The application concerns the A-listed early-18th century Drylaw House, a building and site of archaeological and national historic interest. Given that no physical impacts are proposed by this change of use application, it has been concluded that there are no, known, archaeological implications regarding it".

Environmental Protection

"I refer to the above and would advise that Environmental Protection has no objections to the proposed development.

The application proposes the change of use of a residential property to a hotel and short term let self-catering accommodation. The property sits in extensive walled grounds however residential properties are situated around 36 metres away.

Environmental Protection has little concerns in relation to the premises being run as a hotel. The city has many hotels which operate without impact upon residential amenity within residential areas. The applicant has confirmed that the premises, when run as a hotel, will have 24-hour staff presence on site and so any noise or disturbance associated with the hotel operations can be addressed quickly.

The Council has received noise complaints from short term lets in the past as they generally do not include a 24-hour staff presence. Short term letting noise issues regularly comes down to how well the premises are being managed. The applicant has advised that they have strict terms of lease which include financial recourse should noise complaints be received and intend to deal with any noise issues in this manner. They also have CCTV in the grounds to monitor for any antisocial behaviour. Whilst Environmental Protection have no complaints of noise on record from the premises (whilst run as a short term let), it is understood that the Police have had to deal with noise issues on site.

It is understood that the Scottish Government are presently undertaking a consultation on how best to address the issues stemming from short term lets. In this regard it is

expected that short term lets will be regulated by way of a licencing scheme. Should this occur then noise issues are best addressed in that manner as the premises' operators will be required to join the scheme. Until then, under the existing residential use class, the applicant can use the premises as a short term let anyway (e.g. Airbnb) without further planning consents being sought.

Therefore, Environmental Protection offers no objection to the application"

Historic Environment Scotland

Our Advice

In relation to your further consultation concerning Drylaw House, an early-eighteenth century mansion with a notable interior, we note the current intention is to retain the plan-form without any substantial change. We also now have a set of existing plans.

Whilst we welcome that no changes are currently proposed, from experience we would expect a future intensification of the accommodation for guests, in particular the provision of en-suites for bedrooms e.g. currently there are a large number of bedrooms without en-suites or direct access to a bathroom/WC.

It is also likely that any change of use could legally require additional works to meet current building standards e.g. fire doors, window guards, improvements to means of escape etc.

These works could have an adverse impact on the historic building.

We would therefore suggest the change of use is likely to impact adversely on the listed building, but that harm wouldn't necessarily be significant, and might be controlled through the LBC process. Further details of any necessary works could usefully be provided.

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.

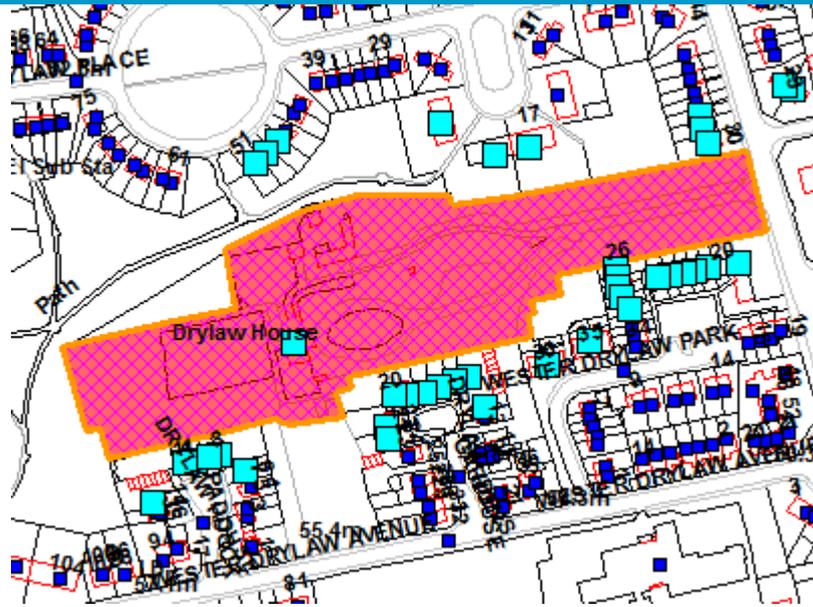
Police Scotland

No response.

Roads Authority

No response.

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/05203/FUL
at 8 Ettrick Road, Edinburgh, EH10 5BJ.
Proposed extension, alterations to side and rear (as
amended).**

Item number

Report number

Wards

B10 - Morningside

Summary

The application is for development that is in accordance with the Edinburgh Local Development Plan as it complies with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development). It is compatible with the existing building, preserves the special character and appearance of the conservation area and has no adverse impact on neighbouring residential amenity. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

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

Report

Application for Planning Permission 20/05203/FUL at 8 Ettrick Road, Edinburgh, EH10 5BJ. Proposed extension, alterations to side and rear (as amended).

Recommendations

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

Background

2.1 Site description

The application relates to a detached two-storey traditional villa on the west side of Ettrick Road. The area consists of a number of traditional villas with large gardens to the front and rear. Some of the properties have later extensions to the side and rear. In the immediate vicinity, No. 10 has a large side two storey extension and No. 2 has a side extension using contemporary materials.

The rear of the property has been extended at various times throughout the building's history, mainly to the rear of the property and these alterations are not visible from the street. There is a single modern stonebuilt garage to the side, set back from the villa.

The existing rear extensions cover the whole rear elevation and are single storey. They are a mixture of stone extensions and glass infill. The visual appearance is one of three stone gable extensions with a large glass infill.

There is one tree on the site that would be directly affected by the proposals and this is located close to the boundary with number 10 Ettrick Road.

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

2.2 Site History

5 October 1994 - planning application granted to form 2 window openings in kitchen and erect cold water storage tank housing on roof (application reference: 94/01890/FUL).

22 January 2008 - planning permission granted for alterations to single detached dwelling to form enlarged kitchen into garage, replace conservatory with sunlounge; add en-suite shower-room; enlarge utility room (application reference: 07/05086/FUL).

25 June 2015 - planning application refused by LRB to extend garage and raise wall head with pitched roof over incorporating bedroom/shower room (application reference: 15/01354/FUL).

Main report

3.1 Description of the Proposal

This is an amended proposal which involves the remodelling of the majority of the existing rear extensions in a contemporary style. They are being redesigned to have the appearance of three gables presenting onto the garden and a series of three pitched roofs running back to the villa. The footprint of the rear extensions remain the same as the existing situation. The proposed materials are a combination of sandstone, vertical oak cladding and dark grey aluminium. The roof feature is a mixture of glazing and slate.

The existing side garage is being extended with an addition storey and a link to the villa is being created. It is contemporary in design and the materials match the rear extensions. The extended garage building will sit against the blank gable wall of the extension at No. 10.

The existing stone terrace is to be retained and extended and raised in areas.

Previous Scheme

The previous scheme included a balcony to the south west rear elevation; this has been removed from the proposals.

Supporting Statement

- Sun Path Analysis for June and September;
- Precedent Study;
- 45 Degree South West Elevation Proposed;
- Tree Report;
- Conservatory Condition Survey;
- Design and Access Statement.

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

3.2 Determining Issues

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

Section 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 proposed scale, form and design is acceptable and will not be detrimental to the conservation area;
- b) the proposal will impact on trees;
- c) the proposal impacts on neighbouring amenity and
- d) any comments raised have been addressed.

a) Scale, form, design and the conservation area

Edinburgh Local Development Plan Policy Env 6 states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal. The relevant character appraisal is the Merchiston and Greenhill Conservation Area Character Appraisal.

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

The Merchiston and Greenhill Conservation Area is characterised as a villa area and as such there are special guidelines in the Guidance for Householders which apply to extensions and alterations to villas to ensure that the low-density character is maintained.

The villa guidance requires that the character of the original villa should not be adversely changed as a result of development and that extensions should be subservient to the original building.

In this context, the proposed development involves the remodelling of the existing rear extensions and the garage. The original villa will not be adversely changed as a result of this development. Development has already occurred within the grounds of the application property in the past and the new proposal does not result in any additional footprint. The villa remains the predominant element within the plot and the proposed alterations to the rear extensions and the garage do not undermine the original villa property.

Throughout the Merchiston and Greenhill Conservation Area there are a variety of new extensions and additions to the villa properties; these are in a variety of locations, footprints and designs including larger side extensions. Other properties in the street have had side extensions which have changed the scale, spacing and rhythm of the street from its original character.

With regards to the rear extensions, these proposals will not be visible from public view. The alterations to the existing extensions do not increase the footprint and there is no significant increase in scale compared to the existing situation. The house is set within a large garden which is retained as existing and as a result, the proposals are not over development. There is no significant change to the architectural integrity of the original villa with the proposals given that the rear extensions that are already in place. The conservation area is characterised by large villas with later extensions and therefore the proposals are in character with the wider conservation area.

The proposed changes to the existing non-original garage will be visible from Etrick Road. The proposals do involve increasing the height of the garage and the increased ridge height will match that of the neighbouring extension, creating a coherent spacing and elevation rhythm to the street. The pitched roof over the garage is relatively modest in scale and remains subservient to the original house and is designed to mirror the height of the neighbouring extension with the proposed slate pitched roof reducing its impact along the neighbouring boundary.

The link section will introduce new development to the side of the house and whilst views through to the rear garden are important in a villa area, this has already been lost with the existing rear extensions. The area is also characterised by later side extensions. In addition, the proposed garage and link development is set back from the primary façade, further reducing visual scale of the extension when viewed from Etrick Road and there is a number of mature trees at the front of the property which limits the views from street level to the proposed extension. It is therefore considered that the visual impact of the extension will not be significant.

The proposed design of the rear and side extensions is contemporary and is of high quality that complements the architectural value of the original villa. The proposed materials reflect this design approach, rather than using more traditional materials. A more innovative use of materials and design is a valid approach and arguably provides a clear contrast with the original property. There are other examples within the conservation area of modern style extensions. The overall design is relatively simple and low key and given that it is not readily visible from public view; the impact of the new extension on the wider conservation area will be limited.

In summary, the proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and will preserve the character and appearance of the conservation area.

The proposals comply with Local Development Plan Policy Des 12, Env 6 and the non-statutory Guidance for Householders.

b) Impact on trees

Policy Env 12 (Trees) of the Local Development Plan 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 for good arboriculturally reasons.

Trees make an important contribution to character, biodiversity, amenity and green networks. In the Merchiston and Greenhill Conservation Area, mature trees make an important contribution to its character and appearance.

With regards to this application, the proposals do not include any removal of trees within the garden of the application property or the neighbouring property.

The submitted tree survey has found that only one tree stands close to the rear elevation at the boundary wall with number 10; the tree stands 1.5m from a low stone retaining wall and around 2.5m from the rear elevation.

There is a concern that the roots of the *Sorbus x thuringiaca* 'fastigiata' extend into the site of the extension. The extension could therefore impact on the tree's longevity and undermine its stability causing a danger to surrounding properties.

A tree survey has been provided as part of the revised submission and this assesses the condition of the tree which has been subject of historic pruning works. The survey has been reviewed and it is considered that rather than the roots, the main concern is the canopy of the tree and whether the branches would overhang the proposed extension and cause concern about future damage to the extension and danger to the occupants.

The proposal is considered acceptable as it would not have any impact on the tree root system. In addition, the tree survey has advised a pre-requisite measure that could be implemented while the development takes place is 'to install temporary ground protection measures around the base of the trunk to prevent soil compaction and rutting. This could comprise sheets of heavy-duty plywood or butt-jointed scaffolding boards.' A condition is recommended to that effect.

Furthermore, in terms of the canopy, it has been found that this tree has been historically pruned and the species responds well to such management. The pruning of the tree to reduce its overhang is therefore acceptable and again, a condition is recommended to undertake the necessary pruning works as advised in the tree survey.

In conclusion, the tree survey outlines that the proposed extension and the recommended works will not be detrimental to the tree and its amenity value will be maintained subject to the appropriate conditions which includes pruning work prior to commencement of the works.

The proposals comply with Local Development Plan Policy Env 12.

c) 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.

In terms of the privacy, concerns were raised with regards to the proposed balcony to the south west elevation. In response to that concern, the revised scheme omits the balcony in order to comply with the privacy issue and the slight roof overhang protects any overlooking that could occur to the next-door neighbour. In addition, privacy screening has been added to the side of the proposal to protect any potential overlooking. These measures will ensure that there is no adverse impact on privacy due to overlooking and this is also combined with an existing tree that is situated in the close proximity to the proposed extension which will further obscure any views to the neighbouring garden. Also, it has to be noted that the windows on the extension to No 10 Etrick Road have been positioned closer to the boundary than those of the original house. As such, these windows are not afforded the same degree of protection as the original windows are.

There was also concern in terms of the privacy to the rear gardens of the property located at Gillsland Road. The distance to the boundary between those properties are more than 35 metres, totalling approximately 70 metres to the nearest window. The Non-Statutory Guidance for Householders' states that '18 metres is the minimum recommended distance between windows, usually equally spread so that each property's windows are 9 metres from the common boundary'.

Therefore, the current proposal does not raise any privacy concerns and in both cases complies with the LDP Des 12 and non-statutory Guidance for Householders.

In terms of daylighting, the Guidance for Householders sets out the criteria used to calculate the impact of daylighting on the windows of a neighbouring property. The 45 degree line drawn from the top of the proposed extension does not enclose the centre of the neighbouring windows. The proposals therefore ensure that adequate daylighting is maintained.

It is important that there is no unreasonable loss of sunlight to a neighbouring garden and this is assessed against how the garden is used and its overall size. As amended, the revised scheme results in a minimal increase of the wall height by 500mm. There will be additional overshadowing of 1 square metre of the rear garden ground of No 10 Etrick Road. The overshadowing will fall on the space between the rear wall of the extension to No 10 Etrick Road and the summer house belonging to 10B which is shaded on three sides already and the summer house itself is set within an area which is already overshadowed by the existing garage wall and mature tree. Furthermore, the orientation of No 8 and 10 is such that loss of sunlight will only be an issue in the mornings. A diagram with Sun Path Analysis has been submitted which clearly indicates a minimal impact on the grounds of No 10. Given the context and the minimal amount of garden affected, the overshadowing is acceptable.

The proposed extension does have a rooflight which will cause some light to be cast towards directly to the upper floor windows. Light pollution is not a material planning consideration in a domestic context but strong light shining into a bedroom could be considered a statutory nuisance under separate environmental legislation. Noise disturbance between domestic properties is also not a material planning consideration and any unreasonable noise would be controlled through anti-social behaviour legislation.

Overall, the proposed extension will not result in an unreasonable loss of privacy or natural light to the neighbouring properties. The proposals comply with Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders in relation to amenity.

d) Public comments

Material Comments: Objection:

- Adverse impact on conservation area: - addressed in 3.3a).
- Overdevelopment: - addressed in 3.3a).
- Layout and position: - addressed in 3.3a).
- Visibility and scale: - addressed in 3.3a).
- Quality of design unacceptable: - addressed in 3.3a).
- Materials out of character: addressed in 3.3a).
- Impact on trees: - addressed in 3.3b).
- Loss of outlook and the loss of natural light: - addressed in 3.3c).
- Overshadowing and privacy: - addressed in 3.3c).
- Light pollution - addressed in 3.3c).

Material Comments: Support:

- Character of Merchiston Conservation area - addressed in 3.3a).
- Scale of development - addressed in 3.3a).
- Design - addressed in 3.3 a).
- Visibility - addressed in 3.3a).
- Materials - addressed in 3.3a).
- neighbouring amenity - addressed in c).

Conclusion

The application is for development that is in accordance with the Edinburgh Local Development Plan as it complies with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development). It is compatible with the existing building, preserves or enhances the special character or appearance of the conservation area and has no adverse impact on neighbouring residential amenity. 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. Prior to construction, the recommended remedial pruning works to the neighbouring Sorbus x thuringiaca 'fastigiata' tree shall be carried out prior to the commencement of any enabling works. All tree works must only be carried out by suitably qualified and experienced contractors and should conform to the guideline set out in British Standards 5837:2012 Tree work- Recommendations.
2. During construction, temporary ground protection measures around the base of the trunk as detailed in the submitted tree survey shall be done to prevent soil compaction and rutting.

Reasons:-

1. In order to safeguard protected trees.
2. In order to safeguard protected trees.

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The scheme has received a total of 75 representations; 34 objecting and 41 supporting the application. In certain cases, multiple representations were submitted by individuals.

Background reading/external references

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

Statutory Development**Plan Provision**

Edinburgh Local Development Plan- Urban Area.

Date registered

2 December 2020

Drawing numbers/Scheme

01-
12,13A,14A,15A,16A,17,18A,19,20,21A,22,23,24,25,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Weronika Myslowiecka, Planning Officer

E-mail: veronika.myslowiecka@edinburgh.gov.uk

Links - Policies

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

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

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

Relevant Non-Statutory Guidelines

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

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

Other Relevant policy guidance

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

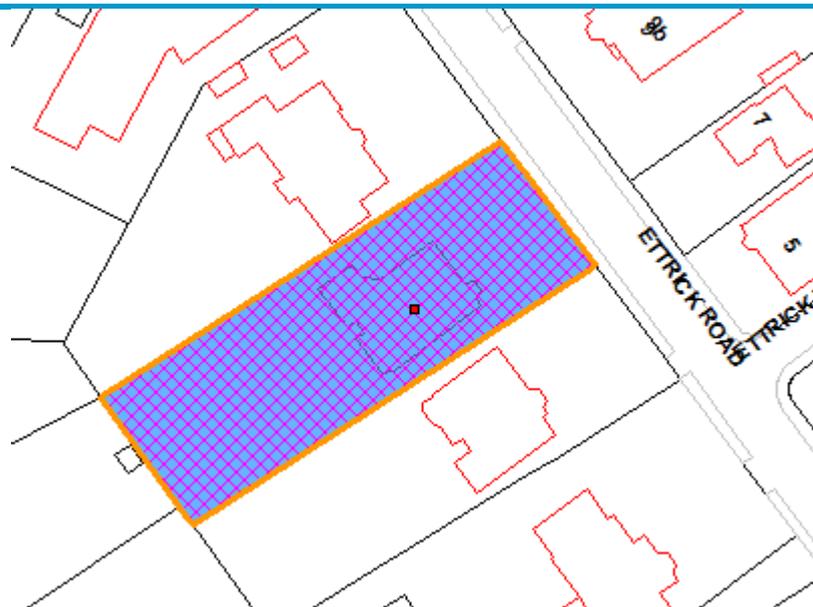
Appendix 1

**Application for Planning Permission 20/05203/FUL
At 8 Ettrick Road, Edinburgh, EH10 5BJ
Proposed extension, alterations to side and rear (as
amended).**

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/01949/FUL
at 120 Ferry Road, Edinburgh, EH6 4PG.
Demolish existing garage and create Class 1 convenience
store with 2 x residential units above.**

Item number

Report number

Wards

B04 - Forth

Summary

The proposals comply with the adopted Edinburgh Local Development Plan and non-statutory guidelines. The principle of the use is acceptable, there would have no adverse effect on the character and appearance of the conservation area or setting of the listed building. The development would have no detrimental impact on residential amenity or road safety and parking. There are no other material considerations to outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LEN05, LEN06, LEN03, LHOU01, LHOU02, LHOU04, LHOU03, LRET05, LTRA02, LTRA03, NSG, NSGD02, OTH, CRPLEI,

Report

Application for Planning Permission 20/01949/FUL at 120 Ferry Road, Edinburgh, EH6 4PG. Demolish existing garage and create Class 1 convenience store with 2 x residential units above.

Recommendations

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

Background

2.1 Site description

The site lies on the north side of Ferry Road and contains a single storey former car showroom that extends to the front and rear.

It stands on a busy arterial road with public transport running along the street.

Building heights vary from single storey to tenemental, but those flanking are two storey and attic, with a consistent building line (broken by the existing building). However, there are a number of retail projections along Ferry Road.

The building to the west (currently highly obscured by the existing building) is listed category B. It was listed on 19 December 1979 ref.28744.

This application site is located within the Leith Conservation Area.

2.2 Site History

22 June 2017 - planning permission was granted for the demolition of existing car showroom and erection of new residential block and associated landscaping (application number 17/01975/FUL)

30 June 2017 - Conservation area consent was granted for the complete demolition of the car showroom (application number 17/01963/CON)

11 May 2020 - An application for conservation area consent was submitted for the complete demolition in a conservation area of a former car showroom with garage space to the rear (application number 20/01950/CON). This is pending decision.

Main report

3.1 Description of the Proposal

The site area measures 923 square metres and it is proposed to demolish the existing garage and create a Class 1 convenience store with two residential units above. The proposed pitched roof building is three storey high with a flat roofed element projecting forward at ground floor level for retail development. On the upper floors, two residential units are proposed each with two bedrooms.

There are no car parking spaces proposed. However, cycle parking is to be provided in the internal stairwell to the flats (4 spaces) and for the shop's customers (4 spaces) and staff (1 space to rear).

The proposed materials are slate for the roofing material. The external walls are to be finished in natural stone and dark grey cladding to the front while the rear elevation would be white render.

No amenity space is shown.

Previous Scheme

An external staircase was originally proposed, and the windows were more pronounced.

Supporting Documents

The following supporting documents are available to view of the Planning and Building Standards Online Services:

- Noise impact assessment
- Design 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 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 preserve the character and setting of the listed building;
- (c) the proposals preserve or enhance the character and appearance of the conservation area;
- (d) the proposed scale, design and materials are acceptable;
- (e) the proposal is detrimental to the amenity of neighbours;
- (f) the proposal provided sufficient amenity for the occupiers of the development;
- (g) the proposal affects road safety;
- (h) the proposal affects archaeology;
- (i) any other material issues; and
- (j) public comments raised have been addressed.

(a) Principle of the proposal

The site is located within the urban area of the Edinburgh Local Development Plan (LDP).

LDP Hou 1 supports new housing development provided it is compatible with other policies of the Plan.

The site lies within Ferry Road West Local Shopping Centre where LDP Ret 5 supports new retail development of an appropriate scale and type. The new development includes a class 1 convenience store with a gross floor area of 370 square metres which is compatible with the character and function of the centre. Given its size, this would not have a significant impact on the city centre retail core or any other town or local centre. It is easily accessible by public transport, foot, and cycle. The appearance of the unit is assessed below.

LDP Hou 4 Density seeks an appropriate density of development having regards to its characteristics and those of the surrounding area. The new development occupies most of the site. This is in keeping with the density of the modern flats to the south, and tenements to south and east. It is located close to the city centre where there are higher densities and a good level of public transport. The proposal accords with this policy.

The development is therefore acceptable in principle provided it complies with other policy requirements.

(b) Setting of Listed Buildings

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

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

To the west of the site there is a residential building which is Category B listed (Listed 19 December 1979 Ref: 28744). It is set on the original building line but sandwiched between the car showroom and the tenement to the west. There is a shop unit in front of the listed building as well as the front part of the showroom. The listed building is therefore largely viewed via the pedestrian access although the upper floor is partially visible from the street. Its setting has already been severely compromised.

The single storey element of the proposal would retain the footprint of the former car showroom and being no greater than this in height would have no additional impact on the setting of the listed building. The three-storey element to the rear of the site lies on the footprint of former garage buildings and has been designed to be, not greater in height to retain the existing setting of neighbouring buildings. The upper floor will be butted against the gable of the listed building and will align in terms of eaves and ridge height. It will read as a modern addition to the listed gable but in a form that lines up with the listed building.

The proposal complies with LDP policy Env 3 Listed Buildings Setting.

c) Impact on Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

LDP Policy Env 6 - Conservation Areas - Development states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The Leith Conservation Area is of considerable size covering various historical periods and stages of development that form a variety of character areas and spatial patterns. For this analysis the character appraisal is split into four sub areas representing distinctive patterns of growth and development. The site falls within the Madeira area which retains a largely Georgian domestic character with buildings of stone with slate roofs. The mix of plot widths, the variety of architects involved, the differing house types, larger front gardens and an air of faded grandeur all help to reinforce a more informal and relaxed character. Ferry Road, the main access to Madeira, is at this point more densely developed and provides a more urban environment of tenements with a mix of commercial uses at ground floor.

The single disused car showroom is modern single storey building. Its design and horizontal emphasis contrasts noticeably with the verticality of the neighbouring 19th century tenements that make up the bulk of the conservation area.

The proposal would redevelop the site with a single storey flat roof element facing Ferry Road and two apartments on the floors above. The proposed building is on the same footprint as the existing building and continues the pattern of projecting shopfronts found along Ferry Road. The development fits into and compliments the existing massing characteristics of the surrounding buildings by being no greater in height and retains the architectural style which is a character of the conservation area. The proposed materials do not detract from the surrounding buildings. The glazing pattern would give an overall vertical emphasis to the built form and proportions. The proposal would 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 and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6

d) Scale, Design and Materials

LDP Policy Des 1 supports new development whose design contributes towards a sense of place and picks up on the positive characteristics of the area. These positive characteristics include the strong uniformity of Victorian and Georgian buildings. This proposal picks up on that by creating a three storey building which fits in between the two adjacent three storey buildings. In addition, the form of the roof relates to the surrounding area.

In terms of LDP Policy Des 4, it is compatible in terms of height and form in addition to scale and proportions. The materials are high quality reflecting the surrounding area. The design complies with policy.

Although the design is contemporary, it ties in with the elevations of the surrounding buildings by integrating stone on the elevation facing onto Ferry Road. The front façade has window openings that are of similar proportions to those on neighbouring buildings.

The proposal will retain the setting of the surrounding area and will be a positive addition to it in terms of design. The choice of materials and positioning are compatible with the character of the existing buildings.

e) 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.

There are proposed windows facing to the front and rear which would not result in any additional overlooking.

The single storey element of the building projecting to the front would be no greater in height than the existing building so there would be no additional overshadowing into neighbouring properties. In addition, there would be no impact on daylighting.

The proposal is satisfactory in terms of residential amenity.

f) Amenity for Future Occupiers

LDP Policy Des 5 (Development Design - Amenity) also requires development proposals to demonstrate that future occupiers will have adequate amenity.

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 proposal creates 2 two-bedroom flats. Both the apartments meet the minimum internal floor area requirements of the Council's Edinburgh Design Guidance.

The new residential units would have aspects to the front and rear in keeping with the existing residential properties. The main living spaces will receive adequate daylight through the proposed window arrangement.

The applicant has submitted a supporting noise impact assessment which has provided additional information on the possible impacts from proposed plant and transport noise impacts. It has highlighted that upgraded acoustic glazing will be required so a condition is attached to address this.

No external amenity space is shown on the drawings. There is an area at the back of the new retail unit which could be used for amenity space but the applicant has advised that the redevelopment of the site at the back, off Industry Lane is being pursued and this land may be required for amenity space for that development. If it does not happen the land to the rear will be amenity ground for the 2 flats. If the rear development does happen then the green area will be communal for both the 2 flats above the retail unit and the residential to Industry Lane. As this would suggest the rear area can be amenity ground in either scenario, a condition has been added to ensure part of the rear area is amenity space for the 2 flats and further details should be submitted. There is sufficient amenity space to show compliance with Hou 3.

g) Roads

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.

No car parking is proposed, and this meets parking standards. Cycle parking is provided to the front of the store for customers, the rear of the store for staff and inside the building to the side for the residential units.

The proposal complies with LDP Tra 2 and Tra 3.

h) Archaeology

The Archaeologist has confirmed that the site lies within an area of potential archaeological significance. A condition is attached requesting that an archaeology survey is undertaken.

i) Any other material issues

Contaminated land

The former use of the site as a garage means that the land could have become contaminated and should be investigated to ensure that the site is made safe for the intended use. A condition is recommended in this regard.

Drainage

A surface water management plan will be required to ensure a sustainable drainage system is put in place. This has been added as a condition.

j) Public comment

Material comments - objection

- Design - assessed in section 3.3b, 3.3c
- Loss of light and privacy - assessed in section 3.3d
- No requirement for more retail - assessed in section 3.3a
- Increased traffic - assessed in section 3.3g
- Increased noise and disruption - assessed in section 3.3d, 3.3e

comments - support

- improved the character and appearance of the area - assessed in section 3.3b

Non- material comments

- new shop being a chain store - not relevant to planning process
- noise from demolition - not relevant to Planning
- a community use should be considered instead of retail use - does not form part of the proposal
- neighbour notification - this was checked, and additional neighbours were notified.

Conclusion

The proposals comply with the development plan and non-statutory guidance. The proposed use is appropriate in this location, the proposals will preserve the character of the conservation area and there will be no adverse impact on the setting of the listed building, there are no transport issues. There will be adverse impact on residential amenity. There are no other material considerations to outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
2. The following noise protection measures to the proposed residential units as defined in the Stuart King Noise Impact Assessment' report (Ref SKAD-GG1FR-AP20-1 Issue 2), dated August 14 2020, shall be carried out in full and completed prior to the development being occupied:
 - Glazing units with a minimum insulation value of 45 Rw with acoustic ventilators having a minimum sound reduction level of 47Dnew shall be installed for the external doors and windows of the Living room areas.
3. No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, 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.
4. A surface water management plan shall be submitted for the further approval of the planning authority prior to the commencement of development

5. Cycle parking shall be implemented in accordance with the Edinburgh Design Guidance prior to the occupation of the development. Full details shall be submitted for the further approval of the planning authority
6. Adequate amenity space shall be provided at the rear of the retail unit for the use of the 2 residential flats. Details shall be submitted for the further approval of the planning authority and the amenity space shall be formed prior to the occupation of the flats.

Reasons: -

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to protect the amenity of the occupiers of the development.
3. In order to safeguard the interests of archaeological heritage.
4. To ensure drainage is sustainably managed.
5. To ensure cycle parking provision is implemented.
6. To ensure the amenity of future occupiers.

Informatives

It should be noted that:

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

5. 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.
6. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
7. The existing dropped kerb shall be removed and the and footway made good. This may require a pavement licence.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 3 February 2014 and 17 comments were received: 9 objecting and 4 supporting. These included comments from the Architectural Heritage Society of Scotland and the Leith Harbour Newhaven Community Council.

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

Background reading/external/references

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

Statutory Development**Plan Provision**

The site lies within the urban area of Edinburgh Local Development Plan where it lies within Leith Conservation Area.

Date registered

18 May 2020

Drawing numbers/Scheme

1,2,3,4,5,6A,7A,8A,9A11A,12A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer

E-mail:jennifer.zochowska@edinburgh.gov.uk

Links - Policies

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

Other Relevant policy guidance

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

Appendix 1

Application for Planning Permission 20/01949/FUL At 120 Ferry Road, Edinburgh, EH6 4PG Demolish existing garage and create Class 1 convenience store with 2 x residential units above.

Consultations

Environmental Protection

Environmental Protection have provided comments on similar proposals in this area (18/01876/FUL) for demolition of existing car garage and erection of new residential block, (19 units)

The proposed development is on the site of an existing car garage and will involve demolition of said building and the erection of class 1 use at ground floor with residential above. The applicant has submitted a supporting noise impact assessment which has provided additional information on the possible impacts from proposed plant and transport noise impacts. It has highlighted that upgraded acoustic glazing will be required. Environmental Protection shall recommend a condition is attached to address this. An informative is recommend for the potential plant.

The applicant should also investigate the installation of photovoltaic panels and use ground and air sourced heat pumps linked to energy storage. The applicant should be aware of the Climate Emergency and Edinburgh's Zero Carbon targets. Therefore, no fossil fuels should be considered.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable).

Environmental Protection has no objection to the application, subject to the following conditions:

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

(a) A site survey (including intrusive investigation where necessary) must be carried out to establish 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. The following noise protection measures to the proposed residential units as defined in the Stuart King Noise Impact Assessment' report (Ref SKAD-GG1FR-AP20-1 Issue 2), dated August 14 2020:

- Glazing units with a minimum insulation value of 45 Rw with acoustic ventilators having a minimum sound reduction level of 47Dnew shall be installed for the external doors and windows of the Living room areas.

shall be carried out in full and completed prior to the development being occupied.

Informative

1. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.

2. 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.

Roads Authority Issues

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. provide 4 cycle parking spaces in a secure and under cover location for the 2 residential units;

b. provide 1 cycle parking space for employees in a secure and under cover location;

c. provide 1 cycle parking space for customers;

d. remove the existing dropped kerb and make good the footway (see Note below);

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

Note:

o The existing loading restrictions will continue to apply. A loading area is available on the opposite side of the road;

- o *Zero car parking is acceptable for the proposed development. Cycle to be as set out in the Council's parking standards.*

Archaeology

The site lies on the edge of historic medieval port and town of Leith. Recent excavations within Leith on sites of the town's fortifications, have led to a re-examination of the Petworth Map a contemporary depiction of the 1559-60 Siege. This work, published in the 2015 volume of Post-Medieval Archaeology, has produced a more accurate geo-referenced plan of the siege works which indicates that this application site lies in the middle of a range of fortifications on the Northern side of the Water of Leith.

Based on the historical and archaeological evidence the site has been identified as occurring within an area of potential archaeological significance. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) PAN 2/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

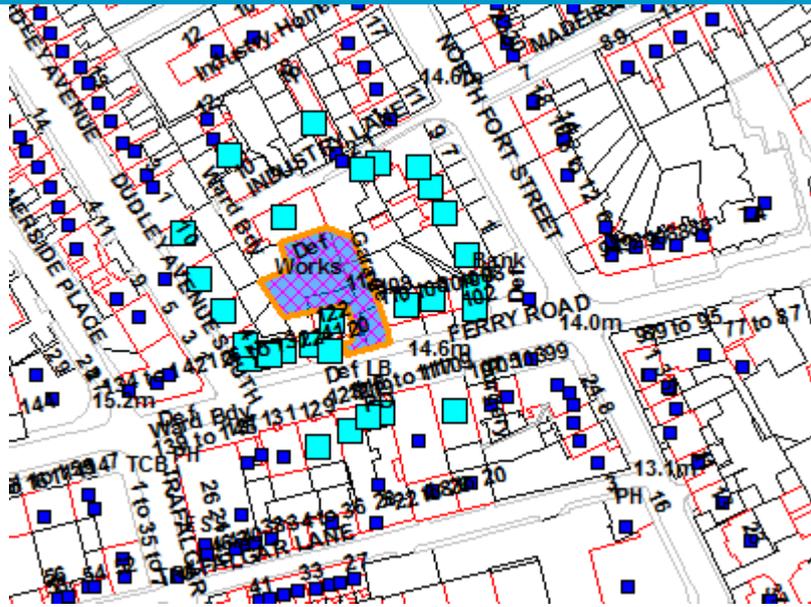
Demolition and construction will potentially require significant ground-breaking works which could reveal potentially nationally significant archaeological evidence (e.g. ditches) associated with the 16th century Siege of Leith. It is recommended therefore that if consented that a programme of archaeological work is undertaken prior to /during any ground-breaking works, in order to fully excavate and record any significant remains which may be impacted upon.

It is recommended that the above programmes of archaeological work are secured by the following condition;

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

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

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/05731/FUL
at Granton Harbour, West Harbour Road, Edinburgh.
Formation of access roads, cycle ways and public realm
areas around Granton Harbour Plot 35 (as amended).**

Item number

Report number

Wards

B04 - Forth

Summary

The principle of the road layout and the layout of pedestrian and cycle paths is acceptable. The proposal complies with the general requirements of LDP Policy Del 3 (Edinburgh Waterfront). The general layout of the public realm is acceptable. subject to conditions requiring further details of landscaping and surface water management.

The proposal complies with relevant policies set out in the Local Development Plan and is acceptable subject to compliance with conditions.

Links

[Policies and guidance for this application](#)

LDPP, LDEL03, LDES02, LDES07, LDES08, LDES10, LEN03, LEN08, LEN09, LEN13, LEN14, LEN16, LEN21, LTRA01, LTRA09, NSGD02,

Report

Application for Planning Permission 20/05731/FUL at Granton Harbour, West Harbour Road, Edinburgh. Formation of access roads, cycle ways and public realm areas around Granton Harbour Plot 35 (as amended).

Recommendations

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

Background

2.1 Site description

The application site is located at the northern end of Granton Harbour. The site lies to the north and east of Plot 35 and fronts onto Granton Harbour quayside on its east side and the Forth estuary to its north.

The category 'B' listed, Western Breakwater (item number 30219, listed 28 November 1989), constructed between 1842 and 1863, lies on the eastern side of plot 35, with part of its eastern flank being located under the application site.

2.2 Site History

Relevant history to the site:

20 June 2003 - Outline planning permission granted for the Granton Harbour Village, mixed use development comprising residential units, hotel and serviced apartments, shops and retail /services, restaurants /cafes, public houses, general business, leisure facilities and marina (Application reference 01/00802/OUT).

4 March 2009 - Application approved to discharge the following reserved matters, (under condition 2): siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes; (1) existing and finished ground levels. This approval was subject to conditions, requiring further information to be submitted within 1 year, on landscaping of public open space, proposed rock revetment, play equipment, configuration of roads and other access provisions, the proposed drainage scheme and related implementation provisions and maximum unit numbers per plot (Application reference 06/03636/REM).

31 January 2014 - Application approved for matters specified in condition 2 as attached to outline permission 01/00802/OUT: covering siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes. The application was subject to a number of conditions requiring further details to be submitted for approval regarding: car parking, landscaping, and the shared cycle way on Western Harbour Road (Application reference 13/04320/AMC).

18 November 2015 - Application for approval to discharge a selected number of reserved matters which were attached to the outline planning permission under condition 2, including the siting and height of development; design and configuration of public and open spaces; access and road layouts; and footpaths and cycle routes approved (Application reference 14/05305/AMC).

2 February 2017 - Application approved for the approval of matters specified in condition 2, covering siting and height of development, design and configuration of public and open spaces, access, road layouts, footpaths and cycle routes (Scheme 2) approved. (Application reference 16/05618/AMC). Note: This is the most up to date master plan for the Granton Harbour area.

31 May 2017 - Application submitted for approval of matters specified in condition 2, covering siting and height of development, design, and configuration of public and open spaces, access, road layouts, footpaths and cycle routes at Granton Harbour, West Harbour Road (Application reference 17/02484/AMC). This application is pending determination.

11 September 2019- Planning application for formation of access roads and footways and public realm; and associated quay edge retention scheme, to serve the Granton Harbour plot 29 (residential development) and plot 35 (hotel development) refused (planning application number 19/00844/FUL).

24 September 2019- Application for approval of matters conditioned under application number 2 of outline planning application reference 01/00802/OUT regarding the erection of buildings containing residential flats, hotel and serviced apartments; formation of road access, parking, and open space at plots 29 and 35 allowed on appeal (application number 17/05306/AMC).

10 July 2020 - Permission granted for the formation of access roads and footways to serve Granton Harbour plots 7B and 8C residential development (application number 20/02026/FUL).

29 October 2020 - Planning permission appeal dismissed for the formation of access roads and footways and public realm; and associated quay edge retention scheme, to serve the Granton Harbour plot 29 (residential development) and plot 35 (hotel development) (application number 20/01368/FUL).

Main report

3.1 Description of the Proposal

The proposals include the provision of roads and infrastructure, serving the Granton masterplan site and in particular the proposed hotel development at plot 35, which borders on to the site. Specifically:

- The provision of a shared pedestrian/cycle path of the west side of Stopford Parade. The pedestrian footpath has a minimum depth of 2.5 metres; whilst the cycle path has a consistent width of 2.5 metres throughout the site.

- Both pedestrian and cycle crossings are provided to connect the proposed new paths with existing infrastructure on Hesperus Broadway.
- Users will have the option to move south-north through the site along Stopford Parade or to go to the east and follow the harbour edge.
- Buffer strips with a minimum depth of 0.5 metres separate cyclists from the two-way road.

The application also seeks permission for elements of public realm design. The site plan provided shows a number of street trees throughout the site and the provision of box planting with the potential to provide seating. The application also shows a tree lined boulevard which cuts through the middle of the site and provides access to the seafront.

Areas of hardstanding are shown throughout the site formed of granite paving and sandstone slabs. Green buffers are interspersed throughout the site.

It is of note that the drawings provided show a positioning of the harbour edge and two residential blocks which are inconsistent with the current Master Plan (application number 16/05618/AMC). These matters are been considered as part of a proposal to revise the existing Master Plan (application number 17/02484/AMC) and are not considered as part of this application.

For the avoidance of doubt, these matters are not considered as part of this application. This application only considers the layout of roads, pathways and public realm.

Previous Scheme

The scheme initially proposed the formation of a shared pedestrian/cycle path on the eastern side of Stopford Parade. The proposed width of the cycle path was two metres. The proposal also included a one-way road system going east from Stopford Way, following the harbour edge.

Supporting Documents

- Landscaping Proposals Document.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The principle of development is acceptable;
- b) The proposals for cycle, pedestrian and vehicle access provision are acceptable;
- c) The design of the proposed public realm is acceptable;
- d) The proposals safeguard the character and special interest of the listed breakwater and its setting;
- e) There are any impacts on natural heritage and biodiversity;
- f) The proposals make adequate provision for flood prevention;
- g) The matters raised in representations are addressed.

a) Principle of development

The site is located within the Granton Harbour Area at Granton Waterfront, as identified in the Edinburgh Local Development Plan (LDP). It is covered by Proposal EW2c for housing led mixed use development across Granton Harbour.

LDP Policy Del 3 (Edinburgh Waterfront) supports proposals which meet a number of requirements including the provision of a series of mixed use sustainable neighbourhoods that connect with the waterfront and proposals for a mix of house types, sizes and affordability. These proposals specifically seek to address the principles relating to the completion of the approved street layout and perimeter block urban form, as well as the relevant section of the Edinburgh Waterfront Promenade.

The proposals to complete the road network, which forms part of the perimeter block layout for the approved street layout, accord in part with the principles of Proposal EW2c and the related provisions of LDP Policy Del 3. This infrastructure would provide for the missing sections of public road and footway serving plot 35.

The proposals for the public realm and pedestrian access on the Waterfront edge address the provisions of LDP Policy Del 3 (f) in respect of completing this section of the city wide, coastal promenade, as proposed in LDP Proposal EW2c. This includes the provision of a direct and coherent east-west path for both pedestrians and cyclists.

b) Transport Matters

LDP Policy Des 7 (Layout Design) ensures good design in new developments with a comprehensive and integrated approach to the design of new cycle paths and footpaths. The policy encourages the design of new layouts to promote well connected cycle and footpath networks and to minimise potential conflict between pedestrians, cyclists and motor cars.

LDP Policy Tra 9 (Cycle and footpath network) promotes sustainable travel by ensuring there are good quality cycle and pedestrian routes throughout the city.

The LDP proposals map identifies a cycleway and footpath to be safeguarded at this location (T7). The relevant approved masterplan for Granton Harbour (as approved in February 2017) (planning application number 16/05618/AMC) confirms the safeguarded cycle/footpath at this location on the proposed site plan.

Condition no. 8 of application number 16/05618/AMC requires details of a suitable Waterfront cycle/ pedestrian route to be submitted to and approved by the Planning Authority and for the approved route to give priority to the cyclists and pedestrians. It further requires that the proposals shall provide details of connections to the promenade at the east and west sides of the site.

The proposed scheme has been amended significantly following feedback from the Planning Authority and Transport Team. The scheme initially proposed the formation of a shared pedestrian/cycle path on the eastern side of Stopford Parade. The proposed width of the cycle path was two metres. The proposal also included a one-way road system going east from Stopford Way, following the harbour edge.

The existing active travel infrastructure on Hesperus Broadway is in the form of a white line segregated cycle track on the western side of the carriageway. In order to ensure a coherent cycle connection that minimises any unnecessary delay or diversion for cyclists, the location of the cycle route on the eastern side of Stopford parade as initially proposed was unacceptable. This would require cyclists to make additional crossings and would have a significant negative impact on the route, due to the delay and diversion this additional crossing would introduce. The proposed connection would not have been on cyclists' desire lines and would not have been legible or continuous.

The initial scheme proposed a two metres wide cycle path and this was also unacceptable. Two metres is outlined as the absolute minimum width that would be acceptable in constrained areas or routes where low cycle flows would be expected. As this route forms part of the Edinburgh Waterfront Promenade the two metre wide cycle route that was proposed was not acceptable. Transport also raised safety concerns in relation to the proposed one-way traffic system for all road users.

The amended scheme has addressed these concerns. The proposed active travel infrastructure located on Stopford Parade has been relocated to the western side of the street. This layout is broadly consistent with the LDP proposals map which identifies a cycleway and footpath safeguard at this location. The location of the cycle path on the western side of the street allows a more intuitive link to the existing infrastructure located on Hesperus Broadway. This will follow cyclists' desire lines, ensuring no diversion, unnecessary crossing or delays. The revised scheme also increases the width of the cycle lane throughout the site to two and a half metres and introduces a two-way traffic system. The proposed layout is consistent with Edinburgh Street Design Guidance. The proposed layout will provide a number of options for pedestrians and cyclists moving through the site and ensures easy access to the seafront. A number of pedestrian and cyclist crossings are provided throughout the site to ensure road user safety.

The Transport Authority has indicated that infrastructure contributions will be required. It is considered that these are proportionate and reasonable to the proposed development. This includes £2000 to promote a suitable order to introduce a 20-mph speed limit within the development and subsequently install all signs and markings. The applicant must contribute a sum of £2000 to progress an order to redetermine sections of footway and carriageway as necessary for the development. The applicant must also contribute a sum of £2000 to progress a suitable order to introduce waiting and loading restrictions.

The Roads Authority was consulted following amendments to the proposal and raised no objections to the application in relation to proposed layout, traffic or safety, subject to the infrastructure works outlined.

The proposals comply with LDP policies Des 7 and Tra 9 and are acceptable in this regard.

c) The design of the proposed public realm is acceptable

LDP Policy Des 8 (Public Realm and Landscape Design) provides for development where all external spaces and features, including streets, footpaths, green spaces and boundary treatments have been designed as an integral part of the scheme as a whole. In particular, it requires that the design and materials are appropriate for their intended use and in keeping with the character of the area. Furthermore, it requires that the different elements of paving, landscape and street furniture are co-ordinated to avoid a sense of clutter.

It is of note that the drawings provided show a positioning of the harbour edge and two residential blocks which are inconsistent with the current Masterplan (application number 16/05618/AMC). These matters are been considered as part of a proposal to revise the existing Masterplan (application number 17/02484/AMC). These matters are not considered as part of this application.

Although the position of the harbour edge is inconsistent with the current Masterplan for the site, the landscape approach is consistent with the approach outlined both in the current Masterplan and in previous plans relating to the site. The proposed hard surfacing materials, which include granite and sandstone, are of a high quality and the proposed layout is more open and shows more green verges and greenspace than previous plans for the site.

The site plan provided shows a number of street trees throughout the site and the provision of box planting with the potential to provide seating. Plans show adequate space for pedestrian movement with the pavement on the eastern side of Stopford Parade reaching a width of between 10.8 and 13.3 metres. The application also shows a tree lined boulevard which cuts through the middle of the site providing pedestrian access to the seafront. Pedestrians and cyclists have clear access to the seafront. The cycle path and public realm beside the harbour edge reaches a width of 10.6 metres.

As outlined above, pedestrian and cyclist access through the site is intuitive. The proposed layout of street furniture avoids a sense of clutter. The plan shows street trees throughout the site; paving is high quality and interspersed with green verges. In general, the proposal shows a high quality pedestrian environment.

However, the drawings provided do not specify the species of the proposed new planting. A Landscape Proposals document has been provided and this provides an overview of planting which is proposed in areas adjacent to the site. An objection was received to the species outlined in this document indicating that the proposed planting would likely die in the harsh seafront environment. Accordingly, a detailed Landscape Management Plan is required for further consideration and approval by the Planning Authority. This must include full details of all hard and soft surface and boundary treatments, tree removal, replacement tree planting and all other planting.

This has been made a condition of this consent and is intended to ensure that all planting is appropriate for the climatic conditions of the site.

The proposal complies with LDP policy Des 8 and is acceptable in this regard, subject to compliance with the above condition.

d) Impacts on Listed Building

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

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

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

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

The application site overlies the category B-listed, western arm of the harbour's Victorian breakwater completed in 1851. This part of the application site has been identified as being of archaeological importance. The remainder of the site comprises modern infill material of the harbour itself which is not considered to be of significance.

Although the listed Victorian breakwater will be impacted upon by these proposals, these impacts are considered to have a low-moderate archaeological impact. The principle of mixed-use development of this site was approved through the outline permission (application number 01/00802/OUT). Based on the information provided, there are no aspects of the proposal which would harm the setting of the listed building. However, it is recommended that a programme of works is undertaken during any works occurring adjacent to and direct on this historic structure, to record any historic remains that may be revealed or affected and ensure protection. This will complement work already undertaken during test trenching along the line of the breakwater and recording of its upper superstructure.

A condition is attached to this application to requiring the completion of an archaeological programme of works.

e) Impacts on Natural Heritage and Biodiversity

The Firth of Forth Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI) lie to the east and west of Granton Harbour but do not include or are not directly adjacent to the site. These sensitive ecological areas are protected from development by LDP policies Env 13 (Sites of European Importance) and Env 14 (Sites of Special Scientific Interest).

SPAs are protected under the Conservation (Natural Habitats) Regulations 1994, as amended (the 'Habitat Regulations'). The legislation requires an appropriate assessment to be undertaken by the Council (as competent authority) where the effects of development are likely to have a significant effect on the qualifying interest of the site. The Firth of Forth SPA is designated for a variety of wintering and passage bird species. This designation includes the area of land outwith the site to the east of Granton Harbour. It is noted that the proposals affecting the sea wall include the provision of a narrow reed bed bordering on to it. This provision will help support protected species of breeding birds and promote biodiversity.

An appropriate Environmental Impact Assessment was carried out as part of the original Outline application, with conditions attached to the consent relating to the requirement to submit an Ecological Watching Brief etc. during the course of development work. These conditions would still apply, should the current development proposal be approved.

Marine Scotland acts as the authority responsible for the integrated management of sea areas which may be affected by development. The applicant is likely to require a Marine Scotland Licence. The applicant should be aware of this requirement. An informative has been included, advising that in relation to ecology matters, all conditions included in Marine Licences 06806/06807 should be complied with.

In summary, there are no additional overriding ecological or natural heritage concerns arising from this application.

f) Flood Prevention

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

The Planning Committee on 30 March 2017 approved the implementation of a certificate procedure in relation to assessing potential flood impacts as a result of new development proposals during the application process.

The proposals will not increase flood risk but the development must be built in accordance with sustainable drainage principles. Accordingly, a Surface Water Management Plan is required to assess the impact of the proposal on surface water on the site. This has not been provided. Before development on site can begin, this must be provided to the Planning Authority. Where required, appropriate action must be taken to ensure the development does not increase flood risk. This is recommended as a condition of this consent.

g) Matters Raised in Representations

Material Comments: Objection

- The proposed 2m cycle path is unacceptable; should look to achieve 2.5-3m; this is addressed in 3.3b);
- Concern about impact on existing ecology and biodiversity; this is addressed in section 3.3e);

- The one-way system around the residential block is inappropriate and more space should be given over to pedestrians and green infrastructure around the waterfront; this is addressed in 3.3b) and 3.3c);
- Concern about extensive areas of hardstanding; this is addressed in 3.3c);
- Concern over failure to provide a Flood Risk Assessment; Surface Water Management Plan or an Environmental Statement; this is addressed in 3.3e) and 3.3f);
- Negative impact on existing bat and bird habitats; this is addressed in 3.3e);
- More greenery should be included; this is addressed in 3.3c); and
- Public realm is insufficient and cluttered; this is addressed in 3.3c).

Material Comments: Support

The proposals provide for access to the waterfront - this is assessed in section 3.3c); Development of degraded land is welcome; this is addressed in section 3.3a); and Balance of cars to active travel is necessary and appreciated; this is addressed in section 3.3b).

Non-Material Comments

- Objection to using tyres on the harbour walls, as this will not allow anything to grow - the application does not address the position or construction of the harbour wall, though it is of note that the plans do not show the use of tyres;
- Potential light pollution - this will be considered in subsequent reserved matter applications as proposals for the site are developed further;
- The developers have not engaged with all water users in relation to this project - the developer has engaged with the two yacht clubs who use Granton Harbour: the Royal Forth Yacht Club, and Forth Corinthian Yacht Club as part of the Masterplan process. Amenity groups, groups of interest and members of the public have the right to express views on any active application;
- Residential development is not necessary - this matter is not considered as part of this application. The residential blocks shown in the site plan will be considered in more details as part of application 17/02484/AMC;
- The proposed imagery promotes a class divide - this is not a planning matter;
- Concern over waste management and the failure to produce a waste strategy - this matter will be considered in more detail in future applications;
- Open space could be good for restaurants and cafes - each application must be assessed on its own merit;
- Should incorporate binoculars facing out to sea; - this is not a planning matter;
- Locals should be involved in planting - this is not a planning matter;
- Tourists should be encouraged to engage with work relating to biodiversity - this is not a planning matter;
- Demand exists for outdoor swimming - this is not a planning matter;
- No reference to local history in design - the application has been considered against planning policy;
- Objection to the hotel - planning permission has already been granted for the hotel shown in plot 35. The principle of the hotel development is not considered in this application;

- Application will put pressure on resident parking and no provision is made for rubbish collection - this proposal is for the layout of roads, paths and public realm, wider issues relating to parking and waste collection will be considered as required when further plans relating to the development of the site are submitted;
- Objection to the height of the harbour wall - the construction of the revetment is not considered as part of this application;
- Issues relating to sewage sludge from boat toilets - this is not relevant to this application and
- The beach should not be development - the principle of developing this area was established in application 01/00802/OUT.

Conclusion

The principle of the road layout and the layout of pedestrian and cycle paths is acceptable. The proposal complies with the general requirements of LDP Policy Del 3 (Edinburgh Waterfront). The general layout of the public realm is acceptable. subject to conditions requiring further details of landscaping and surface water management.

The proposal complies with relevant policies set out in the Local Development Plan and is acceptable subject to compliance with conditions.

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, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments, tree removal, replacement tree planting and all other planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. It shall thereafter be implemented within 6 months of completion of development.
3. The development shall be carried out in accordance with the landscaping scheme approved under condition 2. 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.

4. Prior to the commencement of development, a Surface Water Management Plan and Drainage Impact Assessment shall be submitted for further consideration by the Planning Authority, demonstrating that the proposal will not increase flood risk.
5. Notwithstanding what is shown on the drawings hereby approved, the proposed residential blocks located to the east of the hotel in plot 35 are not consented.
6. Notwithstanding what is shown on the drawings hereby approved, the repositioning of the harbour wall to the east is not consented.

Reasons: -

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to ensure that the approved landscaping works are properly established on site.
4. To ensure the proposal does not increase flood risk.
5. In order to define the consent hereby permitted.
6. In order to define the consent hereby permitted.

Informatives

It should be noted that:

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

These matters are:

Transport

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

The applicant will be required to contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary for the development.

The applicant will be required to contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council.

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. All conditions included in Marine Licences 06806/06807 should be complied with.
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. A Quality Audit, as set out in Designing Streets, must be submitted prior to the grant of Road Construction Consent.
8. 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.
9. 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.

10. 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.
11. 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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 15 January 2021. The application received 14 representations; nine objecting to the scheme, four in support and one taking a neutral stance. The content of these representations is summarised and addressed in the Assessment section of the main report.

Background reading/external references

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

Statutory Development**Plan Provision**

Edinburgh Local Development Plan.

Date registered

21 December 2020

Drawing numbers/Scheme

01, 02B, 03A, 04A,

Scheme 3

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer

E-mail:christopher.sillick@edinburgh.gov.uk

Links - Policies

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

LDP Policy Del 3 (Edinburgh Waterfront) sets criteria for assessing development in Granton Waterfront and Leith Waterfront.

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 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 13 (Sites of International Importance) identifies the circumstances in which development likely to affect Sites of International Importance will be permitted.

LDP Policy Env 14 (Sites of National Importance) identifies the circumstances in which development likely to affect Sites of National Importance will be permitted.

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

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

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

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

Appendix 1

Application for Planning Permission 20/05731/FUL at Granton Harbour, West Harbour Road, Edinburgh. Formation of access roads, cycle ways and public realm areas around Granton Harbour Plot 35 (as amended).

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the formation of access roads, cycle ways and public realm areas around Granton Harbour Plot 35.

I refer you to my earlier comments in response to 01/00802/OUT and subsequent AMC (06/03636/REM, 13/01013/AMC, 13/04320/AMC, 14/05305/AMC, 17/05120/AMC etc.) and FUL (19/00844/FUL) applications which outlined the archaeological significance of the Granton Harbour redevelopment area which this site forms part.

In these reports the northern part of the application site has been identified as being of archaeological importance, overlying and affecting the B-listed Granton Harbour Western Breakwater Pier, completed in 1851. The remainder of the site comprises modern infill material of the harbour itself which is not considered to be of significance.

Therefore, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies ENV4 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Although the listed Victorian breakwater will be impacted upon by these proposals, these impacts are considered to have a low-moderate archaeological impact. However, it is recommended that a programme of works is undertaken during any works occurring adjacent to and direct on this historic structure, to record any historic remains that may be revealed or affected and ensure protection. This will complement the finding of CFA's earlier 2008 report (CFA report 1581, OASIS Ref cfaarcha1-52857) undertaken during test trenching along the line of the breakwater and recording of its upper superstructure.

It is therefore recommended that the following condition is attached to this application to ensure the completion of this archaeological programme of works;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis &

reporting) 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.

Transport - response dated 21 January 2021

The application should be refused.

Reasons:

1. The proposals within this application are considered contrary to LDP policy Tra 9 - Cycle and Footpath Network for the following reasons:

a. The proposed cycle route on Stopford Parade does not provide a direct and coherent active travel connection between existing and proposed Active Travel infrastructure and would therefore prevent the implementation of a proposed cycle/footpath that is shown on the LDP proposals map (Edinburgh Waterfront Promenade);

b. The proposed cycle route width of 2m is not considered appropriate for this situation (LDP Policy Des 7 is relevant).

2. The proposals are considered contrary to LDP Policy Des 7 due to the proposed one-way system. There is an assumption that all new street proposals will make allowances for 2-way traffic. This is due to road safety implications and enforcement requirements. (see Local Transport Strategy Policy PCycle3);

Note:

I. The existing active travel infrastructure on Hesperus Broadway is in the form of a white line segregated cycle track on the western side of the carriageway, to ensure a direct and coherent cycle connection that minimises any unnecessary delay or diversion for cyclists the connecting infrastructure should be positioned on the western side of Stopford Parade. By placing the cycle route on the eastern side will require cyclists to make additional crossings and will have a significant negative impact on the route due to the delay and diversion for cyclists this additional crossing will introduce. It is considered that the proposed connection will not be on cyclists desire lines as it will not be legible or continuous and if a consistent and joined-up route is not provided then cyclists will be unlikely to use the proposed infrastructure.

II. The Edinburgh Street Design Guidance layouts the six core principles of cycle infrastructure design as (Fact Sheet C1 - Designing for Cycling):

a. Safety

b. Directness - Routes should be logical and continuous, without unnecessary obstacles, delays and diversions and planned holistically as part of network;

c. Comfort

d. Coherence - Infrastructure should be legible, intuitive, consistent, joined-up and inclusive. It should be usable and understandable by all users.

- e. *Attractiveness*
- f. *Adaptability*

III. *The Edinburgh Street Design Guidance Fact Sheet C4 - Segregated Cycle Tracks outlines minimum widths for Segregated cycle infrastructure. 2m is outlined as the absolute minimum width that would be acceptable in constrained areas or routes where low cycle flows would be expected. As this route forms part of the Edinburgh Waterfront Promenade the 2m wide cycle route that is proposed is not considered acceptable;*

IV. *Local Transport Policy PCycle3 states "There will be a presumption that all streets will be two way. However, if new one-way streets have to be implemented to manage motor traffic, there will be a presumption that cyclists will be exempted from the one-way restriction". It should be noted that enforcement of one-way restrictions is a matter for the Police.*

Transport - revised response dated 19 February 2021

Further to the memorandum dated the 21st of January 2021 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 £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. *Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;*
2. *All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. 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;*
3. *A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*
4. *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;*

5. 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;

6. 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;

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

Note:

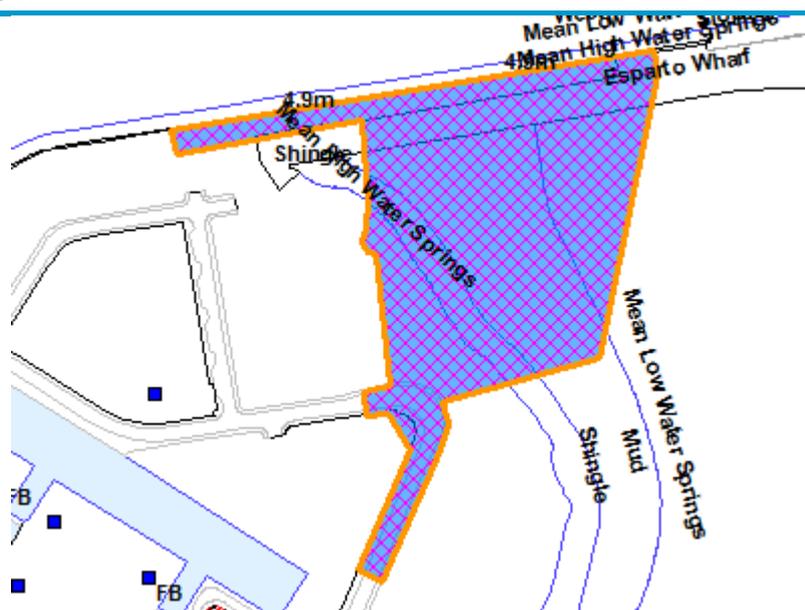
I. The application has been assessed the Edinburgh Street Design Guidance and relevant Fact Sheets and is considered acceptable. Particular reference is made to fact sheets:

a. C1 - Designing for Cycling;

b. C4 - Segregated Cycle Tracks: Hard Segregation;

II. The pedestrian and cyclist priority crossings points that are indicated on the proposals are welcome, the applicant should note that these need to be designed in line with Edinburgh Street Design Guidance Fact Sheet G4 - Crossings and this can be dealt with through the RCC and Quality Audit process.

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/01505/FUL
at 45 Grove Street, Edinburgh, EH3 8AF.
Change of use from office/retail (class 2) to short stay
serviced accommodation (as amended).**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposal complies with the policies contained in the adopted Edinburgh Local Development Plan. The proposed change of use would have no adverse impact on residential amenity. The change of use will preserve the character and appearance of the conservation area. There are no material considerations that would outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, LDEL02, LEN06, LTRA02, LTRA03, NSG, NSBUS, CRPWEN,

Report

Application for Planning Permission 20/01505/FUL at 45 Grove Street, Edinburgh, EH3 8AF. Change of use from office/ retail (class 2) to short stay serviced accommodation (as amended).

Recommendations

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

Background

2.1 Site description

The application site comprises part of the ground floor and all the lower ground floor of an office/retail unit which is currently vacant. It forms part of a building which is four storey on Grove Street with the south elevation facing the Western Approach Road below. The upper floors are serviced holiday let apartments.

There is an access road to the side leading to a rear car park. This is out with the application site.

The surrounding area is largely residential with some commercial uses including holiday lets.

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

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The proposal is for a change of use from office/retail to form five short term holiday accommodation apartments (short stay commercial visitor accommodation - SSCVA).

Each apartment has a living area, bedroom, kitchen area and bathroom. There are also some internal boxrooms.

A new internal stair leading from Grove Street downstairs gives access to the apartments at the lower level. Cycle storage is included in the proposals. No car parking is proposed.

There are some external changes to windows and doors included within the proposal.

Previous Scheme

The scheme was amended to change it from each apartment accommodating up to 10 occupants in pods to a single bedroom layout with a double bed. Initial inclusion of a residential unit at ground floor was also deleted.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the change of use is acceptable;
- b) the proposals will adversely affect the special character or appearance of the conservation area and special qualities of the world heritage site;
- c) the proposal will impact on neighbouring amenity;
- d) there any Roads Authority or parking issues and
- e) any issues raised in representations have been addressed.

a) Principle of development

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP). It should be noted that the LDP does not include any policies against the loss of retail use in this street. In terms of the increase in the number of short stay properties in the City, there is currently no statutory policy in the LDP controlling this.

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets 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 and
- The nature and character of any services provided.

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

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

In addition, policy Del 2 states development which lies within the area of the City Centre as shown on the Proposals Map will be permitted which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city. The site lies within this area.

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. These appeals are material planning considerations. 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 occupying the flat. 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.

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, and this is compatible with policy Del 2.

This property has its own access and it is located within a largely residential area with a small proportion of commercial properties. The amended scheme changes the provision to five single apartments for two people each. Grove Street is a through road with a fair amount of traffic and there is nearby access to local facilities. The units above the application site are already short stay visitor accommodation with a maximum of four persons per apartment. The provision of an additional five short stay units will not materially impact on the character of the area.

The principle of the development is considered acceptable.

b) **Conservation Area**

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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

The site is located within the West End Conservation Area. The character appraisal states in terms of architectural character - *This area reflects a number of architectural periods. Georgian tenemental architecture turns the corners from West Maitland Street into Torphichen and Morrison Street and presents a trickle of domestic buildings on Grove Street.* This highlights the fact that Grove Street is largely residential, and this is an important part of its character. The introduction of an additional five short stay accommodation units will not undermine the essential character of the conservation area.

The actual physical alterations relate to a building which is modern and would not have an adverse impact on the character or appearance of the conservation area.

The character of the conservation area will be preserved. The proposals do comply with Policy Env 6.

c) Neighbouring Amenity

Policy Hou 7 (Inappropriate Uses in Residential Areas) considers whether proposed new uses would harm existing residential amenity.

The application property has its own direct access from the public street and the rest of the building is entirely in use as short term holiday lets. Any occupants of the apartments would therefore not come into contact with residents living nearby. Environmental Protection has no objections on the basis that the apartment block is already part of a serviced apartment complex and the new accommodation faces out over the Western Approach Road towards another block of serviced apartments.

Therefore, it is unlikely to impact on the residential amenity of any nearby sensitive receptors.

Each unit is composed of one room with a double bed and kitchen/bathroom, geared towards couples. The relatively small number of units would restrict usage by an excessive number of visitors. The size of the property is similar to a residential flat and is unlikely to be used radically differently. An SCVA of this nature will not materially intensify demand on local services.

The proposal complies with Local Development Plan Policy Hou 7.

d) Roads Authority

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

The Roads Authority has no objections to the proposal subject to informatives relating to a Travel Plan and parking permit. The zero parking provision is acceptable and complies with the parking standards in the Edinburgh Design Guidance. The application property is well served by public transport and is within walking or cycling distance of local amenities and many tourism venues. Ample cycle storage has been provided.

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

e) Public comments

Material Comments

- Increase of short-term lets in the area - addressed in 3.3.a)
- Loss of retail unit - addressed in 3.3.a)
- Increase in traffic and parking issues - addressed in 3.3.e)
- Number of bed spaces proposed - addressed in 3.3.a)
- Proposal is contrary to policy and guidance - addressed in 3.3.a)
- Use of uPVC - addressed in 3.3.c)
- Impact on bats - this has not been addressed as there is no evidence of bats in the building.

Non-Material Comments

- Neighbour notification issues - initial problems were resolved;
- Litter - this is not a material planning consideration

Conclusion

In conclusion, the proposal complies with the policies contained in the adopted Edinburgh Local Development Plan. The proposed change of use would have no adverse impact on residential amenity. The change of use will preserve the character and appearance of the conservation area. There are no material considerations that would outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

A total of 33 representations were received, all objecting.

Background reading/external references

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

Statutory Development

Plan Provision

Adopted Edinburgh Local Development Plan.

Date registered

2 April 2020

Drawing numbers/Scheme

01, 02A, 03A,

Scheme 3

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager

E-mail: nancy.jamieson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines '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.

The West End Conservation Area Character Appraisal emphasises that the area is characterised by mixed, residential commercial buildings. The central section of the conservation area is a major modern financial area consisting of modern offices. The Georgian and Victorian tenements within the area are mainly 4-6 storeys, and constructed of stone with pitched, slated roofs.

Appendix 1

Application for Planning Permission 20/01505/FUL At 45 Grove Street, Edinburgh, EH3 8AF Change of use from office/ retail (class 2) to short stay serviced accommodation (as amended).

Consultations

Environmental Protection

Environmental Protection has no objections to the application.

The proposed development is to convert existing retail into serviced apartments. The rest of the apartment block the proposal is part of is already serviced accommodation.

The new accommodation faces out over the Western Approach Road towards another block of serviced apartments. Therefore, it is unlikely to impact on the residential amenity of any nearby sensitive receptors.

Therefore, Environmental Protection has no objection to the application.

Transport

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

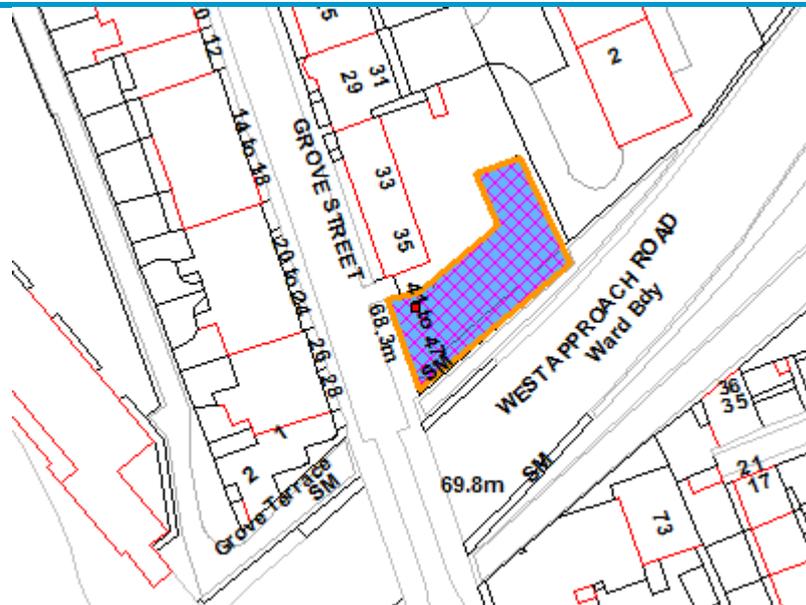
- 1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 2. The applicant should be advised that as the development is located in Zones 1 to 8, they will be eligible for one residential parking permit per property in accordance with the Transport and Environment Committee decision of 4 June 2013. See https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category B - Newly sub-divided or converted).*

Note:

- The application has been assessed under the 2017 Parking Standards (updated January 2020), for the purposes of this assessment the 4 serviced apartments are considered under use class 7 (hotels). These permit the following:*
- A maximum of 2 car parking spaces (1 space per residential unit and 1 space per 5 bedrooms). 0 car parking is proposed. this is considered acceptable;*

- A minimum of 2 cycle parking spaces is required for the residential unit. 0 dedicated cycle parking has been proposed but as this is a conversion of an existing office space and the residential unit has a reasonable sized hallway and storage area and direct level access to the street this is considered acceptable;
- As there is zero car parking proposed there is no requirement for accessible and EV parking;
- The net impact of car parking when comparing the proposed use against existing is considered to be minimal;
- It should be noted that the serviced apartments will not be eligible for residential parking permits;
- The proposed use does not meet the minimum GFA/units/bedrooms to generate a tram contribution.

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/00598/FUL
at 494 Lanark Road, Edinburgh, EH14 5DH.
Change of Use from dwelling to bed and breakfast (in
retrospect).**

Item number

Report number

Wards

B02 - Pentland Hills

Summary

The proposal complies with the Local Development Plan. The principle of the use is acceptable, it has no detrimental impact on the character and appearance of the conservation area, there is no adverse impact on neighbouring amenity and parking and access standards are met. There are no material planning considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, LEN06, NSG, NSBUS, NSLBCA, OTH, CRPJGR,

Report

Application for Planning Permission 20/00598/FUL At 494 Lanark Road, Edinburgh, EH14 5DH Change of Use from dwelling to bed and breakfast (in retrospect)

Recommendations

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

Background

2.1 Site description

The application relates to a substantial two storey detached stone villa, set back some 20metres from the main Lanark Road in an elevated position. The property is on the northern side of Lanark Road, the right-hand side when heading out of the city, just beyond the city by pass.

The area is characterised by mainly traditional stone built detached dwellings set in large grounds. Residential properties lie to the rear in the form of semi-detached dwellings with deep rear gardens.

The dwelling is accessed by a private driveway. A large lawn sits to the front of the property with two substantial cedar trees providing a screen from the road. A low stone wall with railings above provides the front boundary, with stone walls around two metres on either side. The property has a modern side extension on the eastern side which extends to the rear boundary. A single storey side extension is on the western side, with a detached garage at the rear western corner of the site.

This application site is located within the Juniper Green Conservation Area.

2.2 Site History

18 November 2019 - A Planning Enforcement case was opened, application reference 19/00889/SHORT , relating to concerns raised regarding the use of the dwelling for short stay commercial visitor accommodation.

The enforcement case has been closed pending the outcome of this planning application.

Main report

3.1 Description of the Proposal

The application is for retrospective planning permission for the change of use from residential dwelling to bed and breakfast letting. The change of use commenced at the property on 1 August 2019. The applicant was unaware that a change of use consent was required.

The applicant has advised that the premises are used as bed and breakfast let with the applicant occupying the rear annexe and operating the premises from there. There are four lettable rooms. Two of the rooms have kitchen facilities. The applicant provides a continental breakfast on request.

There is a garage with space for two cars. These are for the sole use of visitors.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the proposals preserve or enhance the character and appearance of the conservation area;
- c) the proposal affects road safety and
- d) public comments raised have been addressed.

a) The principle of the change of use is acceptable

LDP Policy Hou 7 relating to inappropriate uses in residential areas, states that developments, including a change of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The property is a detached dwelling set in its own grounds with private access and some off-street parking provision. The proposal for four letting bedrooms is akin to occupation by a large family home and it considered to be an acceptable use in this locality. The property is large enough to accommodate the number of visitors proposed with its own entrance and private garden area. It is located on a busy main road where a large degree of noise and movement is part of the character of the area. Whilst there may be some increased movement from cars and taxis, this will be intermittent and unlikely to cause serious noise issues. The proposal complies with the Council's non-statutory planning Guidance for Businesses.

Neighbours have raised concern regarding the transient population moving through the property which raises concern for privacy and safety of children. This is a matter for the police to oversee and for relevant housing authorities to ensure that those posing a risk to local communities are housed in appropriate locations.

Environmental Protection advise that they have not received any complaints regarding the operation of the premises and as such raise no objections.

It is considered that the proposed change of use of the premises is acceptable within LDP policy Hou 7 in that the proposed number of occupants and pattern of activity is compatible to the residential area.

b) Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: *"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

LDP Policy Env 6 seeks to protect and where possible enhance the character and appearance of the conservation area by ensuring that new development is of appropriate design and quality.

The Juniper Green Conservation Area Character Appraisal identifies the area as a linear village stretching along the main road, on a ridge above the Water of Leith river valley. This section of Juniper Green is characterised by predominately stone villas in large plots.

The change of use of the property would not involve any alterations to the building or its grounds. No loss of trees or subdivision of the property or the site is proposed. It is unlikely that any increase in pedestrian or car movement would fundamentally change the character of this part of the conservation area.

The change of use proposal would not detrimentally impact upon the character of the conservation area.

The proposal complies with LDP Env 6.

c) Road Safety

The application site is accessed by a private drive coming off Lanark Road. This is domestic in width. However, it is long and leads to a garage at the rear of the property where two cars can be parked. There is also the option of parking in front of the property on Lanark Road as this stretch of the road is unrestricted. Local residents have raised concern regarding residents/customers parking on the pavement causing an obstruction; this is a matter for the police to enforce. Transport has raised no objection to the proposal.

d) Public Comment

Material Comments - objections

- Transport - assessed in section 3 c);
- Inadequate car parking on site, existing drive is too narrow for the number of cars attracted to the property - assessed in section 3 c); and
- Amenity concerns - assessed in section 3 a);
- taxis at anti-social hours - addressed in 3a).

Non-material comments

- unclear whether this is a proposed bed and breakfast for tourism or a House in Multiple Occupation - the agent has confirmed that the application is for a change of use to bed and breakfast;
- retrospective nature - retrospective applications are permitted under planning legislation;
- visitors at anti-social hours - not a material planning consideration;
- some residents hosting late night parties - not a material planning consideration;
- cars parking on the pavement and a dangerous bend on the road - this is for the Police to control
- residents of the property should be enforced to use alternative parking - visitors are entitled to park on the public street
- bins not being emptied and tidied away on a regular basis; causing blockages on the pavement - not a material planning consideration;
- poorly sign posted resulting in neighbours being inconvenienced having to direct customers to the property - not a material planning consideration;
- concern regarding children's safety from unknown residents/a transient population - not a material planning consideration.

Conclusion

The proposal complies with the Local Development Plan. The principle of the use is acceptable, it has no detrimental impact on the character and appearance of the conservation area, there is no adverse impact on neighbouring amenity and parking and access standards are acceptable. 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

Informatives

It should be noted that:

1. The applicant is encouraged to enhance signage to the premises, advertisement consent may be required.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 21 February 2020 and attracted 10 letters of representation; 9 objections and 1 comment.

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

Background reading/external references

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

Statutory Development

Plan Provision

Edinburgh Local Development Plan. The site lies within Juniper Green Conservation Area.

Date registered

7 February 2020

Drawing numbers/Scheme

1,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer

E-mail:jennifer.zochowska@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

Relevant Non-Statutory Guidelines

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

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

Other Relevant policy guidance

The Juniper Green Conservation Area Character Appraisal emphasises the traditional village character, and the wide and interesting mix of architectural styles and forms.

Appendix 1

Application for Planning Permission 20/00598/FUL at 494 Lanark Road, Edinburgh, EH14 5DH. Change of Use from dwelling to bed and breakfast (in retrospect)

Consultations

Environmental Protection

The application site is a substantial detached property set back approximately 20m from Lanark Road. The property has a single storey extension on the eastern gable end. The neighbouring properties east and west are also relatively large detached properties. To the south, over the other side of the road are similar sized residential properties as well as a nursing home which is set back significantly from Lanark Road.

The principal concern regarding the application is noise from guests arriving and leaving early in the morning or late at night. The bed and breakfast has been operating since 1st August 2019, however, there are no records of complaints being received.

Therefore, Environmental Protection has no objections to this application.

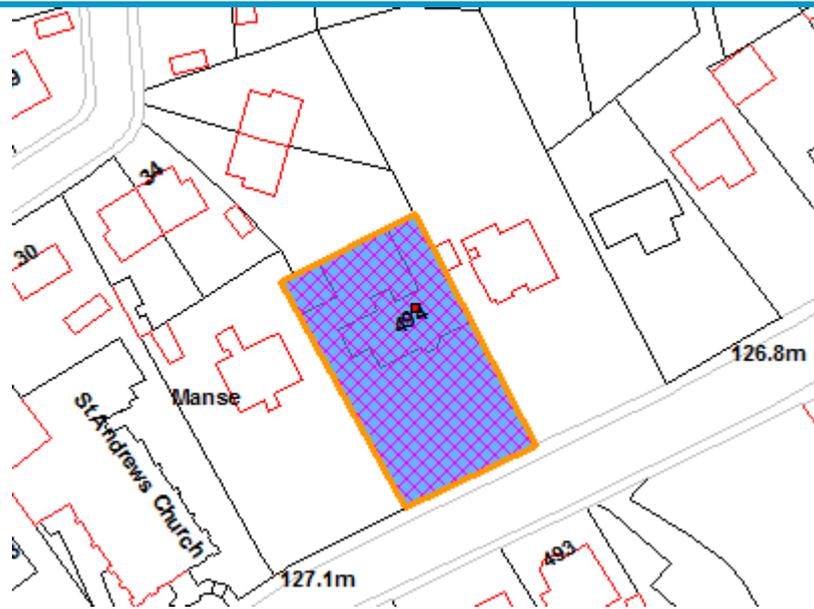
Roads Authority Issues

No objections to the application

Note:

The applicant should be advised that parking is not allowed on the footway fronting the proposed change of use.

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission in Principle
20/00302/PPP
at 572 Lanark Road West, Edinburgh, EH14 7BN.
Erection of residential development (six dwelling houses)
with associated site development works and landscaping
(as amended).**

Item number

Report number

Wards

B02 - Pentland Hills

Summary

The proposal is for planning permission in principle to develop six Class 9 units on a site located within the Green Belt. This is contrary to Local Development Plan (LDP) Policy Env 10 which presumes against development in the Green Belt other than for uses appropriate to a rural area. However, a departure from the LDP is acceptable in this instance due to the poor condition of the site which does not achieve the objectives of the Green Belt or positively contribute to the character of the area.

A number of details will be resolved at the Approval of Matters Specified in Conditions (AMC) application stage including the proposed detailed site layout, height, massing materials, design, associated landscaping, surface water management and infrastructure proposals.

The application has demonstrated that, subject to further detailed assessments, it is capable of delivering development that will make a positive contribution to the character of the area.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES01, LDES04, LDES05, LDES07, LEN08, LEN09, LEN10, LEN12, LEN15, LEN16, LEN21, LHOU03, LHOU04, LTRA02, LTRA03, NSG, NSGD02, NSGCGB,

Report

Application for Planning Permission in Principle 20/00302/PPP at 572 Lanark Road West, Edinburgh, EH14 7BN. Erection of residential development (six dwelling houses) with associated site development works and landscaping (as amended).

Recommendations

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

Background

2.1 Site description

The application site measures approximately 1.04 hectares and is located at 572 Lanark Road West on the western side of Balerno.

The site is relatively narrow and sloping. It is located between a disused quarry to the north and the A70 which runs along its southern and eastern boundaries. The site is accessed from a single point at its north eastern corner which leads to a single storey garage/shed. The site has been vacant for a number of years and in general has an unkempt appearance.

A group of broadleaf trees marks the western edge of the site and are a prominent feature when viewed from the A70. A stone wall bounds the site to the south next to the road.

The northern boundary of the site is defined predominantly by vertically boarded timber fencing beyond which is a dwelling of modern design (570 Lanark Road West). Beyond the western boundary and part of the southern boundary on the opposite side of Lanark Road West there exists a significant number of individually designed dwellings in generously sized plots. To the east of the site, is the Ravelrig Hill Housing Development and more suburban development to the north and east.

2.2 Site History

24 March 1999 - Planning Permission refused and appeal dismissed - Housing Development in outline (as amended from 10 dwellings to 4)(Application reference: 98/01696/OUT).

19 January 2000 - Planning Permission refused and appeal dismissed - Demolish existing buildings & erect up to 6 detached homes & garages (Application reference: 99/02656/FUL).

24 March 2004 - Planning Permission refused and appeal dismissed - Erection of dwelling house and garage (Application reference: 02/03568/FUL).

28 October 2005 - Planning Permission granted - Demolish existing unfinished house and replace with a new architect designed house (Application reference: 04/03834/FUL).

04 August 2008 - Planning Permission granted - Proposed renovation and erection of extension (Application reference: 08/00176/FUL).

10 March 2009 - Planning Permission refused and appeal dismissed - Erection of a dwelling house (Application reference: 08/04216/FUL).

20 July 2010 - Planning Permission granted - Demolish existing unfinished house and replace with a new architect designed house (Application reference: 10/01713/FUL).

28 March 2014 - Planning Permission granted - Demolish existing unfinished house and erect single dwelling house with associated landscaping, accesses and parking (Application reference: 13/03115/FUL).

28 March 2018 - Planning Permission granted - Reconstruction of existing stone boundary wall (in retrospect)(Application reference: 18/00337/FUL).

19 December 2018 - Planning Permission granted - Erection of new shed/garage (Application reference: 18/07680/FUL).

Main Report

3.1 Description of the Proposal

The application is for the formation of six detached houses with linked garages and associated landscaping. The indicative site layout shows extensive new tree planting within the site itself and to the south, east and north boundaries. The plan shows a potential new footpath across the length of the east and south boundaries of the site. Access to the site will be from a new entrance located to the south of the site.

Previous Scheme

The original scheme proposed access to the site from the north-east using an existing entrance. This was removed from the scheme. The original scheme proposed garages which stood independent of the proposed housing units. The scheme has been amended to connect the garages to the houses. The revised scheme relocates the proposed footpath to the south boundary and includes more tree planting to the south and east of the site.

Supporting Documents

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

- Design Statement
- Ecological Statement
- Landscape Appraisal
- Planning Statement
- Transport Statement
- Tree Survey
- Drainage Strategy

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development is acceptable on this site;
- b) the design, scale and layout is appropriate to the site;
- c) there is an acceptable level of amenity;
- d) there are any transport issues;
- e) any other material considerations are addressed;
- f) comments raised have been addressed.

a) Principle

LDP Policy Env 10 Development in the green belt and countryside permits development in this area if it meets with one of the criteria (a-d) set out in the policy and would not detract from the landscape quality or rural character of the area.

Criterion a) sets out types of uses where it is accepted a countryside location is essential for that use to take place. This includes agriculture and forestry for example. No aspect of the development proposed would fall into this category.

Criteria b) and c) relate to changes of use and extension of an existing building and so cannot be used to support the proposal given this proposal is for new buildings.

Criterion d) is for the replacement of existing buildings with new buildings in the same use. The proposal is not supported by this criterion.

Therefore, the proposal is contrary to policy Env 10: Green Belt and is contrary to the development plan.

The Local Development Plan states that the purpose of the Green Belt designation is to:

- direct planned growth to the most appropriate locations and support regeneration;
- protect and enhance the quality, character, landscape setting and identity of the city and neighbouring towns and to
- protect and give access to open space within and around the city and neighbouring towns.

The LDP also states that the Green Belt designation can be used to prevent the coalescence of settlements. In considering whether an exception to policy can be supported, it is necessary to assess whether the site in its current form achieves these objectives. The public currently have no access to the site. The site is degraded and detracts from the appearance of the area. Habitat on the site is limited with extensive patches of bare earth. Of the remaining trees on the site, a number are in terminal decline and the outlook for the site without intervention is limited. The site is surrounded on all sides by residential development. Residential development on the site will not lead to a coalescence of settlements. In its current form the site does not contribute to the objectives of the Green Belt and indeed detracts from its rural character and landscape quality. It is also of note that residential development has previously been granted on the site. On this basis a departure from LDP policy Env 10 is acceptable.

b) Layout, Scale, Form and Design

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

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

LDP Policy Des 7 - Layout Design encourages the design of new layouts to promote well connected cycle and footpath networks and to minimise potential conflict between pedestrians, cyclists and motor cars.

LDP Policy Hou 4 - Housing Density, states the Council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area; the need to create an attractive residential environment and safeguard living conditions within the development; the accessibility of the site includes access to public transport and the need to encourage and support the provision of local facilities necessary to high quality urban living.

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

The application site is surrounded on all sides by residential development. The east of the site in particular is characterised by modern suburban development. To the north the site is overlooked by a modern design detached house and although the south and west of the site are characterised by lower density development than demonstrated to the east, a number of relatively modern residential units are evident. Residential units in the area are typically between 1-2 storeys with no definitive design style.

The applicant has submitted indicative design proposals including site layout, sections and massing A Design and Access Statement has been submitted, this including analysis of site constraints and opportunities. The indicative design proposal shows six detached houses within the site. This would be in keeping with the low-density development to the south and west of the site and a lower density than the developments which lie to the north-east and east of the site.

Sections, visualisations and supporting information in the Design and Access Statement show two storey houses of varied design, which make use of high-quality materials and a focus on sustainable technology. The application does not propose a one size fits all approach; proposing instead bespoke units. Given that this is an application for planning permission in principle, it is recommended that design parameters including matters relating to height mass and scale are established through condition.

Although planning permission for a single dwelling was granted in 2010 and again in 2014, previous applications for multiple housing units on the site were refused in 1998 and 1999. These refusals were on the basis that the 1998 Green Belt Review which informed the Rural West Edinburgh Local Development Plan, concluded that the site contributed to the landscape setting of Balerno and was contained by a defensible boundary. This is no longer the case. The passage of time and the continual decline of the site mean that it now detracts from the landscape setting of the Green Belt and Balerno.

Although Balerno Community Council object to the proposal; the consultation response provided agrees that the site, in its present condition, detracts from rather than contributes to the character and landscape setting of Balerno. Several public comments also acknowledge this. The site is dominated by bare earth and poor-quality grass. Trees have been cleared to the south of the site and with the exception of a cluster of trees to the west, remaining trees on site are in terminal decline.

The site layout plan provided shows extensive replanting of trees on the south, east and north boundaries of the site. The plan also shows the retention of the existing cluster of trees to the west of the site. The plan includes replanting of trees within the site, forming green corridors. Use of hardstanding is limited and the indicative layout of the residential units avoids a sense of clutter. Overall, the proposals have the potential to improve the appearance of the site, making a positive contribution to the character and landscape setting of Balerno and the wider area. In addition, the new trees and other landscape features will improve the biodiversity of the site.

Policy Hou 4 requires the density of housing development to have regard to the accessibility of public transport and local facilities. The nearest bus stop to the site is located at the Bridge Road junction approximately 900 metres from the site. The nearest shop is located at Deanpark Brae within 1600 metres of the site. This represents a 20-25-minute walk or a 4 minute drive. These distances are farther than would be expected within a more traditional urban setting. However, the area is more rural in nature and these distances are consistent with the more rural setting of the area. This arrangement would be consistent with the level of amenity experienced by other housing developments surrounding the site and given the low density of this proposal is acceptable in this case.

The site is located 600 metres away from National Cycle Route 75 and the indicative site layout plan shows a potential footpath connection along the south and the west boundary; connecting the site with Ravelrig Hill to the east. It is notable that no pedestrian footpath is in place on the either the north or south side of the A70 in this location. A number of public representations have supported the potential for the proposal to provide a improved, safe connection between west and east. Subject to further details the proposed footpath is an important element of the scheme which should be retained and secured through condition.

As stated above, given the nature of this planning permission in principle, it is recommended that design parameters including matters relating to height, mass and scale should be established through condition. Achieving high quality development that enhances the setting is a top priority; including reinstating tree cover and use of high-quality materials including boundary treatments. The layout, number and scale of new houses should be derived from a full landscape character appraisal that identifies constraints and opportunities to mitigate negative impact. Though it is recognised that a range of housing types and densities are present in the surrounding area, the proposal must recognise the sensitive nature of the site and largely rural setting. Accordingly, the number of houses developed on site should be limited to six.

c) Amenity

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

LDP Policy Hou 3 (Private Green Space in Housing Development) states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

The Edinburgh Design Guidance sets out minimum internal floorspace requirements for new residential development and guidance in relation to sunlight, daylight and privacy expectations.

In view of the indicative nature of the proposals, matters relating to daylight, sunlight and immediate outlook have not been assessed. Similarly, proposed levels of private open space, the requirements of LDP Policy Hou 3 and the Edinburgh Design Guidance have not been considered.

In terms of neighbouring amenity, the proposed units are a sufficient distance away from existing properties to the west, south and east. The new development is screened by trees and separated by the A70. Plot 6 as shown in the proposed layout plan is approximately sixteen and a half metres from the residential property to the north of the site. This complies with privacy distances and would raise little concern in relation to the potential impact of plot 6 on daylight and sunlight to the existing property.

d) Transport

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

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

LDP Policy Des 7 - Layout Design encourages the design of new layouts to promote well connected cycle and footpath networks and to minimise potential conflict between pedestrians, cyclists and motor cars.

Detailed information is not provided on the provision of car and cycle parking spaces. Detailed information should be provided in future. The proposal must comply with Parking Standards set out in the Edinburgh Design Guidance.

Balerno Community Council and members of the public have raised concern in relation to road safety. The initial proposal on which these comments were based showed access taken from the north-east of the site. This access point is already in place and was granted planning permission in 2014. The Roads Authority in their initial response to the application (dated February 3rd) also raised concern relating to the safety of this access point due to its positioning on a curve. However, following extensive consultation with the Roads Authority, the applicant has agreed to reposition the access to the site to the south-west. This locates the new access point a straight section of the road, with clear visibility. The speed limit here is 30 miles per hour. Following the relocation of this access point the Roads Authority has indicated it has no objections to the proposal.

The Roads Authority has indicated that infrastructure contributions will be required. It is considered that these are proportionate and reasonable to the proposed development. This includes a sum of £2000 to progress an order to redetermine sections of footway and carriageway as necessary for the development.

The applicant must also contribute a sum of £2000 to progress a suitable order to introduce waiting and loading restrictions.

e) Other Planning Matters

Trees and Biodiversity

LDP Policy Env 14 (Sites of Local Importance) states that development t likely to have an adverse impact on the flora, fauna, landscape or geological features of a Local Nature Reserve or a Local Nature Conservation Site will generally not be permitted.

LDP Policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law.

There are three locally designated sites within 1km of the land; The Bavelaw Burn Local Biodiversity Site (LBS), Dalmahoy Hill LBS and the Water of Leith - Balerno to Currie LBS. The Bavelaw Burn and Water of Leith LBSs are remote from the site with no potential for being affected by the development. The Dalmahoy Hill LBS approaches the north boundary bur none of the species or habitats for which the site is designated will be affected by the development. The mutual boundary extends to 120m, but the LBS covers 158 ha.

A Phase 1 Habitat Survey found no evidence of protected species using the site. The Phase 1 Survey revealed the habitat resource of the site was simple in structure and type and had negligible value. The land has been cleared and regraded. No evidence was found of badgers using the land and it is less than optimum for sett excavation and foraging by the species.

Overall, the most extensive habitat is bare ground that supports sparsely scattered plants of buttercup, dock, gorse, rosebay willow herb and some grasses. The habitat is important in that it covers a large area but has negligible habitat value. Two patches of amenity grass are also located on the site, but this is noted as simple in structure and species poor. The standing of oak trees to the west of the site is noted as having site value only.

The Tree Survey reveals that only 14 trees (< 75mm) remain on the site and of those, 3no are dead and the rest are in such poor condition that they are dying. They have a retention category of only C or U and are unlikely to survive longer than 10 years. No trees are identified within twelve metres of the site boundary.

All the remaining trees lie to the west of the site. The Landscape Appraisal document notes "A strong group of broadleaf trees marks the western edge of the site and is a visual feature from the A70." The indicative site layout shows that these trees are to be retained. Given the short life span of remaining trees on site there needs to be a plan for their succession.

The proposals show extensive tree replanting is to occur. This will improve the appearance of the site and the contribution it makes to the character of the area. This will also improve the habitat value of the land.

A detailed landscape plan; including all proposed new planting and boundary treatments will be required in any subsequent Approval of Matters application.

Flooding

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

The Planning Committee on 30 March 2017 approved the implementation of a certificate procedure in relation to assessing potential flood impacts as a result of new development proposals during the application process.

The Council's Flooding Team were consulted in relation to the proposal. Flooding indicated they had no concerns in relation to flood risk and would be happy for the application to proceed subject to the applicant providing a Surface Water Management Plan.

Accordingly, a Surface Water Management Plan is required to assess the impact of the proposal on surface water on the site. This has not been provided. Before development on site can begin, this must be provided to the Planning Authority. Where required, appropriate action must be taken to ensure the development does not increase flood risk. This will be subject to an Approval of Matters application..

A number of local residents have expressed concern about water and mud run-off from the site which is impacting residential units to the south and west of the site. The replanting of trees and the implementation of a formal Surface Water Management Plan could improve or resolve this issue.

Archaeology

LDP Policies Env 8 and Env 9 outline the requirements for developing sites of potential archaeological interest.

In this instance the site occupies high ground overlooking the Water of Lieth to the south-west of the historic Ravelrig Estate and close to the line of a possible Roman Road and the site of a now quarried probable Iron Age Hill fort at Ravelrig Quarry. Although occurring within an area of archaeological potential, recent landscaping works have significantly affected the site and as such it is considered unlikely that any significant remains will have survived on site.

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

Developer Contributions

LDP Policy Del 1 (Developer Contributions) 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.

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 SW-1 of the 'South West Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The education infrastructure actions that are identified in the Action Programme are appropriate to mitigate the cumulative impact of development on local primary schools. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' rate for the appropriate part of the Zone (£5,212 per house - as at Q4 2017).

School roll projections indicate that there will not be sufficient spare capacity at Balerno High School to accommodate pupils from additional housing sites. A secondary school contribution is therefore also required in order that additional capacity can be delivered. This contribution should be based on the pro-rata cost of extending a secondary school, as set out in the Supplementary Guidance (£6,536 per house, as at Q4 2017).

A total Education Contribution of £70,488 will be required.

Health Care

The application site is located within the Pentlands Health Care Contribution Zone. An expansion of existing premises will be required to support new residential development. A contribution of £702 per dwelling is required. The developer will be required to pay these monies in advance of the commencement of development. Based on six houses the total contribution required will be £4,212.

f) Public Comments

Objection Comments

- Concern about surface water and mud run off from the site impacting residential properties to the south and east; this is addressed in section 3.3e).
- Road safety concerns; this is addressed in section 3.3d).
- Limited access to public transport; this is addressed in section 3.3b).
- Housing design is not appropriate for the area; this is addressed in section 3.3b).

Support

- Housing design will have a positive impact on the area; this is addressed in section 3.3b).
- The existing site detracts from the area; this is addressed in section 3.3b).
- The site is vacant, and development would improve the appearance of the area; this is addressed in section 3.3b).
- The proposal relates to a brownfield site and is surrounded by residential development; this is addressed in section 3.3b).

- The proposal will improve pedestrian linkages and improve safety; this is addressed in section 3.3b).
- New development will have access to existing facilities within Balerno; this is addressed in section 3.3b).

Neutral

- The site has issues with surface water run-off; this is addressed in section 3.3e).
- Concerns about impact on privacy; this is assessed in section 3.3c).
- Trees should be replaced; this is addressed in section 3.3e).
- Footpath should be provided; this is addressed in section 3.3b).

Balerno Community Council

- The proposal is contrary to Env 10; this is addressed in section 3.3a).
- Surface water and mud run off; this is addressed at section 3.3e).
- Previous applications for multiple residential units refused; this is addressed in section 3.3b)
- Concerns relating to road safety; this is addressed in section 3.3d).
- No pedestrian or cycle path either side of the A70 adjoining the site; this is addressed in section 3.3d).

Non-Material Comments

- Construction noise; this is not a planning matter.
- The current state of the site is a result of work undertaken by the applicant; the planning authority has no control over this.
- Unclear how the access would be constructed; this is not a planning matter.

Conclusion

The proposal is for planning permission in principle to develop six Class 9 units on a site located within the Green Belt. This is contrary to Local Development Plan (LDP) Policy Env 10 which presumes against development in the Green Belt other than for uses appropriate to a rural area. However, a departure from the LDP is acceptable in this instance due to the poor condition of the site which does not achieve the objectives of the Green Belt or positively contribute to the character of the area.

A number of details will be resolved at the Approval of Matters Specified in Conditions (AMC) application stage including the proposed detailed site layout, height, massing materials, design, associated landscaping, surface water management and infrastructure proposals.

The application has demonstrated that, subject to further detailed assessments, it is capable of delivering development that will make a positive contribution to the character of the area.

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

3.4 Conditions/reasons/informatives

Conditions :-

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

Approval of Matters:

- a) Height, massing and siting of all buildings;
 - b) A detailed specification of all proposed materials, including hard landscaping;
 - c) Design and external appearance of all buildings, roof form, open space, public realm and other structures;
 - d) Existing and finished site and floor levels in relation to Ordnance Datum;
 - e) Roads, footways, cycleways, servicing and layout of car parking and cycle parking provision meeting Edinburgh Street Design Guidance
 - f) Waste management and recycling facilities;
 - g) Daylight, privacy and overshadowing information to assess the amenity of future occupiers within the development and impacts on neighbouring amenity;
 - h) Surface water management, drainage arrangements, SUDS proposals and SUDS maintenance plan.
 - i) External lighting, including floodlighting and street lighting arrangements for the development;
 - j) Site investigation/decontamination arrangements;
- k) Landscaping:
- (i) Detailed soft and hard landscaping plan and levels;
 - (ii) A schedule of all plants and trees to comprise species, plant size and proposed number and density;
 - (iii) Inclusion of hard and soft landscaping details including tree removal;
 - (iv) Landscape management plan including schedule for implementation and maintenance of planting scheme;
 - (v) Any boundary treatments, including noise barriers.
 - (vi) Biodiversity improvements such as inclusion of hedges and raingardens.

3. 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.
4. Trees that are retained on the site shall be protected during the construction period by the erection of fencing, in accordance with clause 2 of BS 5837:2012 "Trees in relation to design, demolition and construction".
5. A new pedestrian footway near to the south boundary of the site, as shown in drawing 03A, shall be constructed and implemented prior to the occupation of the first dwelling house at the development site at no cost to the Council.

Reasons:-

1. In order to secure the proper planning of the area.
2. In order to enable the Planning Authority to consider this/these matter/s in detail.
3. In order to ensure the most efficient and effective rehabilitation of the site.
4. In order to safeguard trees.
5. In the interest of pedestrian safety.

Informatives

It should be noted that:

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

These matters are:

Transport

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

The applicant will be required to contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary for the development.

Education

Sub-Area SW-1 of the 'South West Education Contribution Zone: £11,748 x 6 units = £70,488.

Health Care

Pentlands Health Care Contribution Zone: £702 x 6 units = £4,212.

2. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the 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. Vehicular access arrangement from the west of the site as per revised access plan with drawing ref. 18108(PL)0011-D submitted August 2020.
4. Footway to be provided along north side of Lanark Road West fronting the proposed site as per submitted revised plan.
5. Footway from the proposed internal road to Lanark Road West will be required on the east side of the site to ensure that the entire site can be accessed from the east by active travel.
6. Car and cycle parking spaces to be provided per current parking standards.
7. Detailed design is expected to comply with Edinburgh Design Guidance.
8. 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.
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 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. 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.
13. Electric vehicle charging outlets will be required as per current parking standards 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.
14. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Following neighbour notification fourteen representations were received, nine in support, three objecting and two taking a neutral stance.

Balerno Community Council responded as a statutory consultee and objected to the proposal. The full content of its response is included in the appendix of the report.

Background reading/external references

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

| | |
|---|-----------------------------|
| Statutory Development Plan Provision | Edinburgh Development Plan. |
| Date registered | 23 January 2020 |
| Drawing numbers/Scheme | 01, 03A, Scheme 2 |

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

Contact: Christopher Sillick, Planning Officer
 E-mail: christopher.sillick@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines 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 in Principle 20/00302/PPP at 572 Lanark Road West, Edinburgh, EH14 7BN. Erection of residential development (six dwelling houses) with associated site development works and landscaping (as amended).

Consultations

Balerno Community Council

Summary of the Council's comments

The site which is the subject matter of the application has a long planning history which includes the grant of permission for a single dwelling house along with refusals of permission for multiple house development, none of which, to the Council's knowledge, have been brought to a successful conclusion. The site is a difficult one and its current condition is regrettable. However, the Council does not consider that the proposal is an acceptable solution to the problem. For the reasons set out below, the Council recommends that, the application should be refused.

The reasons for the recommendation are developed and explained in this letter, but in brief the reasons are:

- (1) The land is situated in the Green Belt, and the proposed development does not meet any of the criteria referred to in LDP Policy Env 10.*
- (2) The Council believes that the site is unsuitable for housing, including on grounds of infrastructure and traffic impact.*

Balerno Community Council's approach to planning issues

The basic principles adhered to by the Council in its approach to planning matters are included in the Council's Community Plan published in March 2019 and are set out in the Annex to this letter. The Council seeks to observe those principles in its consideration of all planning applications.

Background to consideration of application 20/00302/PPP

The application is for erection of six dwelling houses with associated works and landscaping development on land at 572 Lanark Road West. The Council met with the applicant at the Council's regular monthly meeting in January 2020. The application was discussed at the Council's February 2020 meeting.

The Site

The site comprises approximately 0.71 hectares on the north side of Lanark Road West between its junctions with East Hannahfield and Ravelrig Hill. The site is accessed from Lanark Road West via a junction on a double bend, diagonally opposite the exit on to the A70 of a footpath leading from Ravelrig Hill. The distance between the two arms of the double bend is thought to be about 70m or less.

The site rises steeply away from the A70 to the north and west. Recent works for reconstruction of the boundary wall, permission for which was granted retrospectively in 2018 (18/00337/FUL) - accentuate the slope. The Community Council has received complaints from residents on Lanark Road West to the south and west of the site and from residents of properties on roads leading on to Lanark Road West to the east of the site complaining of water and mud run-off flowing from the site. The site is within the Green Belt.

It is understood that applications have been made in the past 20 years for multiple dwellings on the site for which, in the past, permissions for a single dwelling house have been granted. Applications for multiple dwelling development have been refused. In connection with application 13/03115/FUL the then acting Head of Planning in his report noted to the effect that;

(i) in March 1999 planning permission was refused for a proposed housing development in outline for 10 dwellings which was subsequently amended to 4. It was refused on the grounds that it was contrary to development in countryside; inconsistency with green belt review; sporadic development in countryside and green belt. (A02603/97).

(ii) In January 2000 the Planning Committee was minded to refuse an application for the demolition of the existing buildings and the erection of up to 6 detached homes and garages due to it being development in the countryside; being inconsistent with Green Belt review; undermining green belt and countryside policies. (99/02656/FUL)

(iii) In September 2000 an appeal for both the above planning applications was dismissed. The reporter concluded that the he saw no good reasons why a development has to compromise more than 'the replacement of the existing derelict bungalow if the objective is to bring the sites in a condition where they complement the appearance of the locality'.

The applicant outlined the current proposal to the Council on 9 January 2020. The Council explained to the applicant that, leaving aside issues related to the Green Belt etc, the Council foresaw problems in accepting that the site could be safely developed from a traffic and pedestrian standpoint given the location of the projected access as described by the applicant. The Council also expressed serious doubts about the possibility of current problems of water and mud run-off being resolved by SUDS as suggested by the applicant and also drew attention to complaints relating such run-off from the site as referred to above.

The Council agrees with the applicant's comment that 'the site, in its present condition, detracts from rather than contributing to the character and landscape setting of Balerno.'

LDP POLICY ENV 10 - Green Belt

Local Development Plan Policy ENV 10 provides that development will only be permitted, within the Green Belt, where it both meets one of the criteria listed in Policy 10 and in addition would not detract from the landscape quality and/or rural character of the area.

The exceptions specified in Policy Env 10 are;

a) For the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use.

b) For the change of use of an existing building, 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.

c) For development relating to an existing use or building(s) such as an extension to a site or building, ancillary development or intensification of the use, provided the proposal is appropriate in type in terms of the existing use, of an appropriate scale, of high-quality design and acceptable in terms of traffic impact.

d) For the replacement of an existing building with a new building in the same use provided:

1) the existing building is not listed or of architectural / historic merit;

2) the existing building is of poor-quality design and structural condition,

3) the existing building is of domestic scale, has a lawful use and is not a temporary structure; and

4) the new building is of a similar or smaller size to the existing one, lies within the curtilage of the existing building and is of high design quality.

So far as the Council are aware none of those exceptions are relevant to the circumstances of the current application. Nor has the applicant specifically argued for application of any of the exceptions.

However, even if the applicant had argued for application of any of the exceptions then, as derogations from the core purpose of Policy Env 10 which is to restrict development in the Green Belt, those derogations must be read restrictively and applied only on the basis of strong evidence, of which there is none advanced in the application.

Furthermore, the proposed development relates neither to agriculture etc, nor to the existing use of a building, nor to replacement of any existing building. The proposal is neither an extension of, nor ancillary to nor an intensification of use of the site or any building on the site.

The proposal is therefore non-compliant with Policy Env 10 and should be rejected.

Even if, however, the proposal was to be considered to be an extension, ancillary to or an intensification of use under criterion (c), it would be necessary for the proposal also to comply with the provisos set out in that criterion. Thus, the proposal would have to be

1. appropriate in type in terms of the existing use,

2. of an appropriate scale,

3. of high-quality design and

4. acceptable in terms of traffic impact, and

in addition, the development should not be allowed if it 'detract[ed] from the landscape quality and/or rural character of the area.'

The site is unsuitable for housing

Council considered those provisos in the context of assessing whether the proposal would be appropriate for the site in question.

Is proposal appropriate to existing use? - The Council is uncertain as to the existing use of the site. The site appears essentially to be derelict and to that extent 'detracts from rather than contributing to the character and landscape setting of Balerno.' The photographs on p3 of the Planning Statement amply evidence the degree of dereliction.

However, despite the regrettable condition of the site the Council believes that the site is not appropriate for housing development as applied for because of serious concerns related to location, scale and the implicit issues of access.

The Council is also seriously concerned that grant of planning permission as sought might render permanent the effects of recent earth works on the site which the Council believes may have led to the water and mud run-off referred to above. If the Planning authority were to consider that permission should be granted, which the Council does not support, then conditions would require to be imposed which would require the current problems to be remedied. The Council considers that such a remedy would involve complete re-engineering of the boundary wall and installation of sufficient drainage.

Location - The Council believes that the A70 is a dangerous road especially at the stretch which includes the access to 572 Lanark Road West. The section of A70 at that point is on a hill with sharp bends. While subject to a 30mph speed limit it remains dangerous partly because, coming from the west, it follows immediately after a relatively straight stretch from the City boundary to the village boundary. Traffic tends to be decelerating rapidly at the village boundary as it negotiates the quarter mile or so of bends and corners around 572, before entering a downhill straight stretch to the junction with Ravelrig Road. The A70 is much busier in 2020 than it was in 2000 with increasing numbers of commuter vehicles using the A70 to avoid congestion on the A71 and the M8. It is cause for real concern that there is no pavement or pathway on either side of the A70 beyond the first corner of the double bend approaching 572 heading west. While the absence of a pavement or footpath is not the responsibility of the applicant, that absence complicates the position for the application. Creating a footpath through the site as suggested by the applicant would not assist pedestrians accessing dwellings on the south side of Lanark Road West opposite the site, and indeed it might exacerbate the danger by encouraging pedestrians to cross the road at or close to dangerous bends.

In the Balerno Community Plan published in March 2019 the Council noted that

'2.2(iii) [The A70] is congested and unsafe with limited opportunities for protected pedestrian crossing as it passes through Balerno. West of Bridge Road the sight lines on Lanark Road West are poor.

(x)Road Safety - The A70 is heavily used. " Over the period since 2000 there have been some 60 vehicle accidents within the Balerno area on the A70, some serious and including fatalities. ""..

There is no pavement on LRW between Ravelrig Hill/Hannahfield and the village boundary such that LRW is at that point quite unsafe for pedestrians, being narrow, with blind bends and undulating.'

Scale - The Council accepts that previous grants of planning permission for the site would have permitted development of the site for one dwelling house. Had those permissions been acted upon the site might in all probability now be in a different condition, and might not now present the detrimental impact on the character and

appearance of the area to which the applicant refers. In the event that the applicant were to modify his application to seek permission for only one house then the Council would require to consider that in the context of the previous planning consents.

The Council does not agree with the applicant's suggestion that 'Notwithstanding previous determinations relating to the site, the passage of time has clearly demonstrated and shown that it will take a development of this scale and nature to make a significant and worthwhile contribution to the area.' - [p18 Supporting Statement para 4.26]. All that the passage of time shows is that, to date, previous permission to build a dwelling house have not been taken up. There is no argument advanced to support the proposition that large scale development is necessary. Large scale development has been held to be inappropriate. The Council supports that position. The Council refers to the refusal of permission for six houses in 2000.

The Council does not accept that the scale of development proposed is appropriate to the site. At present there is vehicular access into 572 but the traffic volumes arising from 6 properties would be likely to be significantly greater than at present when there is currently no permanent residence.

Impact on traffic - Traffic must be seen as vehicular, pedestrian and cycle. As noted above, access to the site for all traffic is principally via a track exiting on the eastern boundary of the site on to Lanark Road West at a double bend. This is intrinsically a dangerous layout. Also as noted above the road is subject to a 30mph speed restriction. The bends are both blind corners and the distance between them is about 70 m. There is no pavement or pathway on the A70 beyond Ravelrig Park on either side of the road including as it passes 572. Creating even a small housing development exiting from 572 would make the A70 potentially more dangerous in terms of higher traffic volumes accessing the site, both vehicular and pedestrian and cycle.

The Council notes from the applicant's transport statement that CEC's Movement and Development guidance makes recommendations for visibility from driveways onto roads. It recommends that where the speed limit is 30mph then the splay required is 60m at 2m from the exit. The splay specified in the application appears to be 45m but from 2.4m. The Council has noted but cannot accept the applicant's argument for allowing a splay of less than the 60m stipulated in the CEC guidance in what must be considered a dangerous setting.

The Council has also noted the applicant's proposal for a pedestrian crossing linking to a footpath through the site. This will increase the pedestrian and cycle traffic to and from the site and consequently seeking to cross the A70 at the double bend. So far as the Council is aware the applicant makes no specific proposal to ensure safety of pedestrians or cyclists using that crossing.

The City Council's draft City Mobility Plan, which is currently the subject of consultation, states that one of the People Objectives of the Plan is to improve the safety for all travelling within the city. The draft Plan further notes - page 5 - that; 'While cars are the single biggest cause of road accidents it is pedestrians who are more likely to be killed or seriously injured. Pedestrians are 22 times more likely to be killed in a road traffic accident than a car occupant. Cyclists are four times more likely to be killed in a road accident than pedestrians.

As the volume of cars on our streets grows, people are increasingly concerned about safety. As a result, more vehicle trips are generated by, for example, people driving their children to school; whilst this may keep them safe it makes the likelihood of car accidents greater by increasing the volume of traffic around schools and large numbers of children.

The high level of risk pedestrians and cyclists face is a major obstacle to encouraging more people to cycle and walk between the places they live work and visit. We need to think about how we use our road space and how we travel to keep people safer.'

Allowing housing development at a location at which there is a clear and obvious risk to pedestrians and cyclists - trunk road, double bend , no pavements, no protected pedestrian crossing - seems to the Council to be almost the antithesis of keeping people safe.

Water and mud run-off - The Council also believes that the recent works creating a rock and earth boundary wall at the site have contributed to a problem of water and mud run-off on to and across the A70. The Council was not aware of any problem in advance of those works. This is an ongoing nuisance to neighbouring proprietors on the south side of the site, and is also causing problems on the east side with run-off down the A70 also causing scouring. Run-off has caused problems in both directions not only through mud deposits and flooding down and across the road, but also with ice forming in severe weather. The Council believes that the problems of water and mud run-off are directly related to the boundary wall works and that development of the site as proposed without re-engineering of the boundary wall will simply make those problems permanent.

For all these reasons the Council does not believe that development of the site as applied for would be appropriate.

Observations on possible development of the site

The Council accepts that previous grants of planning permission would have permitted development of the site for one dwelling house. Had those permissions been acted upon then the site might in all probability now be in a different condition, and might not now present the 'detrimental impact on the character and appearance of the area' to which the applicant refers. The Council does not agree with the applicant when he says 'Notwithstanding previous determinations relating to the site, the passage of time has clearly demonstrated and shown that it will take a development of this scale and nature to make a significant and worthwhile contribution to the area.' As noted above the applicant does not explain the basis for the proposition advanced.

The Council does not purport to have addressed all issues raised by the application, but again as noted above the Council does not accept that the scale of development proposed is appropriate to the site.

The Council believes that without rectification of the water and mud run-off problem then development of the site at whatever scale and for whatever purpose is likely to be seriously restricted.

If, however, the planning authority were minded to grant permission for this application then the Council would suggest that stringent conditions must be attached as follows;

- (i) *in relation to the management of traffic and the safety of road users and in particular pedestrians and cyclists, some form of controlled crossing between Ravelrig Hill and the site would be necessary, that control also regulating vehicular access in and out of the site on to the A70;*
- (ii) *for rectification of the problem of water and mud run-off by re-engineering the boundary wall if necessary, installing proper and effective drainage and reducing height levels within the site as appropriate;*
- (iii) *Since the history of planning permissions for the site does not suggest that a grant of permission would necessarily be carried into effect expeditiously, the Council would wish a condition to be included in any permission requiring the rectification of the water and mud run-off problem before any other development work could be undertaken.*

The Council would expect to be consulted both as to the adequacy of any planning conditions to be imposed, and as to whether they had been satisfied.

For the avoidance of any doubt the Council would wish to re-emphasise that it does not consider the application should be granted.

CONCLUSION

For the reasons set out above the Balerno Community Council believes that application 20/00302/PPP should be refused. In the event that the Planning Authority were to consider it appropriate to grant permission, which grant the Council would not support, then the Council would request imposition of stringent conditions as noted above.

Annex

The basic principles adhered to by the Council in its approach to planning matters are currently set out in the Balerno Community Plan of March 2019 which states that; '2.1(ix) 'the Green Belt is where it is for a purpose, and ought not to be set aside except in exceptional circumstances, as provided for under Policy 10 of the Local Development Plan (2016).

(x) (Core principles on operation of the LDP) '.

that the policies set out in the LDP should be applied properly. Where such policies may allow for development in areas in which development is generally not permitted as for example the Green belt, the community is also entitled to expect also that exceptions to such general restriction will be interpreted strictly and without any presumption in favour of development.

"..

that CEC should insist on the highest possible design standards for any development proposed for Balerno of whatever scale including for affordable housing. Building design must be sympathetic to the locality and consistent with vernacular architecture.t

that transport and traffic considerations are central to the consideration of whether any development is sustainable within a community, and that CEC should do much more to satisfy itself that our roads and transport system is capable of coping with traffic generated by development.

(xi) The Council will further,

Seek both to ensure that Green Belt, Special Landscape Area and any similar designations and policies are fully respected and applied, and also to resist attempts by

developers and others to displace the effect of such designations, whether by reference to alleged shortfalls in the availability of development land or for any other reason;

Seek to ensure that only development consistent with the Local Development Plan are approved.

Airport Consultation Response

The proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

We therefore have no objection to this proposal.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of residential development (six dwelling houses) with associated site development works and landscaping.

The site occupies high ground overlooking the Water of Lieth to the SW of the historic Ravelrig Estate and close to the line of a possible Roman Road and the site of a now quarried probable Iron Age Hill fort at Ravelrig Quarry. Although occurring within an area of archaeological potential recent landscaping works have significantly affected the site and as such it is considered unlikely that any significant remains will have survived on site.

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

Communities and Families

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:

6 Houses

This site falls within Sub-Area SW-1 of the 'South West Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified in the Action Programme are appropriate to mitigate the cumulative impact of development on local primary schools. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' rate for the appropriate part of the Zone (£5,212 per house - as at Q4 2017).

School roll projections indicate that there will not be sufficient spare capacity at Balerno High School to accommodate pupils from additional housing sites. A secondary school contribution is therefore also required in order that additional capacity can be delivered. This contribution should be based on the pro-rata cost of extending a secondary school, as set out in the Supplementary Guidance (£6,536 per house, as at Q4 2017).

The application is for planning permission in principle. The required contribution should be secured through a legal agreement based on the 'per house' and 'per flat' contribution figures set out below.

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

Per unit infrastructure contribution requirement:

Per House - £11,748

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 3 February 2020

The application should be continued.

Reasons:

- 1. Access location not acceptable. The applicant quoted the Council's movement and development to justify acceptability of the proposed junction. However, section 7.12.8 states that 'for junctions on curves, reference should be made to Table 9 for determination'. Lanark Road West is considered at least a Local Distributor Road and the proposed access as a minor access/short cul-de-sac junction. It is considered that safe visibility splay cannot be achieved at the proposed location and recommend that access is taken from west of the site;*
- 2. A minimum of 2.5m wide footway is required on the north side of Lanark Road fronting the proposed development;*
- 3. The applicant should demonstrate how refuse collection will done.*

Note:

*Local Distributor Road - serves up to around 1,000 dwellings or industrial development
Short cul-de-sac/minor access- serves 3 to 20 dwellings.*

Transport - response dated 28 August 2020

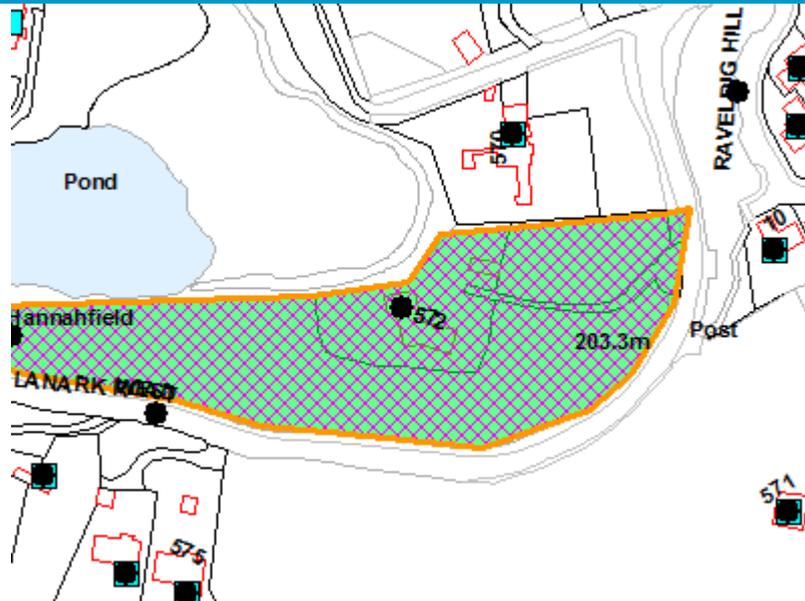
No objections to the application subject to the following being included as conditions or informatives as appropriate:

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;*
2. *Vehicular access arrangement from the west of the site as per revised access plan with drawing ref. 18108(PL)0011-D submitted August 2020;*
3. *Footway to be provided along north side of Lanark Road West fronting the proposed site as per submitted revised plan;*
4. *Footway from the proposed internal road to Lanark Road West will be required on the east side of the site to ensure that the entire site can be accessed from the east by active travel;*
5. *Car and cycle parking spaces to be provided per current parking standards;*
6. *Detailed design is expected to comply with Edinburgh Design Guidance;*
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. *The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*
9. *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;*
10. *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;*
11. *All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
12. *Electric vehicle charging outlets will be required as per current parking standards 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;

13. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/05421/FUL
at 39 London Street, Edinburgh, EH3 6LX.
Change of use from funeral parlour to holiday lets (ground
floor).**

Item number

Report number

Wards

B11 - City Centre

Summary

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is acceptable in principle in this location and will not harm the special interest of the listed building or the defined character of the conservation area. It will not result in an unreasonable loss of amenity for neighbouring residential properties or any transport concerns. The proposal complies with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, LEN04, LEN06, LEN01, LTRA02, LTRA03, HES, HESUSE, NSG, NSBUS, CRPNEW,

Report

Application for Planning Permission 20/05421/FUL at 39 London Street, Edinburgh, EH3 6LX. Change of use from funeral parlour to holiday lets (ground floor).

Recommendations

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

Background

2.1 Site description

The application site relates to a ground floor property near the junction of London Street and Broughton Street.

The property is accessed at the front from its own front door. The property has been disused for around 10 years and was previously used as a funeral parlour.

The interior has two main rooms to the front which are relatively unaltered, but the rear rooms have been partitioned up when previously used as a funeral parlour. The property has fallen into a state of disrepair as shown in the photographs in the design statement.

The surrounding area has a mixed character with largely residential units to the west of the property, a sauna and cafe to the east and a disused property at basement and sub-basement level. Residential units are on the upper floors. Turning into Broughton Street, there is a local centre with a mix of shops, pubs and cafes with residential units above.

It is a category A listed building (Listed 22 April 1965 LB Ref: 29260) and lies within the Edinburgh World Heritage Site.

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

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

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

It is proposed to form 4 studios and a common lounge area. The studios will each contain a double bed, a small kitchen and a shower room and are designed for two persons. Access will be from the front door.

No external alterations are proposed. Internally, alterations are fairly minimal with the main change being the removal of later partitions to re-instate the principal rooms. En-suites will be formed from minor rooms. At this stage listed building consent has not been applied for but this will be required.

There is no car parking proposed.

Supporting information

- Design Statement

This is available to view on the Planning Portal.

3.2 Determining Issues

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

Section 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 development has special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest;
- c) the development preserves or enhances the special character or appearance of the conservation area;
- d) the development affects the Outstanding Universal Value of the Edinburgh World Heritage Site;
- e) the development will have a materially detrimental effect on the living conditions of nearby residents;
- f) the development raises any issues in respect of car and cycle parking and road safety and
- g) comments raised have been addressed.

a) Principle of the Proposal

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP).

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets 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 and
- The nature and character of any services provided.

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

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

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. These appeals are material planning considerations. 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 occupying the flat. 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.

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.

The formation of four individual studio units with a maximum of two persons each is relatively small scale. The property has its own private access to the front and all the units will be entered through this. The property is located on a relatively busy junction in a city centre location and local residents will be used to a certain degree of noise and disturbance from the uses as London Street turns into Broughton Street.

Those renting out the studio rooms may be more likely to use local facilities such as cafes and restaurants more frequently than long term residents but there are kitchen facilities available and any differences would be unlikely to have any adverse impacts.

Based on the criteria established above, the proposal is acceptable in principle.

b) Impact on the Listed Building

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

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

Historic Environment Scotland's (HES) Guidance Notes on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings states; *"New uses may enable us to retain much of the fabric and special interest of a building, but they will always have an impact on its intangible value. The process of conversion will have some impact on a building's special interest, regardless of how well it is handled. The continued use of a listed building for its original function will normally be the best way to retain its historic character"*.

LDP Policy Env 4, Listed Buildings - Alterations and Extensions, permits alterations to listed buildings when they are justified, in keeping with its character and can be undertaken without damage to historic structures or diminution of interest.

There are no external alterations. Internal alterations are minor. The property is in a very poor state of repair and a new use needs to be found for it to ensure it is properly maintained. A commitment has been given to restoring all features of special interest including cornicing, windows and doors. These works will require listed building consent to ensure the detailing is correct. Based on the information submitted at this stage, the change of use will not have a material impact on the special interest of the listed building. The proposal complies with LDP Policy Env 4 and the relevant HES guidance.

c) Impact on the Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2) , special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

LDP Policy Env 6 - Conservation Areas - Development states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The New Town Conservation Area Character Appraisal also notes that *"The New Town Conservation Area represents a planned urban concept of European significance with an overriding character of Georgian formality. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves."*

There are no external alterations and the development preserves both the character and appearance of the conservation area. The change of use to four short stay units will not have any material impact on the character of the conservation area as it contributes to the mix of uses in this area. The site is near a busy local centre with mixed uses and the change of use would not impact on the intrinsic character of the conservation area. The proposal complies with LDP Policy Env 6.

d) World Heritage Site

LDP Policy Env 1 states 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.

The inscription reasons are set out in the Edinburgh World Heritage Site Management Plan as follows:

The Old and New Towns of Edinburgh World Heritage Site (WHS) met two criteria -

Criterion (ii) - Have exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental arts, or town planning and landscape design. 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) - Be an outstanding example of a type of building or architectural ensemble or landscape which illustrates (a) significant stage(s) in human history.

The re-use of ground floor as short stay visitor accommodation does not affect the reasons for the inscription and therefore meets policy Env 1. In addition, the Management Plan notes the importance of the value of the WHS to tourism industry and business community and stresses the importance of sustainable tourism. This is the sustainable re-use of a historic building which has been vacant for 10 years and the location and absence of car parking ensures public transport and walking will be the main modes of travel.

e) Impact on Residential Amenity

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), restricts developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents.

The site is located near the junction of London Street and Broughton Street.

Broughton Street is a busy street in terms of traffic and pedestrian movement and the property is near to a sauna, cafe/restaurants and shops. The basement floor below has been disused for around 30 years. Residential properties are located above the property.

The property is self-contained. Its main entrance to London Street is not shared with any other residential properties. There is no rear access. Any occupants of the studios would therefore not come into contact with residents living nearby.

Each unit is composed of one room with a double bed and kitchen/en-suite, geared towards couples. The relatively small number of units would restrict usage by an excessive number of visitors. The size of the property means that the unit would be used more intensively than a family living in the accommodation but not to the extent that it is likely to impact on residential amenity. An SCVA of this nature will not materially intensify demand on local services.

Each unit will have a kitchen which will be ventilated as any normal domestic kitchen.

The site is not located on a quiet residential street. Instead it is located near a busy junction and has a number of non-residential and potentially intrusive uses nearby. In conjunction with the self-contained nature of the site, it would not result in an unacceptable impact on existing levels of residential amenity.

It complies LDP Policy Hou 7 and the non-statutory Guidance for Businesses.

f) Parking and Road Safety

LDP Policy Tra 2, Private Car Parking, and LDP Policy Tra 3, Private Cycle Parking, state that planning permission will be granted for development where proposed car and cycle parking provision complies with and does not exceed the parking levels set out in the Non-statutory Edinburgh Design Guidance.

The guidance does not define car or cycle parking standards for a SCVA. There is no car or cycle parking provision. However, cycle could potentially be carried up the stairs into each unit.

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

g) Public Comments

Material Comments - Objections:

- Impact on residential amenity - this has been addressed in section 3.3 e)
- Ventilation of kitchens and potential for smells - this has been addressed in section 3.3 e)

Non-Material Comments:

- Property should be used for residential use - this is not what has been applied for and is not a relevant consideration in the determination of this application;
- Over provision of tourist accommodation in the area - this is an issue of commercial competition and is not a material planning consideration;
- Use of the property for sex tourism - this is not a material planning consideration and
- Holiday lets are squeezing accommodation in the City Centre - there are currently no planning policies to control this.

Conclusion

The change of use to SCVA is acceptable in principle in this location and will not harm the special interest of the listed building or the defined character of the conservation area. It will not result in an unreasonable loss of amenity for neighbouring residential properties or raise any transport concerns. The proposal complies with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

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. This consent is for planning permission only. Work must not begin until other necessary consents, e.g. listed building consent, have been obtained.
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. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application received 11 objection comments. The points raised are addressed in section 3.3 of this report.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 29 December 2020

Drawing numbers/Scheme 01-04,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager

E-mail: nancy.jamieson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

Relevant Government Guidance on Historic Environment.

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

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.

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.

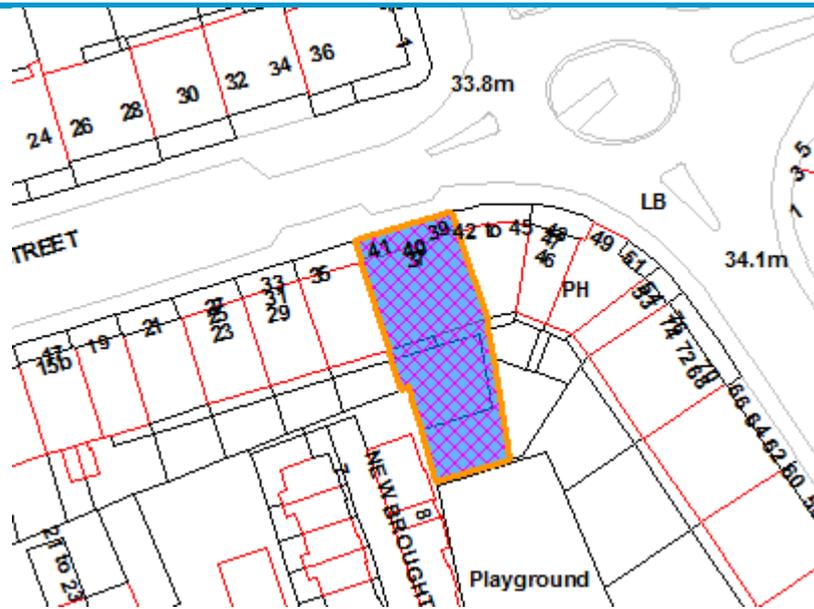
Appendix 1

**Application for Planning Permission 20/05421/FUL
at 39 London Street, Edinburgh, EH3 6LX.
Change of use from funeral parlour to holiday lets (ground
floor).**

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/05425/FUL
at 39 London Street, Edinburgh, EH3 6LX.
Change of use from derelict property to holiday lets
(basement and sub-basement).**

Item number

Report number

Wards

B11 - City Centre

Summary

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is acceptable in principle in this location and will not harm the special interest of the listed building or the defined character of the conservation area. It will not result in an unreasonable loss of amenity for neighbouring residential properties or any transport concerns. The proposal complies with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, LEN04, LEN01, LEN06, LTRA02, LTRA03, HES, HESUSE, NSG, NSBUS, CRPNEW,

Report

Application for Planning Permission 20/05425/FUL at 39 London Street, Edinburgh, EH3 6LX. Change of use from derelict property to holiday lets (basement and sub-basement).

Recommendations

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

Background

2.1 Site description

The application site relates to a basement and sub-basement property near the junction of London Street and Broughton Street.

The property is accessed at the front from basement level and sub-basement level at the rear through the garden area which is in the ownership of the applicant. The property has been disused for around 30 years and therefore any previous use has been abandoned and photographs submitted with the application show it is in a very poor state of repair.

The interior still has its original configuration and a number of original features including a kitchen range.

The surrounding area has a mixed character with largely residential units to the west of the property, a sauna to the east and a disused funeral parlour above at ground floor. Residential units are on the upper floors. Turning into Broughton street, there is a local centre with a mix of shops, pubs and cafes with residential units above.

It is a category A listed building (Listed 22 April 1965 LB Ref: 29260) and lies within the Edinburgh World Heritage Site.

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

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

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

It is proposed to form 4 studios, two at basement level and two at sub-basement level. The studios will each contain a double bed, a small kitchen and a shower room and are designed for two persons. Access will be from the front basement door.

Externally, the only change is the change of a window to a patio glazed door at the rear basement. Internally, alterations are fairly minimal with the main change being the removal of a wall at sub-basement level. The kitchen range will be retained. At this stage listed building consent has not been applied for but this will be required.

There is no car parking proposed.

Previous Scheme

The application has been amended to retain a wall at basement level so access is now taken from the front of the building rather than the rear. This will give access to all four studios.

Supporting information

- Design Statement

This is available to view on the Planning Portal.

3.2 Determining Issues

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

Section 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 development has special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest;
- c) the development preserves or enhances the special character or appearance of the conservation area;
- d) the development affects the Outstanding Universal Value of the Edinburgh World Heritage Site;
- e) the development will have a materially detrimental effect on the living conditions of nearby residents;
- f) the development raises any issues in respect of car and cycle parking and road safety and
- g) comments raised have been addressed.

a) Principle of the Proposal

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP).

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets 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; and
- The nature and character of any services provided.

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

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

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. These appeals are material planning considerations. 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 occupying the flat. 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.

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.

The formation of four individual studio units with a maximum of two persons each is relatively small scale. The property has its own private access to the front and all the units will be entered through this. The property is located on a relatively busy junction in a city centre location and local residents will be used to a certain degree of noise and disturbance from the uses as London Street turns into Broughton Street.

It would not be possible to use the sub-basement for residential use as daylighting is severely limited. Those renting out the studio rooms may be more likely to use local facilities such as cafes and restaurants more frequently than long term residents but there are kitchen facilities available and any differences would be unlikely to have any adverse impacts.

Based on the criteria established above, the proposal is acceptable in principle.

b) Impact on the Listed Building

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

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

Historic Environment Scotland's (HES) Guidance Notes on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings states; *"New uses may enable us to retain much of the fabric and special interest of a building, but they will always have an impact on its intangible value. The process of conversion will have*

some impact on a building's special interest, regardless of how well it is handled. The continued use of a listed building for its original function will normally be the best way to retain its historic character".

LDP Policy Env 4, Listed Buildings - Alterations and Extensions, permits alterations to listed buildings when they are justified, in keeping with its character and can be undertaken without damage to historic structures or diminution of interest.

The conversion of the window to a patio door is a minor change which does not impact on the special interest of the listed building. Internal alterations are minor and the amended plans ensure the original basement configuration is retained. The property is in a very poor state of repair and a new use needs to be found for it to ensure it is properly maintained. A commitment has been given to restoring all features of special interest including cornicing, windows and the flagstone floor. These works will require listed building consent to ensure the detailing is correct. Based on the information submitted at this stage, the change of use will not have a material impact on the special interest of the listed building. The proposal complies with LDP Policy Env 4 and the relevant HES guidance.

c) Impact on the Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2) , special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

LDP Policy Env 6 - Conservation Areas - Development states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The New Town Conservation Area Character Appraisal also notes that *"The New Town Conservation Area represents a planned urban concept of European significance with an overriding character of Georgian formality. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves."*

The external alterations are minor and preserve both the character and appearance of the conservation area. The change of use to four short stay units will not have any material impact on the character of the conservation area as it contributes to the mix of uses in this area. The site is near a busy local centre with mixed uses and the change of use would not impact on the intrinsic character of the conservation area. The proposal complies with LDP Policy Env 6.

d) World Heritage Site

LDP Policy Env 1 states 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.

The inscription reasons are set out in the Edinburgh World Heritage Site Management Plan as follows:

The Old and New Towns of Edinburgh World Heritage Site (WHS) met two criteria -

Criterion (ii) - Have exerted great influence, over a span of time or within a cultural area of the world, on developments in architecture, monumental arts, or town planning and landscape design. 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) - Be an outstanding example of a type of building or architectural ensemble or landscape which illustrates (a) significant stage(s) in human history.

The re-use of the basement and sub-basement as short stay visitor accommodation does not affect the reasons for the inscription and therefore meets policy Env 1. In addition, the Management Plan notes the importance of the value of the WHS to tourism industry and business community and stresses the importance of sustainable tourism. This is the sustainable re-use of a historic building which has been vacant for 30 years and the location and absence of car parking ensures public transport and walking will be the main modes of travel.

e) Impact on Residential Amenity

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), restricts developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents.

The site is located near the junction of London Street and Broughton Street.

Broughton Street is a busy street in terms of traffic and pedestrian movement and the property is adjacent to a sauna at basement level and a cafe/restaurant above. The ground floor above has been disused for around 10 years and was previously a funeral parlour.

The property is a basement and sub-basement property which is self-contained. Its main entrance to London Street is not shared with any other residential properties. The property has doors to the rear which on the plans are shown to open up to a rear garden area at sub-basement level. The garden is owned by the applicant. Any occupants of the studios would therefore not come into contact with residents living nearby.

Each unit is composed of one room with a double bed and kitchen/en-suite, geared towards couples. The relatively small number of units would restrict usage by an excessive number of visitors and means that the unit will retain a comparable occupation level to neighbouring residential properties. An SCVA of this size will not materially intensify demand on local services.

Concerns have been raised that the location next to a sauna would encourage the use of these units by stag and hen parties. However, the units are individual studios for couples and are not multi-bedroomed units.

The site is not located on a quiet residential street. Instead it is located near a busy junction and has a number of non residential and potentially intrusive uses nearby. In conjunction with the self-contained nature of the site, it would not result in an unacceptable impact on existing levels of residential amenity.

It complies LDP Policy Hou 7 and the non-statutory Guidance for Businesses.

f) Parking and Road Safety

LDP Policy Tra 2, Private Car Parking, and LDP Policy Tra 3, Private Cycle Parking, state that planning permission will be granted for development where proposed car and cycle parking provision complies with and does not exceed the parking levels set out in the Non-statutory Edinburgh Design Guidance.

The guidance does not define car or cycle parking standards for a SCVA. There is no car or cycle parking provision. However, cycle could potentially be carried down the stairs into each unit.

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

g) Public Comments

Material Comments - Objections:

- Impact on residential amenity -This has been addressed in section 3.3 e)
- Access issues - This has been addressed in section 3.3 e)

Non-Material Comments:

- Property should be used for residential use - this is not what has been applied for and is not a relevant consideration in the determination of this application;
- Over provision of tourist accommodation in the area - this is an issue of commercial competition and is not a material planning consideration;
- Use of the property for sex tourism - this is not a material planning consideration;
- Ownership issues - this is a civil matter between all parties and is not a material planning consideration;
- Applicant has left the property to rot - this is not a material planning consideration;
- Listed building consent has not been applied for - this is a separate consent and there is no statutory requirement for it to be applied for at this stage;

- HMO compliance - this is not an application for a House in Multiple Occupancy; and
- Holiday lets are squeezing accommodation in the City Centre - there are currently no planning policies to control this.

Conclusion

The change of use to SCVA is acceptable in principle in this location and will not harm the special interest of the listed building or the defined character of the conservation area. It will not result in an unreasonable loss of amenity for neighbouring residential properties or raise any transport concerns. The proposal complies with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion

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

3.4 Conditions/reasons/informatives

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. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
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. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application received 12 objection comments. The points raised are addressed in section 3.3 of this report.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 29 December 2020

drawing numbers/Scheme 1-4, 05A, 06,

Scheme 2

David Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager

E-mail: nancy.jamieson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

Relevant Government Guidance on Historic Environment.

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

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.

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.

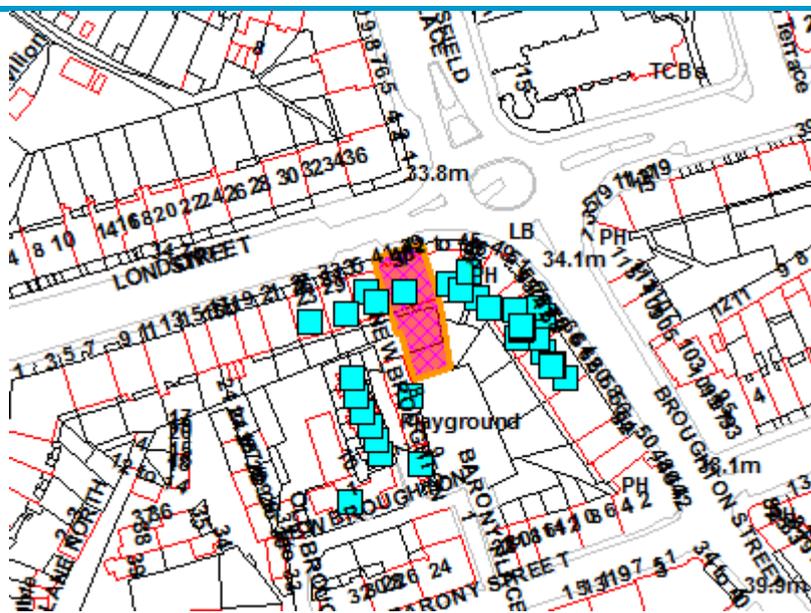
Appendix 1

**Application for Planning Permission 20/05425/FUL
At 39 London Street, Edinburgh, EH3 6LX
Change of use from derelict property to holiday lets
(basement and sub-basement).**

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Listed Building Consent 20/03382/LBC
at Melville Statue, St Andrew Square, Edinburgh.
A new A3 brass plaque on the Melville Monument.**

Item number

Report number

Wards

B11 - City Centre

Summary

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

Links

[Policies and guidance for this application](#)

HES, LEN04, LEN06, NSLBCA,

Report

Application for Listed Building Consent 20/03382/LBC at Melville Statue, St Andrew Square, Edinburgh. A new A3 brass plaque on the Melville Monument.

Recommendations

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

Background

2.1 Site description

The monument is category A listed by William Burn, dating from 1820-3 and constructed in polished cream ashlar sandstone. A Cubic pedestal with eagles at each corner supports the fluted Greek Doric column with laurel wreath base and egg and dart torus at the capital. Surmounted by a drum pedestal and statue of Henry Dundas, First Viscount Melville by Robert Forrest, from a model by Francis Chantrey, the structure contains a spiral stair, exiting at the drum. Listing date: 13 January 1966; listing reference: LB27816.

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

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

Listed building consent is sought to attach an A3-sized, brass information plaque to the north elevation of the monument.

3.2 Determining Issues

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

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

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

3.3 Assessment

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

- a) the works will adversely impact on the character of the listed building;
- b) the proposal will preserve or enhance the character and appearance of the conservation area and
- c) public comments have been addressed.

a) Listed Building

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

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

The proposal would be formed of a high quality material that would respect the architectural integrity of the building. It would cover an ashlar stone block and would sit comfortably between a decorative moulding and an architrave panel above.

The siting of the plaque would ensure that no significant architectural elements would be concealed or impacted upon, thereby protecting the architectural or historic interest of the building.

The proposal would be a modest and sympathetic addition to the building.

It should be noted that assessment of this application is restricted solely to the impact of the proposal on the character of the listed building and no regard can be had to the contents of the text that is displayed on the plaque.

b) Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2) , special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposed plaque is of a modest scale and formed of appropriate materials. Given the scale of the monument and the proposed size of the plaque, it would not form an overly visible or intrusive addition, particularly when viewed from outwith the formal garden setting of the building's views. The proposal would not adversely impact on the character and appearance of the conservation area.

c) Public Comments

Material Comments - objection

- unsympathetic addition of a brass plaque to the listed building. This has been addressed in section 3.3(a).

Non-Material Comments

The majority of objections relate to the content of the plaque which is a non-material consideration in the assessment application.

Comments in support relate to the content of the plaque which, as above, are non-material considerations in the assessment application.

Conclusion

The proposals have special regard to the desirability of preserving the building and its setting and do not adversely affect any features of special architectural and historic interest. The proposals preserve the character and appearance of the conservation area.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. Full details of the proposed fixing method shall be submitted to the Planning Authority for written approval prior to the erection of the plaque.

Reasons: -

1. In order to safeguard the character of the statutorily listed building.

Informatives :-

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

A total of 2297 comments have been received. Of these, 1285 were in support of the application, 1004 objected to the proposal and 8 were neutral comments.

Background reading/external references

- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)

- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is within the City Centre, World Heritage Site and New Town Conservation Area.

Date registered

17 August 2020

Drawing numbers/Scheme

01-03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant Government Guidance on Historic Environment.

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

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

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

Appendix 1

Application for Listed Building Consent 20/03382/LBC At Melville Statue, St Andrew Square, Edinburgh A new A3 brass plaque on the Melville Monument.

Consultations

Historic Environment Scotland

The application is to install a A3-sized brass plaque, commissioned by your Council, on the base of the Category A listed Melville Monument, a fluted column topped by a statue of Henry Dundas, 1st Viscount Melville (1742-1811).

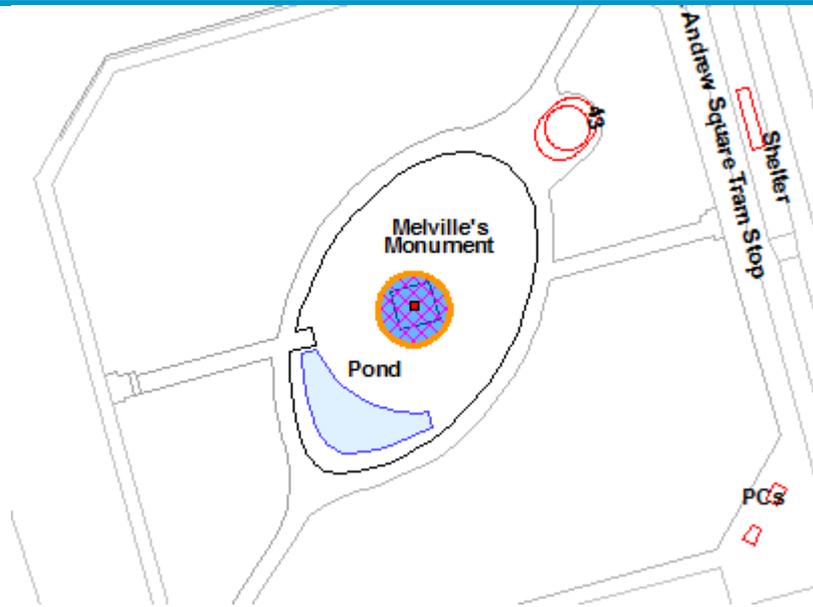
The plaque is proposed for the northern side of the monument between the plinth's decorative moulding and an architraved panel, approximately 1.8m (6ft) above ground level. There is already a small oval plaque in a similar position on the eastern side.

We would generally welcome interpretation that assists with the ongoing understanding and appreciation of listed buildings. However, our comments here are related to the Historic impact of the plaque on the listed building, rather than the detail and wording of the plaque itself.

Whilst we have no concerns with a plaque in the position shown, (subject to appropriate fixings), we consider a freestanding panel adjacent to the monument's base would be preferable. This approach would involve less intervention to the monument itself (fixings into ashlar stone) and would also be more accessible for viewing (the proposed plaque being A3 sized and 6ft off the ground).

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

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 21/00284/FUL
at Land 447 Metres Northeast Of , 545 Old Dalkeith Road,
Edinburgh.**

**Proposed residential development Section 42 Application to
vary condition 8 (noise reduction measures) and delete
conditions 6 (surface water drainage scheme) and 10
(landowner agreements) of planning permission in principle
14/01057/PPP.**

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

This is an application under section 42 of the Town and Country Planning (Scotland) Act 1997 that seeks a new permission to develop the land without complying with the conditions of the previous permission. A decision of grant would result in a new planning permission in principle for a 'residential development, ancillary uses and associated development'.

Planning permission in principle 14/01057/PPP was approved on appeal (PPA-230-2131) by Scottish Ministers. A 'residential development' was approved in detail by 18/00508/AMC and is extant. The period for making applications for the approval of matters specified in the conditions of 14/01057/PPP (PPA-230-2131) has expired.

The proposal is located in the South East Wedge South: Edmonstone Local Development Plan Housing Allocation (HSG 40) where the principle of residential development is acceptable. The amendments to condition 8 and deletion of condition 6 and condition 10 of 14/01057/PPP (PPA-230-2131) will not impede the implementation of a scheme to protect the residential amenity of future occupiers from road traffic and helicopter noise nor prevent the securing of proper drainage for the application site. A decision of grant would be subject to the conclusion of a section 75 legal agreement or modification of the existing legal agreement.

The proposal is considered to comply with the Development Plan and there are no material considerations which should outweigh this conclusion.

Links

| | |
|---|---|
| <u>Policies and guidance for this application</u> | LDPP, LDEL01, LDES05, LDES09, LEN03, LEN09, LEN12, LEN16, LEN18, LEN21, LEN22, LHOU01, LHOU06, LTRA02, LTRA03, LTRA09, SUPP, SGDC, SGBIOF, NSG, NSHAFF, |
|---|---|

Report

Application for Planning Permission 21/00284/FUL at Land 447 Metres Northeast Of , 545 Old Dalkeith Road, Edinburgh.

Proposed residential development Section 42 Application to vary condition 8 (noise reduction measures) and delete conditions 6 (surface water drainage scheme) and 10 (landowner agreements) of planning permission in principle 14/01057/PPP.

Recommendations

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

Background

2.1 Site description

The application site, covering approximately 27 hectares, is situated within the grounds of the historic Edmonstone Estate to the southeast of the city between the areas of Greendykes and Moredun. It is bounded to the south by Old Dalkeith Road (the A7). To the east is The Wisp, which makes the boundary with Midlothian Council. East of The Wisp is the settlement of Danderhall. Open space forming part of the Green Belt defines the northern boundary and to the west are the Eight Acre Field and Walled Garden developments, then the Edinburgh BioQuarter (EBQ).

The application site is currently comprising parkland with a scattering of widely-spaced out trees of varying ages. A cluster of denser woodland sits to the western boundary adjacent to the former site of Edmonstone House. Vegetation types across the application site include:

- Ornamental woodland extending from the south into the site providing a robust natural buffer between the development and the EBQ;
- A series of tree belts, which add structure and enclose the site from adjacent open spaces; and
- Recent woodland planting, which is located along the southern and eastern boundary of the site along Old Dalkeith Road and The Wisp.

The application site is the South East Wedge South: Edmonstone Local Development Plan (LDP) Housing Allocation (HSG 40). It is also located in a Special Landscape Area (Edmonstone House) and a Local Nature Conservation Site. All trees are covered by a Tree Preservation Order (TPO) (reference No.1542008). Trees within the woodland cluster to the western boundary are also Inventory Ancient Woodland and Heritage trees.

Edmonstone House was demolished in the 1950s but the Policy woodland, gate houses, walled garden, boundary walls and Ha-Has, as well as ruins of the former stable block, remain. The eastern and southern boundaries of the application site are defined by a stone wall which varies between 1.5 metres and 2 metres in height. It is in a good condition overall, although there are some areas along The Wisp where it is in a state of disrepair. The Edmonstone House East Gates and Lodge are Category B listed (reference 49519, listed 7 October 2003). The Edmonstone House South Gates and Lodge are also Category B listed (ref 49518, listed 7 October 2003). Both Lodges are currently in a derelict state, with the South being in a ruinous condition. Home Farm, a prehistoric field enclosure, lies to the north outwith the application site and is a Scheduled Monument (reference SM6038, date listed 10 June 1994).

Access for vehicles and pedestrians is currently taken from The Wisp and Old Dalkeith Road at the South and East Lodges.

2.2 Site History

23 April 2015 - Planning permission granted for ground stabilisation works (application reference: 14/01166/FUL)

3 July 2015 - Appeal against non-determination of application number 14/01057/PPP for a residential development at land 447 metres northeast of 545 Old Dalkeith Road, Edinburgh allowed by Scottish Ministers (DPEA appeal reference PPA-230-2131). Condition 1 required the approval of matters specified in conditions (AMC) applications to be in accordance with the timescales of section 59 of the 1997 Act, or a period of three years to 3 July 2018.

5 February 2018 - Tree Preservation Order Exemption Granted in respect of TPO 164: Cedar of Lebanon tag number 336 - fell to ground level (application reference: 18/00310/TPO)

4 September 2018 - Application for the Approval of Matters Specified in Conditions 1 and 6 of Planning Permission in Principle 14/01057/PPP (Appeal Reference PPA-230-2131) granted for a residential development, ancillary uses and associated development on land 447 Metres Northeast of 545 Old Dalkeith Road Edinburgh (application reference 18/00508/AMC). This application remains extant due to the provisions contained in the Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2020. A notification of initiation of development in respect of 14/01057/PPP and 18/00508/AMC was submitted on the 15 June 2020.

1 October 2018 - Application granted for the Modification of the existing Legal Agreement (application reference: 18/02853/OBL)

21 December 2018 - Planning permission granted for the variation to Condition 1 attached to planning permission 18/00508/AMC to change to - *"Prior to the occupation of any residential dwellings hereby approved, the signalised junction of The Wisp with Old Dalkeith Road shall be upgraded to include a system of control by Microprocessor Optimised Vehicle Actuation or such other alternative system as may be agreed, together with carriageway widening etc. all generally as shown on Transport Planning Ltd sketch number TP430/SK/001 dated October 2017."* (application reference:

18/09481/FUL). A notification of initiation of development in respect of planning permission 18/09481/FUL was submitted on the 15 June 2020.

6 October 2020 - Application granted for the Modification or Discharge of Planning Obligations (application reference: 20/03385/OBL)

7 December 2020 - Planning permission granted for, relative to planning permission 18/00508/AMC, amend approved layout to remove houses and incorporate larger SUDS facility and associated landscaping in north-west part of the site (application reference: 20/04168/FUL)

Main report

3.1 Description of the Proposal

This is an application under section 42 of the Town and Country Planning (Scotland) Act 1997 for the variation of condition 8 and the deletion of condition 6 and condition 10 of planning permission in principle 14/01057/PPP.

It is proposed to retain the wording of condition 8 but replace *"No development shall take place"* with *"No part of the residential development hereby approved shall be occupied"*, in relation to the condition which reads:

"No development shall take place until a scheme for protecting all bedrooms and living rooms of the residential development against road traffic and helicopter noise has been submitted and approved by the Planning Authority. The scheme will be designed in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings - Code of Practice' to attain the following internal noise levels:

- 1. Bedrooms - 30dB LAeq, T and 45dB LAfmax*
- 2. Living Rooms - 35 dB LAeq, D*
- 3. T - Night-time 8 hours between 2300 - 0700*
- 4. D - Daytime 16 hours between 0700 - 2300*

The agreed scheme must be implemented in full prior to any residential properties being occupied".

It is proposed to delete condition 6 which requires *"That the site development layout and phasing plan to be submitted as part of the application required under condition 1 above shall include full details of the location and design of the surface water drainage scheme to be installed within the application site and shall be submitted for the approval of the Planning Authority, and for the avoidance of doubt the scheme shall comply with the Scottish Environmental Protection Agency's (SEPA) principles and contain a surface water management plan".*

It is proposed to delete condition 10 which requires that *"No house construction shall commence on the site until the developer has landowner agreements in place to allow surface water connection from the site to the Niddrie Burn in accordance with SEPA requirements."*

The application is submitted to allow the submission of further AMC applications to facilitate development of this allocated housing site.

A Planning Statement was submitted in support and this is available to view on the Planning Portal.

3.2 Determining Issues

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

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 amendments to the conditions of 14/01057/PPP (PPA-230-2131) is acceptable;
- c) there are any other material planning considerations and
- d) the report has addressed all material considerations raised by Community Councils and letters of representation.

a) Principle of the Proposal

LDP Policy Hou 1a) gives priority to the delivery of the housing land supply and relevant infrastructure on allocated sites

The relevant development plans by which 14/01057/PPP (PPA-230-2131) was principally assessed were the South East Scotland Strategic Development Plan and the now superseded Edinburgh City Local Plan. The current 2016 LDP was a material consideration but only proposed and not in force. The appeal site in respect of 14/01057/PPP (PPA-230-2131) was not allocated for housing and was located in the Green Belt.

The approval of 14/01057/PPP (PPA-230-2131) saw the appeal site, which is identical in respect of its boundary to that for the current proposal, become a LDP Housing Allocation (HSG 40). 18/00508/AMC is extant and the commencement of development allows the permission to be implemented; this is a material consideration with significant weight.

The proposal seeks a new permission for a residential development on land allocated for residential development and is acceptable in principle.

b) Amendments to Condition 6, 8 and 10 of 14/01057/PPP (PPA-230-2131)

Condition 8

Condition 8 aims to protect the residential amenity of future occupiers and states *"No development shall take place until a scheme for protecting all bedrooms and living rooms of the residential development against road traffic and helicopter noise has been submitted and approved by the Planning Authority. The scheme will be designed in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings - Code of Practice' to attain the following internal noise levels:*

1. *Bedrooms - 30dB LAeq, T and 45dB LAfmax*
2. *Living Rooms - 35 dB LAeq, D*
3. *T - Night-time 8 hours between 2300 – 0700*
4. *D - Daytime 16 hours between 0700 – 2300*

The agreed scheme must be implemented in full prior to any residential properties being occupied".

It is proposed to retain the wording of condition 8 but replace *"No development shall take place"* with *"No part of the residential development hereby approved shall be occupied"*.

The wording as proposed effectively changes the point in time for which the scheme to protect residential amenity is required to be approved by the Planning Authority from prior to development to prior to occupation. The Noise Impact Assessment submitted in support of 14/01057/PPP (PPA-230-2131) advised that road traffic and helicopter noise associated with the Edinburgh Royal Infirmary may impact on residential amenity. The Scottish Government Reporter, in their appeal decision for 14/01057/PPP (PPA-230-2131), noted the comments from CEC Environmental Protection which considered that noise from these sources would not be an issue if appropriate façade design and glazing measures are implemented.

There can be no detrimental impact on residential amenity until there are residents to be impacted and the change in timing as proposed will still allow the Planning Authority to ensure that a scheme is timeously implemented. As British Standard (BS) 8233:1999 'Sound Insulation and Noise Reduction for Buildings - Code of Practice' has been superseded by BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings', it is reasonable for the scheme to be designed in accordance with this updated BS.

The proposed amendment to condition 8 is acceptable.

Condition 6

Condition 6 aims to ensure the proper drainage of the application site and states: "*That the site development layout and phasing plan to be submitted as part of the application required under condition 1 above shall include full details of the location and design of the surface water drainage scheme to be installed within the application site and shall be submitted for the approval of the Planning Authority, and for the avoidance of doubt the scheme shall comply with the Scottish Environmental Protection Agency's (SEPA) principles and contain a surface water management plan*". It is proposed to delete this condition.

The applicant advises that surface water is proposed to drain to three SuDS basins approved by planning permission 20/04168/FUL. The SuDS basins are located within and to the northwest of the application site.

The three SuDS basins are intended to replace the surface water drainage arrangements which were approved in detail by 18/00508/AMC and distributed throughout this development. Whilst the proposed relocation is acceptable for a new planning permission in principle, the Planning Authority will still require full details of how surface water will be directed to the three SuDS basins approved by 20/04168/FUL and confirmation that they are suitable in respect of flooding, storage, siting and overland flow routes. Condition 1 of this decision is intended to secure the proper drainage of the application site in relation to the submission of further AMC applications.

The proposed deletion of condition 6 is acceptable.

Condition 10

Condition 10 also aims to ensure the proper drainage of the application site and states "*No house construction shall commence on the site until the developer has landowner agreements in place to allow surface water connection from the site to the Niddrie Burn in accordance with SEPA requirements*". It is proposed to delete this condition.

The Planning Authority received confirmation that the necessary legal agreements between respective parties, which does not include CEC, are in place to allow a surface water connection from the application site to the Niddrie Burn.

The proposed deletion of condition 10 is acceptable.

c) Other Material Planning Considerations

A section 42 application seeks a new permission to develop the land without complying with the conditions of the previous permission. Regulation (2) states that the Planning Authority can only consider the issue of which conditions should be attached to the new permission and it has two options; to grant subject to different conditions (including no conditions) or refuse if it is considered that the original conditions should stand.

A decision of grant would create a new planning permission in principle only and the detailed design, siting, and layout of a future 'residential development' would be subject to AMC applications. Accordingly, the potential impacts of the development on aspects such as trees and the natural environment, the historic environment, vehicular access and traffic and neighbour amenity cannot be assessed at this stage as this falls outwith the considerations of a section 42 application made in respect of a planning in principle. Ensuring mitigation of these potential impacts can however, and for the avoidance of doubt, be secured by conditions to a decision of grant and a section 75 legal agreement given that they are known from the assessment undertaken in respect of 14/01057/PPP (PPA-230-2131) and the extant permissions 18/00508/AMC and 20/04168/FUL.

Other Conditions of 14/01057/PPP (PPA-230-2131)

Whilst investigations and work has been undertaken in respect of 14/01057/PPP (PPA-230-2131), there are outstanding matters relating to the development of the application site as a whole and the Planning Authority will attach all conditions, varied where necessary and unless assessed in Paragraph 3.3b) of this report, to ensure that any issues and concerns identified under the original permission are addressed in full.

Developer Contributions

Consent granted under section 42 of the 1997 Act is a new permission and capable of separate implementation. Annex I, Paragraph 2d) of Circular 3/2013: Development Management Procedures states "*Planning authorities will wish to note the following in relation to Section 42 applications: The need to secure any section 75 legal obligation (or other agreement) to the new permission, where it is intended this should still apply*".

LDP Policy Del 1 requires contributions to the provision of infrastructure to mitigate the impact of development. The Edinburgh LDP Action Programme (February 2020) sets out how the infrastructure and services required to support the growth of the city will be delivered and if these will be by a section 75 agreement. The section 75 legal agreement in respect of 14/01057/PPP (PPA-230-2131) has been modified by 18/02853/OBL and 20/03385/OBL. The current obligations applying to the development of the application site are outlined as follows.

Affordable Housing

Clause 3 relates to the timing and level of affordable housing and can be summarised as the requirement for 25% of the total residential units to meet the definition of affordable housing units. Tenure type, location, design standards and contracts must all be agreed with CEC.

Education

Clause 4 relates to the timing and level of contributions towards the Liberton / Gracemount Education Zone and can be summarised as follows:

- i) a 'Education Flat Contribution' of £1,577 per flatted dwelling; and
- ii) a 'Education House Contribution' of £9,093 per dwelling house.

The first payment is due prior to the completion of the 100th residential unit.

Transport

Clause 5 relates to the timing and level of contributions for transport network improvements and can be summarised as follows:

- i) the improvement of traffic signals at The Wisp/Old Dalkeith Road;
- ii) the construction of a two-metre wide footway linking the northern access road (Tweedsmuir Drive) within the development to Edmonstone Road;
- iii) the provision of a cycle track linking the development to Ferniehill Road;
- iv) £6,000 for designating disabled parking spaces, waiting and loading restrictions and a 20mph speed limit within the development; and
- v) £2,000 for implementing a 30mph on The Wisp and the associated amendment of road signs and marking to CEC and Midlothian Council.

Design and layout approval and payment where applicable are all required prior to the date of first occupation.

Estate Management Strategy

Clause 6 requires adherence with the principles, works and requirements of the "Edmonstone Estate Management Strategy (Revision 0)" prepared by Ian White Associates and approved by the Council on 23 April 2015. The aim of the strategy is the restoration and management of the designed landscape and any associated features of relevance.

Conclusion

The applicant is seeking to modify the existing section 75 legal agreement so that parts of the land within the application site can be developed in isolation to the others in respect of the need for education contributions. The first payment is due prior to the completion of the 100th residential unit which would be incompatible if the land were to be parcelled to multiple developers. There is no change to the financial contributions but issues concerning appropriate delivery of contributions will need to be addressed through a new planning obligation or modification of planning obligation to ensure timeous delivery for the different parcels of land being brought forward.

As a decision of grant would result in a new permission, the Planning Authority is able to assess whether further developer contributions are necessary against the current Development Plan. The Roads Authority confirm that the application site falls wholly within the Sherriffhall Contribution Zone and partly within the Gilmerton Crossroads Contribution Zone. The LDP Action Programme does not identify any costs for Sherriffhall but the Roads Authority advise that the latter should attract a per residential unit obligation of £586.83 towards the Gilmerton Crossroads.

The Edinburgh LDP Action Programme notes that costs associated with the Gilmerton Crossroads have been secured by section 75 legal agreements in respect of the Gilmerton Station Road and The Drum LDP Housing Allocations (HSG 24 and HSG 25). Respective payments of £519,838 and £153,565 have been received and therefore no further developer contributions towards the Gilmerton Crossroads are required.

Given that a decision to grant the section 42 application would result in a new permission which is similar in nature to 14/01057/PPP (PPA-230-2131) and the extant 18/00508/AMC, it would not be justified to seek additional developer contributions against The Edinburgh LDP Action Programme.

d) Community Councils and Letters of Representation

Material Comments - Objection:

- Flood risk and surface water - assessed in section 3.3b);
- Impact on local facilities and services - assessed in section 3.3c);
- Building on disused historic mines - mitigation measures have been identified by site investigations in respect of the extant 18/00508/AMC and implementation is secured by condition;
- Impact on the Tram extension - no alterations to the existing road network is proposed.

Non-material Comments

A decision of grant would create a new planning permission in principle only and the detailed design, siting, and layout of a future 'residential development' would be subject to applications for the approval of matters specified in conditions. Assessment and any necessary mitigation in respect of the matters raised by representations below can be identified and implemented under a subsequent AMC or AMCs unless otherwise expanded upon:

- Inappropriate design, layout, massing, density and appearance;
- Impact on neighbour amenity from loss of daylight, sunlight, overlooking, privacy, noise and smell;
- Impact on listed buildings and the historic environment;
- Loss of trees and greenspace and impact on habitat and species;
- Inadequate parking and increase of vehicular traffic.

Conclusion

This is an application under section 42 of the Town and Country Planning (Scotland) Act 1997 that seeks a new permission to develop the land without complying with the conditions of the previous permission. A decision of grant would result in a new planning permission in principle for a 'residential development, ancillary uses and associated development'.

Planning permission in principle 14/01057/PPP was approved on appeal (PPA-230-2131) by Scottish Ministers. A 'residential development' was approved in detail by 18/00508/AMC and is extant. The period for making applications for the approval of matters specified in the conditions of 14/01057/PPP (PPA-230-2131) has expired.

The proposal is located in the South East Wedge South: Edmonstone Local Development Plan Housing Allocation (HSG 40) where the principle of residential development is acceptable. The amendments to condition 8 and deletion of condition 6 and condition 10 of 14/01057/PPP (PPA-230-2131) will not impede the implementation of a scheme to protect the residential amenity of future occupiers from road traffic and helicopter noise nor prevent the securing of proper drainage for the application site. A decision of grant would be subject to the conclusion of a section 75 legal agreement or modification of the existing legal agreement.

The proposal is considered to comply with the Development Plan and there are no material considerations which should outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. No development shall commence until the written approval of the Planning Authority has been given in respect of the following matters:
 - (a) a site development layout and phasing plan showing a phased implementation programme for built development, road and footpath provision, open space provision, tree and shrub planting and woodland management, and this plan shall also detail the siting, design and height of development, including the design of all external features and glazing specifications (including acoustic capabilities);
 - (b) design and configuration of public and open spaces, all external materials and finishes and details of any seating, fencing and play equipment;
 - (c) car and cycle parking, access, road layouts and alignment, including a Stage 2 Quality Audit, classification of streets, and servicing areas;
 - (d) footpaths and cycle routes;
 - (e) waste management and recycling facilities;
 - (f) surface water and drainage arrangements accompanied by a Surface Water Management Plan;
 - (g) existing and finished ground levels in relation to Ordnance Datum;

(h) full details of sustainability measures in accordance with Edinburgh Standards for Sustainable Building;

;

- (i) hard and soft landscaping details, including:
 - a) walls, fences, gates and any other boundary treatments;
 - b) the type and location of new trees, shrubs and hedges;
 - c) the type and location of any trees to be felled and removed from the site;
 - d) a schedule of plants to comprise species, plant size and proposed number/density;
 - e) programme of completion and subsequent management and maintenance;
 - f) existing and proposed services such as cables, pipelines, substations;
 - g) other artefacts and structures such as street furniture, including lighting columns and fittings, and play equipment and,
 - h) details of phasing of these works in relation to implementation and phasing of housing.

- 2. No part of the residential development hereby approved shall be occupied until a scheme for protecting all bedrooms and living rooms of the residential development against road traffic and helicopter noise has been submitted and approved by the Planning Authority. The scheme will be designed in accordance with BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings to attain the following internal noise levels:

- 1. Bedrooms - 30dB LAeq, T and 45dB LAfmax
- 2. Living Rooms - 35 dB LAeq, D
- 3. T - Night-time 8 hours between 2300 – 0700
- 4. D - Daytime 16 hours between 0700 – 2300

The agreed scheme must be implemented in full prior to any residential properties being occupied.

- 3. As soon as possible after each of the phases of the development approved under condition 1(a) above is completed (except for the last or final phase, in respect of which notice shall be given under section 27B(1) of the Act) the person who has completed any phase shall give written notice of the completion of that phase to the Planning Authority.
- 4. No work shall begin until the written approval of the Planning Authority has been given to the details and programming of remedial and/or protective measures required in terms of items (a) and (b) below, and the development shall be carried out in accordance with that written approval.

(a) a site survey (including intrusive investigation where necessary) shall 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 should be undertaken to bring the risks to an acceptable level in relation to the development and,

- (b) a Method Statement and implementation programme for the identification, control and safe removal of any invasive species present on the site including Giant Hogweed (*Heracleum mantegazzianum*).
5. No development shall take place on the site until the developer has secured the implementation of a programme of archaeological work (excavation, analysis and reporting, publication, public engagement and interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
 6. The trees on site shall be protected during the entire ground stabilisation operations period by the erection of a protective barrier in accordance with Figure 2 of British Standard 5837:2012 - 'Trees in relation to design, Demolition and Construction - Recommendations'. The barrier will be no closer to any tree than the distance specified in Clause 4.6 of BS5837:2012.
 7. No development shall take place until the remedial measures identified in the submitted Report on Site Investigations have been carried out. The mining entries should be grouted and capped. Documentary evidence to certify that the approved measures have been carried out is to be submitted to and approved by the Planning Authority, in consultation with the Coal Authority and SEPA, prior to the commencement of construction works on site.
 8. The relevant ecology mitigation measures outlined in sections 9.80 - 9.109 of Volume 1: Environmental Statement - Main Text of the Environmental Statement by Waterman Energy, Environment and Design Limited (Date of publication October 2013 / Document Reference: EED13695-100-R-1-1-1-ES) submitted in support of 14/01057/PPP (PPA-230-2131) shall be implemented and adhered to.

Reasons: -

1. To enable the Planning Authority to consider these matters in detail.
2. In order to protect the amenity of the occupiers of the development.
3. To accord with section 27B(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.
4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses on the site.
5. In order to safeguard the interests of archaeological heritage
6. In order to safeguard protected trees.
7. In the interests of public safety.
8. In order to protect the amenity of the occupiers of the development.

Informatives

It should be noted that:

1. A suitable legal agreement will be required to cover the following matters:

Estate Management Strategy

The adherence with the Estate Management Strategy titled "Edmonstone Estate Management Strategy (Revision 0)" prepared by Ian White Associates and approved by The City of Edinburgh Council on 23 April 2015.

Transport

- i) The implementation of improvements to the traffic signals at The Wisp / Old Dalkeith Road.
- ii) The provision of a 2m wide footway linking the northern access road to Edmonstone Road.
- iii) The provision of a cycle track linking the Development to Ferniehill Road.
- iv) The contribution of £6,000 for designating disabled parking spaces, waiting and loading restrictions and a 20mph speed limit within the development.
- v) The contribution of £2,000 for implementing a 30mph speed limit on The Wisp and the associated amendment of road signs and marking.

Affordable Housing

The provision of 25% of the total residential units as affordable housing units.

Education

The contribution of £1,577 per flatted dwelling and £9,093 per dwelling house towards the provision of additional primary and secondary classroom accommodation for schools which serve the application site within Liberton / Gracemount Contribution Zone.

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.
 - 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.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Neighbour notification was carried out on the 26 January 2021 and the application appeared on the weekly list of the 1 February 2021. The neighbour notification period expired on the 16 February 2021.

Nine comments in objection were received. A summary of considerations raised is provided in 3.3d).

Background reading/external references

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

Statutory Development

Plan Provision

The application site is located in the South East Wedge South: Edmonstone Local Development Plan Housing Allocation (HSG 40), the Edmonstone House Special Landscape Area and a Local Nature Conservation Site. A Tree Preservation Order (TPO 164) applies to the application site.

Date registered

26 January 2021

Drawing numbers/Scheme

01A,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Graham Fraser, Assistant Planning Officer

E-mail: graham.fraser@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Edinburgh BioQuarter and South East Wedge Parkland Supplementary Guidance sets principles against which proposals will be assessed.

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 21/00284/FUL at Land 447 Metres Northeast Of , 545 Old Dalkeith Road, Edinburgh
Proposed residential development Section 42 Application to vary condition 8 (noise reduction measures) and delete conditions 6 (surface water drainage scheme) and 10 (landowner agreements) of planning permission in principle 14/01057/PPP.

Consultations

Craigmillar Community Council - No response

City of Edinburgh Council Environmental Protection - No response

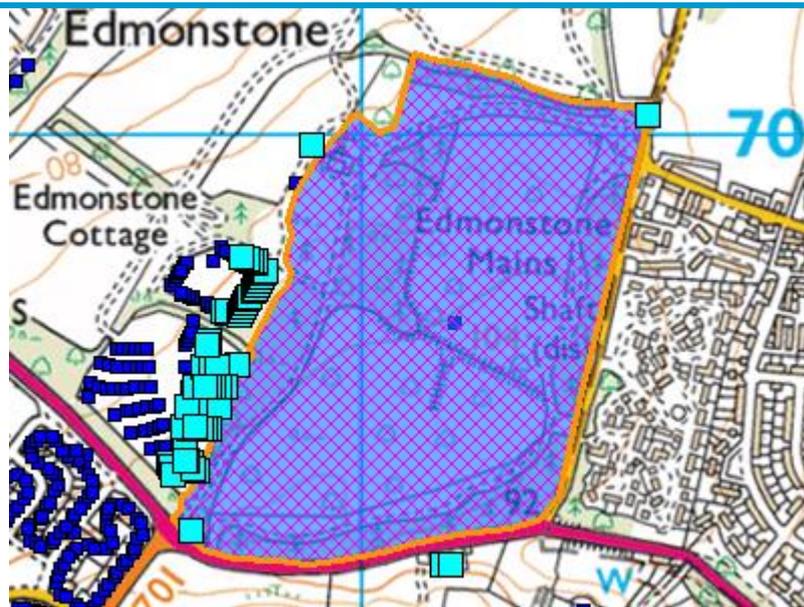
City of Edinburgh Council Flood Prevention (23 February 2021) - No objection subject to a condition

City of Edinburgh Council as Roads Authority (26 February 2021) - No objection

A legal agreement has been entered into for the outline planning permission for this site (Ref.14/01057/PPP). Since that time, the Council has published the Developer Contributions & Infrastructure Delivery Supplementary Guidance 2018. The site lies within two transport contribution zone, see below:

- *Gilmerton contribution zone - the above proposed development is for up to 368 residential units. Therefore a contribution of up to £215,953 would be sought (£586.83 per unit);*
- *Sheriffhall contribution zone - no costs have been identified for this infrastructure.*

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

Application for Planning Permission 20/02262/FUL at Police Box, Heriot Row, Edinburgh. Change of use of police callbox to a coffee and food sale point.

Item number

Report number

Wards

B11 - City Centre

Summary

The proposal complies with the relevant policies of the Edinburgh Local Development Plan. The proposal would be an appropriate use in the context of the character of the surrounding area and would preserve both the character and appearance of the New Town Conservation Area and the Outstanding Universal Value of the Edinburgh World Heritage Site. The proposal would not have an adverse impact on the unique architectural and historical character of the listed building and would be an acceptable city centre development. It would not have a detrimental impact on the amenity of the surrounding area, or raise any concerns in respect to road safety. No other considerations outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN04, LEN03, LEN06, LHOU07, LRET11, NSG, NSLBCA,

Report

Application for Planning Permission 20/02262/FUL at Police Box, Heriot Row, Edinburgh. Change of use of police callbox to a coffee and food sale point.

Recommendations

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

Background

2.1 Site description

The property is a standard Edinburgh pattern police box. The boxes were designed by the City Architect, E J MacRae in 1935.

This box stands on a cobbled street surface on the south side of Heriot Row, close to the junction with India Street, and with Queen Street Gardens to the south.

The box was listed category B on 10 August 1990 reference 45484.

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

2.2 Site History

5 August 2015 - listed building consent granted to paint the box dark green (planning reference: 15/02746/LBC)

25 November 2015 - advertisement consent granted for low-key lettering (planning reference: 15/04806/ADV)

Main report

3.1 Description of the Proposal

The application proposes the alteration and conversion of the police box into a coffee kiosk. The box would be painted dark blue, with a canopy on the north side.

The box would open on its north side onto the public road.

A conservation statement was submitted.

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 use is acceptable in principle;
- b) the proposal will preserve the character of the listed building;
- c) the proposal will preserve the setting of the surrounding listed buildings;
- d) the proposal will preserve the character and appearance of the New Town Conservation Area;
- e) the proposal will preserve the outstanding universal value of the Old and New Towns of the Edinburgh World Heritage Site;
- f) the proposal will have a detrimental impact on the amenity of neighbouring residents;
- g) the proposal raises any issues in respect of parking and road safety and
- h) any issues raised by objectors have been addressed.

a) Principle

The application site is situated in the Urban Area as defined in the adopted Edinburgh Local Development Plan (LDP).

LDP policy Ret 11 considers location of food and drink establishments. Policy requires that development should not diminish the quality of the residential environment in terms of noise generation, disturbance or parking demand.

Development on this very low scale has been approved in many parts of the city, including residential areas. Conversion on such a small scale is not assessed in the same way as other class 3 uses, and ventilation is not required as there will be no cooking as such. These police box conversions typically rely on footfall rather than car based travel and the parking impacts are unlikely to be significant. As the unit is small there will be no impact on residents. Policy Ret 11 is complied with.

b) Character of the Listed Building

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

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

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

It is noted that there is no parallel application has been made for listed building consent, but the nature of alteration has been agreed in identical listed police boxes around the city. Historic Environment Scotland's Managing Change Use and Adaptation of Listed Buildings states.

"For a building to stay in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect of them. This should always be considered carefully and avoid harming the building's special interest. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed."

The changes to the box are acceptable in relation to the character of the police box.

c) Setting of the Surrounding Listed Buildings

LDP policy Env 3 considers the setting of adjacent listed buildings.

Heriot Row comprises a series of individually listed buildings, all listed at category A and being a critically unaltered section of the Second New Town and World Heritage Site. The box sits on axis with India Street (also category A listed), and is the southward focus of that street. It therefore has an advantage of not being directly opposite any of the listed houses.

The integrity of the area is highly unique, even by Edinburgh standards. The streetscape has had little alteration since the original erection of the police box (c.1935).

This is a strong townscape and the conversion of the police box represents a small degree of change which overall does not significantly impact on the surrounding buildings. In addition, the police box is not in its original condition and has already been repainted and used for advertising purposes (see History).

Historic Environment Scotland had no objections to the impact upon setting. It is concluded that policy Env 3 is met.

d) Character and Appearance of the Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

LDP policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted where it preserves or enhances the special character and appearance of the conservation area and which is consistent with the relevant character appraisal.

The New Town Conservation Area Character Appraisal highlights the importance of the integrity of the Second New Town.

The impact of the structure in relation to setting is repeated in its impact on the character and appearance of the conservation area. The alteration would be visible but is limited in impact due to the very limited scale of the proposal and the similarity to its existing appearance.

The proposal complies with LDP policy Env 6.

e) Impact on the World Heritage Site

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

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

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

The impact on the conservation area is paralleled in the impact on the World Heritage and is limited due to the small scale of the proposal.

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

f) Neighbouring Amenity

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

The scale of business is limited by the overall scale of the kiosk which has no ability for a full kitchen and no capability of internal seating.

The scale of the proposal is such that it is unlikely to cause any direct noise nuisance to neighbours.

The existing nature of the street is such that if a use is reliant upon attracting additional pedestrians to the area in order to survive, the activity and frequency of those customers may impinge upon the amenity of neighbours in terms of actively encouraging them into a street into which they would otherwise not enter. However, such additional pedestrian movement is unlikely to be significant and would not be a reason for refusal.

Given that the area for customer queuing is on the carriageway not the pavement (see below), it is unlikely that a "pavement licence" could ever be granted which limits the intensification of the use.

There would be no perceived loss of amenity relating directly to the use and only minimal impact from additional pedestrians. It should be noted that there are no policies which restrict this.

The net conclusion is that the use will not breach policy Hou 7.

g) Parking and Road Safety

Although the site lies within the city centre, the local road management system prohibits through traffic westward and the street therefore has minimal vehicular traffic. At present, it also has minimal pedestrian traffic, and that which it has uses the north pavement rather than the narrow south pavement between the car parking bays and Queen Street Gardens.

Due to the limited amount of through traffic the Roads Authority raise no objection. However, the situation of the box, lying on the carriageway rather than on the pavement, is highly unusual. This layout necessitates customers standing on the operational highway for service. There is no other location in Edinburgh where this situation arises. This zone is protected by the flanking parked cars. The safety of this layout would be adversely impacted were the through route to the Moray Estate ever be reopened.

It is presumed that most customers will be pedestrians. Should customers arrive by car (or cycle) there is no reason to presume that they will stay in proximity to the site. Parking is not required for the proposal.

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

h) Public Comments

Material Comments - Objection

- The use will cause disturbance - addressed in section f) of the Assessment
- The alteration is inappropriate to the area - addressed in sections d) and e) of the assessment

Material Comments - Support

- Re-use of a disused police box - addressed in b)
- New business to support the local economy - addressed in a)

Non-Material Comments

- No demand/need for such a use - this is not a material planning consideration

Conclusion

The proposal complies with the adopted Edinburgh Local Development Plan. The proposal is an appropriate use which is reflective of the mixed commercial/residential character of the surrounding area and which preserves both the character and appearance of the New Town Conservation Area and the Outstanding Universal Value of the Old and New Towns of the Edinburgh World Heritage Site. The proposal will not have an adverse impact on the unique architectural and historical character of the listed building and is an acceptable city centre development. It will not have a detrimental impact on the amenity of the surrounding area, or raise any concerns in respect to road safety.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997.

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.
4. Further licence may be required for use of the pavement and/or carriageway either directly or indirectly associated with the operation of the premises.
5. This permission is for planning permission only. It should be noted that listed building consent is also required for the works. Signage on the structure will be limited in scale and also requires further benefit of both listed building consent and advertisement consent.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 19 June 2020. 164 representations were received: 90 in support and 74 in objection.

These are addressed in section 3.3 c) of the assessment.

Background reading/external references

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

Statutory Development

Plan Provision

The structure stands in the New Town Conservation Area and World Heritage Site.

Date registered

9 June 2020

Drawing numbers/Scheme

01-03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 20/02262/FUL At Police Box, Heriot Row, Edinburgh Change of use of police callbox to a coffee and food sale point.

Consultations

Environment Scotland

No comments on the proposal.

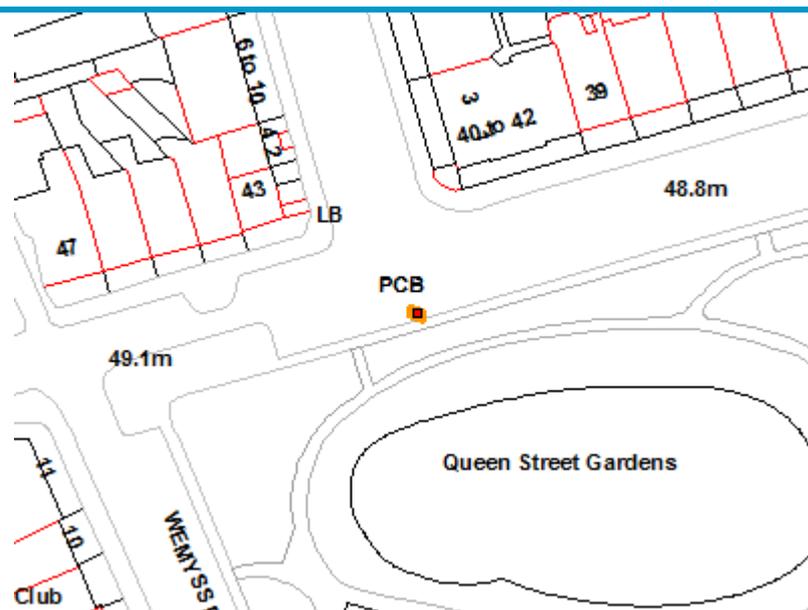
Roads Authority

No objections to the application;

Note:

- It is considered that the proposed development will have a minimal impact in terms of vehicular traffic generation;
- The improper use of the "permit only" car parking spaces is a matter of enforcement that will be carried out by the Councils Parking and Enforcement team;

Location Plan



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Development Management Sub Committee

Wednesday 17 March 2021

Application for Planning Permission 19/06114/FUL at Land at, St Mary's Place Lane, Edinburgh Construction of new single dwelling.

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

The proposals comply with the Local Development Plan. The proposals preserve the character and appearance of the conservation area and have no adverse impact on residential amenity. The design is acceptable. There are no transport issues of concern. There are no material planning considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LEN06, LDES01, LDES04, LTRA02, LTRA03, LEN21, LDES05, NSGD02, CRPPOR,

Report

Application for Planning Permission 19/06114/FUL at Land at, St Mary's Place Lane, Edinburgh Construction of new single dwelling.

Recommendations

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

Background

2.1 Site description

The application site is an area of land, measuring approximately 325 sqm with a low bricked wall enclosure. It is located within St Mary's Place Lane, which is characterised by single storey, flat roofed garages. The rear elevations of properties on Argyle Crescent, Abercorn Terrace, St Marys Place back onto this lane.

The site is presently vacant and was previously overgrown prior to its clearance. Historically, the site could have been the former drying greens but there is currently no direct relationship with the properties in Argyle Crescent and is separated by a brick wall. The extension to the lane would have been for coal delivery. Historic maps shows that once the development on Argyle Crescent was completed, several shed like structures appeared at the far west of the lane. Overtime, the lane has been infilled with single storey garages.

This application site is located within the Portobello Conservation Area.

2.2 Site History

25 May 2007 - Planning permission refused for the erection of two mews properties (Application number: 07/01185/FUL);

4 October 2007 - Appeal against application 07/01185/FUL dismissed (DPEA reference: P/PPA/230/932);

11 January 2008 - Planning permission refused for the erection of a single dwelling house (Application number: 07/05058/FUL);

1 July 2008 - Appeal against application 07/05058/FUL dismissed (DPEA reference: P3085);

23 August 2010 - Planning permission refused to erect two single storey domestic garages for the parking of private motor vehicles (as amended) (Application number: 10/01753/FUL);

15 December 2010 - Review against application 10/01753/FUL dismissed (Review reference:10/00110/REVREF); and

22 September 2011 - Planning permission granted to erect two single storey domestic garages (with activity space for chairbound disabled users) for the parking of private motor vehicles (Application number: 11/01579/FUL).

Main report

3.1 Description of the Proposal

The application for a four-bedroom, detached dwelling arranged over two floors. It will occupy 150 sqm of the site.

In order to mitigate the impact of a building over two floors, the land will be excavated to position the lower ground floor circa 1200mm below existing ground level. This will result in a north elevation parapet height of just 4200mm, similar to the existing garages on the lane.

The development turns its back on the north, east and south, with the main windows facing west into the garden on the ground floor, and along the lane, and over the garages on the first floor. There are high level windows that face east, to allow some morning light into the first-floor dressing room and ensuite.

The design is contemporary, and the materials are largely brick to tie in with the brick boundary walls.

There is a garden area to the south.

Two on site car parking spaces are to be provided within a garage where there is also ample space for cycle parking.

Supporting documents

- Design Statement;
- Coal Report;
- Surface water management plan;
- flood risk assessment.

These documents are available to view on the Planning Portal.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of housing on the site is acceptable;
- b) the proposal preserves the character or appearance of the conservation area;
- c) the design is appropriate;
- d) future occupiers of the new build will have an acceptable level of living amenity;
- e) neighbouring amenity will not be adversely affected by the proposal;
- f) the proposal raises any road safety and meets the current parking standards;
- g) other material considerations have been addressed and
- h) public comments have been addressed.

a) Principle

Policy Hou 1 Housing Development in the Edinburgh Local Development Plan (LDP) states the circumstances that priority will be given to the delivery of the housing land supply. Criteria (d) of policy Hou 1 permits 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 an urban area as designated in the Edinburgh Local Development Plan. The principle of housing on the site is acceptable, subject to compliance with other policies in the plan. This is addressed in more detail below.

The proposals comply with Hou 1 in the LDP.

b) Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

The character appraisal for Portobello emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials.

St Mary's Place Lane is a back lane and not highly visible within the conservation area. It is currently characterised by flat roofed garages and walls. At this end of the lane the garages are rendered. The site currently has a brick wall. The new house has been designed to fit in with the scale of buildings in the lane and will only be around 400mm higher than the garages as it has been excavated downwards. In terms of materials, the brick will potentially be a more prominent material although the existing wall is brick. Portobello brick was a traditional material and can be found in many parts of the conservation area, but stone is the predominant material. As such, a condition has been applied to materials to ensure the brick proposed is acceptable.

There have been two appeal decisions (both dismissed) in relation to the erection of houses on this site in 2007 and 2008 respectively, In both cases the Reporter raised concerns about the impact on the spatial character of the conservation area stating that the lane was characterised by garages not houses and the form of the buildings compromised the character of the lane. Increased activity in the lane was also seen as an issue. The applicant has sought to address these issues by excavating down so the new building will not necessarily have the appearance of a house and the outward appearance will be blank walls with doors. This retains the spatial relationship between the villas on Argyle Crescent and the character of the lane. Any increase in pedestrian and car activity would not fundamentally change the character of the conservation area.

Overall, the new house will fit in with the scale and character of the lane and will therefore preserve the character and appearance of the conservation area.

c) Design

Policies Des 1-Des 5 in the LDP sets out the design principles to ensure policy compliant schemes for new development proposals.

The design is contemporary and has been designed to fit in with the positive characteristics of the area in terms of scale, form and materials. To the lane, the appearance will be largely blank with the exception of a garage door and pedestrian door. Much of the north elevation facing the lane is in line with the garage heights and then the upper floor reads as a projection of this, around 400mm higher than the nearest garage. The overall massing of the proposal is broken down into two section which lessens the overall impact of the proposed scale and form of the building to fit in with the context of the lane.

As stated above, the materials are the subject of a condition to ensure they are appropriate.

The new house will appear as a high quality contemporary addition in harmony with other buildings in the lane.

d) Future occupiers

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

Floorspace

The Edinburgh Design Guidance requires a minimum internal floorspace of 91 sqm for a three-bedroom or more with enhanced storage. The proposal more than exceeds the minimum floorspace standard and this is acceptable.

Daylight

The proposal has good levels of daylighting.

Privacy

Future occupiers will have reasonable levels of privacy.

Noise

Given the residential nature of the area, the proposal is compatible with that use.

Open space

Policy Hou 3 Private Green Space in Housing Development states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

The proposal has a garden area which meets the standards.

e) Neighbouring Amenity

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

Neighbouring gardens are already overlooked with low boundary walls. The orientation of the building means the windows all face west, at ground level onto the boundary wall and at upper level onto the adjacent garages and the rear ends of neighbouring gardens. Other windows are high level. There will be no adverse impacts in terms of privacy.

In terms of potential overshadowing the development will be positioned 1 metre away from the southern and eastern section of the site and there will therefore be no overshadowing of gardens.

Due to the distances involved there will be no loss of daylighting to neighbouring windows.

Overall, the proposal has been designed to take neighbouring amenity into account.

Noise and light pollution from a single house are unlikely to be more than other residential properties in the area.

f) Road Safety and Parking Standards

LPD Policies Tra 2- Tra 4 sets out the requirement for private car and cycle parking.

The Roads Authority has raised no issues in respect to road safety. The introduction of a house on this lane would be no different from the existing arrangement of cars driving on the lane to access the garages or to the existing situation or children playing within the lane.

Although the plans show room for two cars, this is indicative. Although the lane is unpaved, it is clearly used regularly and there is no reason emergency vehicles would be unable to access the new house.

g) Other Material Considerations

Flood Issues

LDP Policy Env 21 Flood Protection seeks to ensure that new development proposals do not increase a flood risk or be at risk of flooding itself; impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management; or be prejudicial to existing or planned flood defence systems.

A flood risk assessment and surface water management plan have been submitted and Flood Planning has no objections subject to the applicant providing a written confirmation that Scottish Water agree to the proposed surface water discharge rate to the combined system. This has been added as an informative.

Historic Ground Use

A coal report has been submitted and the Coal Authority has no objections.

Waste

A waste strategy will be agreed with waste services.

h) Public Comments

Material Comments - Objection

- Site is not brownfield/ originally a drying green - assessed in 3.3 a)
- Will harm the character and appearance of conservation area - assessed in 3.3 b)
- Contrary to Councils guidance on building in garden grounds (incorrect-guidance since updated)
- Inappropriate development design - assessed in 3.3 c)
- Neighbouring amenity - assessed in 3.3 e)
- Two car parking will add traffic to area and increase road safety issues - assessed in 3.3 f)
- Existing lane too narrow/unpaved and would be unsuitable for emergency services - assessed in 3.3 f)

- Existing sewer to the lane is inadequate - assessed in 3.3 g)
- Proposals are contrary to Edinburgh Local Development Plan - assessed in report
- No detail on water or waste services - assessed in 3.3 g)
- The lane is regularly flooded - assessed in 3.3 g)
- No ground survey provided - assessed in 3.3 g)

Material Comments - Support

- Appropriate design for this site and will not harm the character or the appearance of the conservation area - assessed in 3.3 c)

Non-Material Comments - Objection

- will set a precedent - this is not a material planning consideration
- Security risk to neighbouring properties - - this is not a material planning consideration
- Access to lane is in poor condition and the applicants/owner do not own the lane or have any rights to carry out improvements to the lane/ Ownership issues of the lane - this is not a material planning consideration
- Personal reasons for purchasing house - this is not a material planning consideration
- Impact on views - this is not a material planning consideration
- Construction disruption/ construction logistics/ Health and Safety risks - this is not a material planning consideration
- Would involve significant excavation and could impact on surrounding houses/vibration - this is not a material planning consideration
- Quality detail of the drawings submitted and no landscape plan submitted - the drawings and design statement give clear details of the proposal
- Application does not mention any environmental or biodiversity impact assessment on the biodiversity of the site before clearance in 2019 or the removal of trees/shrubs from the site - this was not required
- Uncertainty over the technical capabilities of the access, ground conditions, power, drainage and water supply - these aspects will be covered by the building warrant
- large scale excavation of the site and the need to bring undefined volumes of earth off the site will not only create an issue for neighbours in terms of tipper loads entering and leaving the lane but the question of where the material is being transported to an dumped has not been addressed by the agent - this is not a material planning consideration. The applicant will have to ensure the proper licences are in place.

Conclusion

The proposals comply with the Local Development Plan. The proposals preserve the character and appearance of the conservation area and have no adverse impact on residential amenity. The design is acceptable. There are no transport issues of concern. There are no material planning 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. The proposed mitigation strategy on page 9 of the Coal Mining Report dated September 2020 in support of this application hereby granted shall be implemented prior to the occupation of the development.
2. Details of the proposed materials shall be submitted for the further approval of the planning authority.

Reasons:-

1. To mitigate any risks from old coal seams
2. To ensure that the proposed materials are acceptable.

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 17 January 2020 and the proposal attracted 61 comments; 59 were objections and 2 were support. The comments raised are addressed in the Assessment section of the report.

Background reading/external references

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

Statutory Development

Plan Provision

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

Date registered

10 January 2020

Drawing numbers/Scheme

01, 02A-05A, 06,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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 Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials

Appendix 1

Application for Planning Permission 19/06114/FUL At Land At, St Mary's Place Lane, Edinburgh Construction of new single dwelling.

Consultations

Transport Planning

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

1. *Electric vehicle charging outlets should be considered for this development.*

Note:

- *The applicant should note that St. Mary's Place Lane is not a 'road' and is considered to be a private access. The applicant should assure themselves that they have the necessary rights and authority to utilise the access; and*
- *The proposed 2 parking spaces are considered to be appropriate.*

Coal Authority

The application site falls within the defined Development High Risk Area. The Coal Authority's information indicates that the application site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth.

The Coal Authority objected to the proposal in our previous consultation responses 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. We are therefore pleased to note that the applicant has now submitted a Coal Mining Risk Assessment report (September 2020, prepared by Earth Environmental & Geotechnical Ltd) in support of their application. Based on a review of appropriate sources of coal mining and geological information, the submitted report concludes that whilst coal seams are present beneath the site, the risk of instability at the surface derived from unrecorded coal mining activity is very low.

No further investigations or remedial measures are proposed. However, the report does recommend that as a precaution, the building is constructed upon a reinforced raft foundation that is capable of spanning potential voids and is designed to cater for differential settlement associated with to localised mining subsidence.

Based on the information submitted, and the professional opinions of the report authors set out therein in respect of coal mining legacy related stability matters, the Coal Authority wishes to withdraw its objection to the planning application, subject to the recommendations within the report being implemented on site.

The submitted report does not provide a detailed assessment of the risk posed by mine gas migration. The LPA may consider it prudent to 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.

Communities and Families

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Using the pupil generation rates set out in the Supplementary Guidance, the development of one house is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required

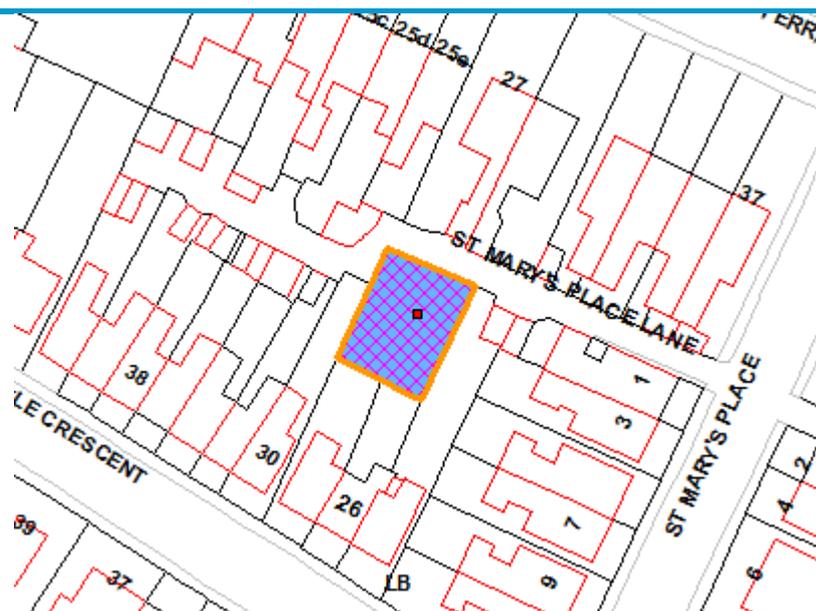
Flood Planning

Thank you for sending through the additional information. We have no major concerns over this application.

Our remaining comment relates to Scottish Water accepting the surface water discharge rate to the combined system. Prior to construction we would request that the applicant provides written confirmation that Scottish Water agree to the proposed surface water discharge rate to the combined system. This can be attached as a condition, if it helps your process.

This application can proceed to determination, with no further comments relating to our department.

Location Plan



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END

Development Management Sub Committee

Wednesday 17 March 2021

**Application for Planning Permission 20/03981/FUL
at 1 West Clifton Road, Newbridge.
Change of Use from Class 6 to Sui Generis Industrial (indoor
waste recycling centre).**

Item number

Report number

Wards

B02 - Pentland Hills

Summary

Notwithstanding the breaches of policies of Env 10 and RS 3, the proposal brings a viable reuse to a currently vacant property without any undue impact on either the Countryside or upon residential amenity. The site would provide recycling facilities which in turn addresses wider Council objectives, and is considered a suitable site for this type of facility. No other material planning considerations outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN10, LRS03,

Report

Application for Planning Permission 20/03981/FUL at 1 West Clifton Road, Newbridge. Change of Use from Class 6 to Sui Generis Industrial (indoor waste recycling centre).

Recommendations

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

Background

2.1 Site description

The site extends to 1.37 hectares and contains a modern (1985) portal frame industrial building of 3900 square metres. It has an existing weighbridge and a small office building. It currently has a car park capable of holding six cars plus a service yard for larger vehicles turning. It lies on the B7030 in a remote rural area south of the M8/M9 interchange., around 700 metres west of Ratho village at the junction of Clifton Road and Cliftonhall Road just west of Ratho Quarry. It was last used for storage and distribution purposes (class 5).

The closest residential settlement is the small hamlet of Bonnington, around half a kilometre to the south.

Two farm steadings, Bonnington Mains and Clifton Mains lie around 250 metres distant.

The site lies within a Countryside policy area.

2.2 Site History

1 June 2009 - planning permission refused for change of use to sport/leisure purposes (planning reference:09/00731/FUL)

10 February 2010 - appeal dismissed for change of use to sport/leisure purposes (planning ref:09/00731/FUL)

Main report

3.1 Description of the Proposal

The application proposes change of use of an existing industrial shed (class 5) to use as an indoor waste recycling centre (sui generis). The proposal relates to the importation of waste materials to the site, the processing/recycling of these materials within the existing warehouse and the despatch of recycled materials.

At this stage it is not known the exact nature of the recycling proposed.

An area of additional car-parking for staff (20 spaces) is created to the north-east corner of the site. A cycle store is shown adjacent.

The scheme was amended to add electric charging points within the car park and solar panels were also added to the roof.

Supporting Information

A Noise Impact Assessment and Supporting Statement were submitted with the application.

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

3.2 Determining Issues

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

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 impacts on the Green Belt and Countryside designation;
- b) the proposed use is acceptable;
- c) impact on the environment is acceptable;
- d) impact on residential amenity is acceptable;
- e) parking and access are considered and
- f) comments are addressed.

a) Green Belt

The site is designated as being within the Countryside in the adopted Edinburgh Local Development Plan (LDP). Policy Env 10 of the LDP states that within the green belt and countryside shown on the proposals map, development will only be permitted where it is for the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use; and the proposal would not detract from the landscape quality or rural character of the area.

No new structures are included within the proposal, and the application seeks to reuse the existing structure (addition of solar panels would be permitted development if considered independently).

Although the wording of policy Env 10 states that a building must be of architectural merit and of domestic scale in order to merit support as a change of use, as no physical redevelopment is proposed, the proposal has a neutral impact upon the landscape quality and rural character of the Countryside and no harm arises. The change of use is acceptable for this reason subject to other policy requirements being met.

Moreover, the existing building may continue in use as class 5 without a need for planning permission. Permitted Development Rights would also allow change of use to a range of other uses but these do not include waste management which is specifically "sui generis" within the Act, and therefore require permission. However, regardless of the internal use, the impact on the Countryside is both neutral and acceptable and an exception to policy Env 10 is therefore justified.

In terms of the new car park, this could be an intrusive feature. However, provided landscaping is of high quality, the impact will be acceptable. This is the subject of a condition.

b) Proposed Waste Management Use

LDP policy RS 3 considers Provision of New Waste Management Facilities.

This policy has four criteria under which such facilities may be provided. In relation to these four requirements: the site is not a safeguarded site; it is not designated for Business and Industry; the site is not within the Urban Area; and the site is not in a quarry. The site does not meet the requirements of the policy as it meets none of these four criteria.

However, waste recycling as a function is not well-suited to the urban area and given that the use would be contained within an existing building, the change of use would not undermine the principles of the policy. In addition, there are no nearby residential properties that would be impacted by the proposal.

On balance, although policy RS 3 is not met, the site is considered suitable for the proposed recycling use and an exception to policy is justified.

Whilst external waste management sites have a propensity to attract birds, which could impact on bird strike risk, as an internal facility BAA has no objection to the proposal as it cannot impact upon bird strike.

c) Environmental Impact

LDP policy Env 22 considers Pollution and Air, Water and Soil Quality.

The operations will take place within an enclosed building and are not expected to impact on the surrounding environment. However, a condition has been added to get further details of this and any necessary measures to ensure mitigation in terms of the impacts of any extracts produced.

d) Impact on Residential Amenity

The site is physically remote from residential properties. The submitted Noise Impact Assessment (NIA) demonstrates that as an internal facility it will have no significant impact on any housing.

Additional traffic noise will not be significantly different from that which would arise from other authorised uses.

e) Parking and Access

Access arrangements are unaltered.

Whilst the use relies upon the movement of large vehicles to and from the site, such movement is not substantially different from what might be generated under the pre-existing use class. As such a Transport Statement is not considered necessary.

The site lies close to the main Newbridge interchange where the M8 and M9 meet the A9. The adjacent road system is suitable for HGV use.

The site is remote from public transport routes and an additional car park is required to meet the needs of staff. This is considered acceptable in these circumstances. The applicant has agreed to install electric charge points. Secure cycle storage will also be provided. However, in order to ensure the new car park complies with parking standards, a condition has been added for further details.

f) Public Comments

Material Comments - Objections:

- traffic generation/road safety - assessed in section 3.3d)
- too close to housing - assessed in section 3.3b)
- noise and odours - assessed in section 3.3c)

Material Comments - Support:

The two support letters praised job opportunities, local investment and the sustainable nature of the proposal.

Non-Material Comments

the existing speed limit is ignored - this is unconnected to the proposal and outwith the applicant's control

use is not sustainable - recycling is by nature sustainable

use attracts vermin - the use is indoors but the control of vermin is not a planning matter

rubbish blowing off site - the use is indoors and will be controlled under environmental legislation.

Conclusion

Notwithstanding the breaches of policies of Env 10 and RS 3, the proposal brings a viable reuse to a currently vacant property without any undue impact on either the Countryside or upon residential amenity. The site would provide recycling facilities which in turn addresses wider Council objectives, and is considered a suitable site for this type of facility. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. A surface water management plan shall be submitted for the further approval of the planning authority prior to the commencement of development.
2. A landscaping plan for the new car park shall be submitted for the further approval of the planning authority prior to the commencement of development. This should be a biodiversity led landscaping plan with the addition of hedges and trees being a priority.
3. Further details of the new car park shall be submitted for the further approval of the planning authority. This should be designed to show compliance with the Council's car parking and cycle parking standards as set out in the Edinburgh Design Guidance. Thereafter, it shall be implemented prior to the first use of the development hereby approved.
4. Further details of the proposed recycling operation shall be submitted for the further approval of the planning authority prior to the commencement of development. This should include details of any ventilation requirements and any mitigation measures to ensure there is no adverse impact on local air quality. Thereafter, these measures shall be implemented prior to the first use of the development hereby approved.

Reasons:-

1. In order to address sustainable urban drainage issues.
2. To ensure the landscape character of the green belt is maintained.
3. To ensure the development meets parking standards.
4. To ensure there is no adverse impact on local air quality

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 16 October 2020. 31 representations were received: 29 in objection, two in support. These are assessed in section 3e) of the Assessment.

Background reading/external references

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

Statutory Development

Plan Provision

The property is an existing building within the designated Green Belt.

Date registered

18 September 2020

Drawing numbers/Scheme

1-3,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stephen Dickson, Senior planning officer

E-mail: stephen.dickson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

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 RS 3 (Provision of New Waste Management Facilities) sets out the circumstances new waste management facilities will be permitted.

Appendix 1

Application for Planning Permission 20/03981/FUL At 1 West Clifton Road, Newbridge, Change of Use from Class 6 to Sui Generis Industrial (indoor waste recycling centre).

Consultations

Roads Authority

The application should be continued. Reasons:

- 1. The applicant will be required to submit transport statement detailing traffic impacts of the proposed change of use and mitigation measures;*
- 2. The applicant should demonstrate by means of design how the proposal complies with the Council's parking standards (both cycle and car parking spaces).*

British Aviation Authority (Edinburgh Airport)

The proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

Environmental Assessment

The applicant should be encouraged to install electric charging points within the staff car park.

Location Plan



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Development Management Sub Committee

report returning to Committee - Wednesday 17 March 2021

Application for Planning Permission 18/09995/FUL at 25 Milton Link, Edinburgh, EH15 3QH. Variation of condition (ii) imposed on planning permission TP/5/M/2264/85 to enable the sale of food for up to 743 sq.m.

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Recommendations

It is recommended that this application be Refused and Enforced subject to the details below.

Background information

On the 31 July 2019, the Development Management Sub-Committee granted planning permission subject to the conclusion of a legal agreement.

This legal agreement has not progressed, and therefore the application is being reported back to the Committee to be refused. It is also noted that the unit has started trading convenience goods and therefore enforcement action is required to cease this trading, as it does not have planning permission.

Main report

The unit has a current gross retail floorspace of 6,503 square metres and is subject to a condition restricting it to non-food retail sales only.

The application was made under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition (ii) of permission 2264/85.

The application proposed that the condition be changed to:

"The premises shall be used for the sale of non-food goods and for no other purpose save that up to 743 square metres can be used for the sale of food."

The applicant advised that the premises would continue to be occupied by The Range. The application sought a variation in the permitted ranges of goods in respect of allowing a limited amount of the existing retail space to be used for the sale of food. The proposed parameters were that:

- It did not involve the sub-division of the existing unit;
- There would be no separate entrance or exit for customers wishing to buy food items;
- All items would be purchased at the main store entrance/exit and
- The main range of food goods sold would be frozen products with a limited range of chilled and ambient items.

In addition, planning permission already exists for the sale of food retail for up to 292 square metres, as per planning permission 98/3080/FUL. The application proposed to encompass this already-consented 292 square metres into the total permitted floorspace for food sales. Thus, the overall additional food sale floorspace would be 451 square metres.

However, following the decision to grant planning permission by the Development Management Sub-Committee, the legal agreement (to allow for the food sales floorspace) has not been progressed by the applicant, despite many attempts at contact by the Planning Authority. Since October 2020, the following attempts to contact the applicant have been made:

- Chaser email to The Range dated 26 November 2020;
- Response from The Range dated 26 November 2020 confirming the interim invoice had been settled;
- Chaser email to The Range dated 2 December 2020;
- Response from The Range dated 2 December 2020 confirming that their solicitor was attempting to make contact with the new landlord's solicitors;
- Chaser email to The Range dated 5 January 2021 (no response received);
- Chaser email to The Range dated 13 January 2021;
- Response from The Range dated 14 January 2021 stating that their solicitor was having trouble getting response from the landlord;
- Chaser email to The Range dated 22 January 2021;
- Response from The Range dated 22 January 2021 stating it was out of their hands;
- Email to The Range dated 22 January 2021 stating that Council of a view to return the application to Committee to be refused given the lack of progress (no response has been received).

It is also noted that the store is now operating the food sales floorspace without planning permission.

Therefore, it is recommended that planning permission be refused and enforced.

Links

[Policies and guidance for this application](#)

LDPP, LRET01, LRET06, OTH, 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=PIJF5AEWJAE00>

Or Council Papers online

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