

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 21st April, 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.

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

2. Declaration of interests

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

3. Minutes

- 3.1 Minutes of Previous Meeting of Development Management Sub-Committee of 17 March 2021 – submitted for approval as a correct record 11 - 16

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.

- | | <u>Pre-Applications</u> | |
|------------|--|---------|
| 4.1 | Report for forthcoming application by Tynecastle Teague Limited. for Proposal of Application Notice at Former Tynecastle High School, 17 McLeod Street, Edinburgh - Redevelopment of the former Tynecastle High School site, incorporating partial demolition and change of use of the school buildings and new build to form student residential development with associated infrastructure, landscaping, access and parking - application no 21/00988/PAN – Report by the Chief Planning Officer | 17 - 24 |
| 4.2 | Report for forthcoming application by VRS Limited. for Proposal of Application Notice at 1 Rennie's Isle, Edinburgh EH6 6QT - Redevelopment of existing office for residential flatted accommodation including affordable housing and ancillary uses - application no 21/00877/PAN – Report by the Chief Planning Officer | 25 - 30 |
| 4.3 | Report for forthcoming application by CCG Scotland Ltd. for Proposal of Application Notice at Land At Waterfront Avenue, Edinburgh EH5 1SG - Residential development of (approximately) 79 units. The development will also include limited parking spaces, access road and pavements, internal courtyard, an air source heat pump station and drainage infrastructure - application no 21/00793/PAN – Report by the Chief Planning Officer | 31 - 38 |
| | <u>Applications</u> | |
| 4.4 | 31 Groathill Road South, Edinburgh (at Land 30 Metres South of) - Amend the design of the consented and commenced development of flatted building (14/00026/FUL and | 39 - 52 |

19/01333/FUL) to split the penthouse apartment into two flats to create one additional unit, extension to 5th floor and alterations to building elevations - application no 20/05478/FUL – Report by the Chief Planning Officer

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

- 4.5** 1 Mentone Terrace, Edinburgh, EH9 2DG - Change of Use from 5 Garages to new dwelling house - application no 19/02822/FUL – Report by the Chief Planning Officer 53 - 82

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

- 4.6** 14 - 15 Minto Street, Edinburgh EH9 1RQ - Formation of new hotel bedrooms in the rear grounds of 14 Minto Street - application no 20/04317/FUL – Report by the Chief Planning Officer 83 - 102

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

- 4.7** 14 - 15 Minto Street, Edinburgh EH9 1RQ - Formation of new hotel bedrooms in the rear grounds of 14 Minto Street - application no 20/04316/LBC – Report by the Chief Planning Officer 103 - 116

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

- 4.8** 13 St Fillan's Terrace, Edinburgh EH10 5NH - Single storey rear extension and attic conversion, including front and rear dormers and erect new garden room in rear garden (as amended) - application no 21/00158/FUL – Report by the Chief Planning Officer 117 - 128

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** Brunswick Street, Edinburgh (at Advertising Drum) - Arts and 129 - 132

Culture Advertising Structure - application no 20/03658/ADV –
Report by the Chief Planning Officer

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

- 5.2** Commercial Street, Edinburgh (at Advertising Drum) - Display of Arts and Culture Advertising Structure - application no 20/03664/ADV – Report by the Chief Planning Officer 133 - 134

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

- 5.3** 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 135 - 138

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

- 5.4** 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 139 - 140

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

- 5.5** 194 Fountainbridge, Edinburgh (at Land Adjacent To) - Approval of matters specified in conditions 1, 5, 6, 7, 8, 12 & 13 of 15/02892/PPP for Building E including form & massing; design & materials, daylight & sunlight, design & operation of private/public open spaces; roads, footways/cycleway/access/servicing & parking; venting & electric vehicle charging, drainage, waste management operational requirements for commercial uses/ sustainability/floor levels/lighting, site investigation/hard & soft landscaping details & noise mitigation (as amended) - application no 19/02993/AMC – Report by the Chief Planning Officer 141 - 144

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

- 5.6** 199, Fountainbridge, Edinburgh (at Site 60 Metres South Of) - Proposed mixed use development comprising retail (Class 1), financial services (class 2), food and drink (class 3), office/light industrial (class 4), hotel (class 7), housing (class 9), community use (class 10), leisure (class 11), public house (non-classified use) and associated parking, open space, infrastructure and 145 - 146

public realm works - application no 19/03097/PPP – Report by the Chief Planning Officer

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

- 5.7** Granton Harbour, West Harbour Road, Edinburgh - Approval of matters specified in condition 2 of outline application 01/00802/OUT 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 no 17/02484/AMC – Report by the Chief Planning Officer 147 - 152

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

- 5.8** Lindsay Road, Edinburgh (at Advertising Drum) - Arts and Culture Advertising Structure - application no 20/03675/ADV – Report by the Chief Planning Officer 153 - 154

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

- 5.9** 37A 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 Officer 155 - 158

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

- 5.10** 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 159 - 160

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

- 5.11** 43 Main Street, Edinburgh EH4 5BZ - Planning application for residential development including associated access, parking, infrastructure, and landscaping - application no 20/01410/PPP – Report by the Chief Planning Officer 161 - 164

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

- 5.12** 94 Ocean Drive, Edinburgh (at Land 143 Metres Southeast Of) - Residential development of 245 flats over 4 apartment buildings 165 - 168

with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping (as amended) - application no 18/00846/FUL – Report by the Chief Planning Officer

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

- 5.13** 7 Redhall House Drive, Edinburgh EH14 1JE - Alteration and conversion of existing building to form six duplex apartments; the erection of a detached garage block accommodating six garages and the erection of two detached dwelling houses with all associated site development works and landscaping - application no 18/09642/FUL – Report by the Chief Planning Officer 169 - 172

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

- 5.14** Torphin Road, Edinburgh (at Car Park) - Application for a new residential building, comprising 9 flats and 2 houses, with associated infrastructure, landscaping and engineering works (as amended) - application no 19/01036/FUL – Report by the Chief Planning Officer 173 - 176

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

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 Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 553 8242 / 0131 529 4085, email jamie.macrae@edinburgh.gov.uk / blair.ritchie@edinburgh.gov.uk.

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 17 March 2021

Present:

Councillors Gardiner (Convener), Child (Vice-Convener) (excluding applications 4.16 and 4.17), Booth, Mary Campbell, Dixon (substituting for Councillor Gordon for applications 4.10, 4.11, 4.12, 4.16 and 4.17), Gordon, Griffiths, Mitchell, Mowat, Osler, Rose (excluding applications 4.16 and 4.17), and Young.

1. General Applications and Miscellaneous Business

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

Requests for Presentations

Councillor Rose and Ward Councillor Neil Ross requested a presentation in respect of item 4.2 – 5 Cluny Gardens, Edinburgh EH10 6BE.

Councillor Booth and Ward Councillors Neil Ross and Watt requested a presentation in respect of Item 4.5 – 8 Ettrick Road, Edinburgh EH10 5BJ.

Councillor Booth requested a presentation in respect of Item 4.6 – 120 Ferry Road, Edinburgh EH6 4PG.

Councillor Gordon requested a presentation in respect of Item 4.7 – Granton Harbour, West Harbour Road, Edinburgh.

Councillors Booth and Gardiner requested a presentation in respect of Item 4.10 – 572 Lanark Road West, Edinburgh EH14 7BN.

Councillors Mary Campbell and Mowat requested a presentation in respect of Item 4.11 – 39 London Street, Edinburgh EH3 6LX.

Councillors Mary Campbell and Mowat requested a presentation in respect of Item 4.12 – 39 London Street, Edinburgh EH3 6LX.

Councillors Gardiner, Child and Mary Campbell requested a presentation in respect of Item 4.16 – Land at St Mary's Place Lane, Edinburgh.

Councillors Booth requested a presentation in respect of Item 4.17 – 1 West Clifton Road, Newbridge.

Decision

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

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

3. 572 Lanark Road West, Edinburgh, EH14 7BN

Details were provided of an application for planning permission for the erection of residential development (six dwelling houses) with associated site development works and landscaping (as amended) at 572 Lanark Road West, Edinburgh, EH14 7BN - application no. 20/02562/FUL.

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

Motion

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.

- moved by Councillor Rose, seconded by Councillor Mowat.

Amendment

To **REFUSE** planning permission as the application was contrary to Local Development Plan Policy Env 10.

- moved by Councillor Gardiner, seconded by Councillor Child.

Voting

For the motion: - 4 votes

For the amendment: - 7 votes

(For the motion: Councillors Mitchell, Mowat, Osler and Rose.

For the amendment: Councillors Booth, Mary Campbell, Child, Dixon, Gardiner, Griffiths and Young)

Decision

To **REFUSE** planning permission as the application was contrary to Local Development Plan Policy Env 10.

(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 – Flat 1, 44 Arthur Street, Edinburgh</p>	<p>Convert 2x garages into flat (As amended) - application no 20/02750/FUL</p>	<p>To GRANT planning permission subject to the informatives as set out in section 3 of the report by the Chief Planning Officer</p>
<p>4.2 - 5 Cluny Gardens, Edinburgh, EH10 6BE</p>	<p>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</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>4.3 - 46 Craigleith Road, Edinburgh (Land 7 Metres West Of)</p>	<p>Erect new House - application no 20/05306/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>4.4 - Drylaw House, 32 Groathill Road North, Edinburgh</p>	<p>Change of use from Class 9 (domestic) to Class 7 (hotel) - application no 20/04410/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 - 8 Ettrick Road, Edinburgh, EH10 5BJ</p>	<p>Proposed extension, alterations to side and rear (as amended) - application no 20/05203/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>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
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	To CONTINUE the application for further details of cycle parking, transport contributions and revised drawings
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	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
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	To GRANT planning permission subject to the informatives as set out in section 3 of the report by the Chief Planning Officer
4.9 - 494 Lanark Road, Edinburgh, EH14 5DH	Change of Use from dwelling to bed and breakfast (in retrospect) - application no 20/00598/FUL	To GRANT planning permission subject to the informatives as set out in section 3 of the report by the Chief Planning Officer
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	To REFUSE planning permission in principle as it is contrary to LDP Policy ENV 10. (on a division).
4.11 - 39 London Street, Edinburgh, EH3 6LX	Change of use from funeral parlour to holiday lets (ground floor) - application no 20/05421/FUL	To CONTINUE the application to clarify the access rights of residents to the garden.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.12 - 39 London Street, Edinburgh, EH3 6LX</p>	<p>Change of use from derelict property to holiday lets (basement and sub-basement) - application no 20/05425/FUL</p>	<p>To CONTINUE the application to clarify the access rights of residents to the garden.</p>
<p>4.13 - Melville Statue, St Andrew Square, Edinburgh</p>	<p>A new A3 brass plaque on the Melville Monument - application no 20/03382/LBC</p>	<p>To GRANT listed building consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer</p>
<p>4.14 - 45 Old Dalkeith Road, Edinburgh (at Land 447 Metres Northeast Of)</p>	<p>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</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>4.15 - Police Box, Heriot Row, Edinburgh</p>	<p>Change of use of police callbox to a coffee and food sale point - application no 20/02262/FUL</p>	<p>To GRANT planning permission subject to the informatives as set out in section 3 of the report by the Chief Planning Officer</p>
<p>4.16 - St Mary's Place Lane, Edinburgh (Land at)</p>	<p>Construction of new single dwelling - application no 19/06114/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>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.17 - 1 West Clifton Road, Newbridge</p>	<p>Change of Use from Class 6 to Sui Generis Industrial (indoor waste recycling centre) - application no 20/03981/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer, and an additional condition that a Green Travel Plan should be submitted to the Planning Authority prior to the commencement of development</p>
<p>5.1 - 25 Milton Link, Edinburgh, EH15 3QH</p>	<p>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. - application no 18/09995/FUL</p>	<p>To CONTINUE the application for 3 months to allow the legal agreement to be concluded.</p>

Development Management Sub Committee

Wednesday

Report for forthcoming application by

Tynecastle Teague Limited. for Proposal of Application Notice

21/00988/PAN

at Former Tynecastle High School, 17 McLeod Street, Edinburgh.

Redevelopment of the former Tynecastle High School site, incorporating partial demolition and change of use of the school buildings and new build to form student residential development with associated infrastructure, landscaping, access and parking.

Item number

Report number

Wards

B07 - Sighthill/Gorgie

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission in principle at former Tynecastle High School, 17 McLeod Street, Edinburgh, for Redevelopment of the former Tynecastle High School site, incorporating partial demolition and change of use of the school buildings and new build to form student residential development with associated infrastructure, landscaping, access and parking.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice (21/00988/PAN) on 24 February 2021.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The application site is the former Tynecastle High School Site. It is bound to the north by the Western Approach Road, to the east by the North British Distillery and to the south by Tynecastle Park football stadium. To the east of the site lies a residential development of flats with the new Tynecastle High School beyond.

The site is flat with built form around the boundaries. The original school buildings are distinctive category b listed buildings, LB 26950 - 9 February 1993.

The site is within the Tynecastle Development Brief dated 2004. At the time of finalising the Development Brief the Health and Safety Executive advised against housing development on the site.

2.2 Site History

A development brief was agreed in 2004 for the wider Tynecastle area.

There is no relevant planning history relating to the site.

Adjoining Site

17 November 2017 - application reference 16/04554/HSC was approved allowing the storage of ethanol on the North British Distillery site.

12 October 2016 - application reference 16/03823/FUL was granted for the Main Stand redevelopment and Nursery (including demolitions).

Main Report

3.1 Description of the Proposal

The applicant proposes to apply for planning permission for the redevelopment of the former Tynecastle High School site. This will incorporate some partial demolition and change of use of the category B listed school buildings and some new build to form student residential development with associated infrastructure, landscaping, access and parking.

3.2 Key Issues

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

a) Principle of redevelopment of the site to student housing is acceptable.

The application site is located within a wider urban area allocation within the Edinburgh Local Development Plan 2016 (LDP). The application will be assessed against the relevant policies in addition to the non-statutory guidance in respect of Student Housing.

b) The issues of Health and Safety, given the proximity of the site to neighbouring hazardous substance storage, are adequately considered.

A full consultation of risks will be carried out with the Health and Safety Executive.

c) Transport and highway safety impacts are acceptable.

The application will be supported by a Transport Assessment, the scope and study of which is still to be agreed. The proposal should make provision for car, cycle, electric and disabled vehicles as set out in the Council's Parking Standards.

A Quality Audit including safety Audit, as set out in Designing Streets is likely to be required, and contributions are likely to be required under the Council's Developer Contributions and Infrastructure Delivery Supplementary Guidance (Tram Contribution in Zone 3).

d) Neighbouring amenity is adequately protected, and a good level of residential amenity can be achieved for future occupants of the site.

The application should be supported by a Noise Assessment and possibly an Air Quality Assessment.

A Daylighting Privacy and Sunlight Assessment will be required.

e) The category B listed buildings and their setting is satisfactorily protected.

The proposal will be assessed in relation to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The application will be considered against Historic Environment Scotland policy document Managing Change.

As the site is predominately made up of listed buildings any development proposals should consider the terms of ENV2 - Listed Building demolition, ENV 3 - Listed Building Setting and ENV 4 - Listed Buildings Alteration and Extensions, of the Local Development Plan.

f) The scale of development on the site and the proposed design and materials are acceptable.

The proposal will be assessed against relevant design policies in the Local Development Plan as well as non- statutory guidance where applicable (e.g. Edinburgh Design Guidance, Student Housing Guidance). The applicant should clearly demonstrate how the proposal's design has considered the Council's policies and guidance. A design and access statement will be required to support the planning application.

g) The proposal has acceptable impacts on infrastructure

The application will be required to make appropriate developer contributions in accordance with Edinburgh Local Development Plan Policy Del 1 Developer Contribution and Infrastructure Delivery.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

On 24 February 2021 the applicant submitted a copy of the Proposal of Application Notice (PAN) to the Gorgie and Dalry Community Council and the following councillors;

Cllr Catherine Fullerton, Cllr Ashley Graczyk, Cllr Denis Dixon and Cllr Donald Wilson, of the submission of the PAN application.

In light of the ongoing Covid-19 situation and Scottish Government Guidance on pre-application consultation, revisions have been made to the consultation strategy.

A virtual/online event is forecast for April 2021, with details to be confirmed.

Background reading/external references

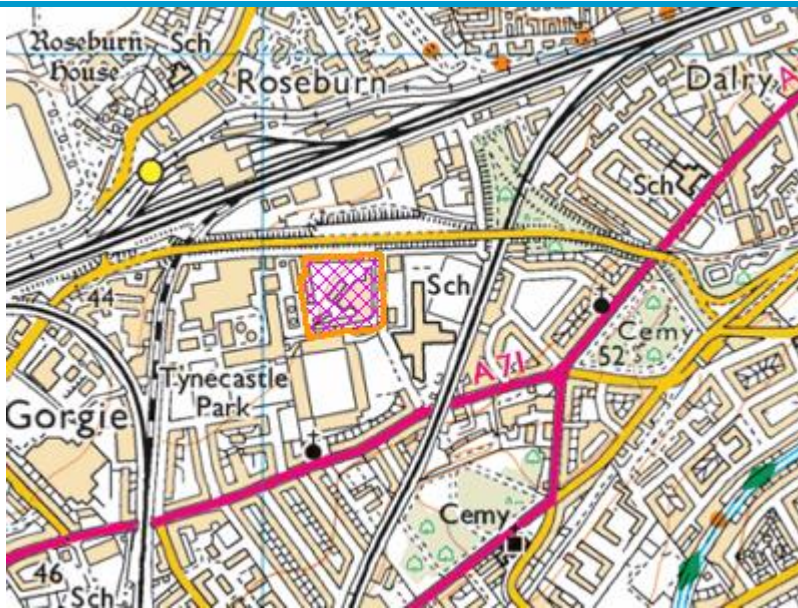
- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

David Givan

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jennifer Paton, Senior planning officer
E-mail: jennifer.paton@edinburgh.gov.uk Tel:0131 529 6473

Location Plan



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Development Management Sub Committee

Wednesday 21 April 2021

Report for forthcoming application by

VRS Limited. for Proposal of Application Notice

21/00877/PAN

at 1 Rennie's Isle, Edinburgh, EH6 6QT.

Redevelopment of existing office for residential flatted accommodation including affordable housing and ancillary uses.

Item number

Report number

Wards

B13 - Leith

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for the demolition of the existing office and redevelopment forming flatted residential accommodation (Sui Generis) with associated ancillary uses, public realm, landscaping and parking at Rennie's Isle, Edinburgh. The proposal will be in the form of a major detailed planning application.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, the applicants submitted a Proposal of Application Notice: 21/00877/PAN on 22 February 2021.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The application site relates to an existing two storey office to the north of Rennie's Isle. The existing office is a rectangular building with hexagonal pop-up to the north and car parking fronting Ocean Drive to the west. The application site is neighbouring the A listed Victoria Swing Bridge, B listed Victoria and Prince of Wales Graving Docks and the Leith Conservation Area.

A pedestrian route to the west of the site leads to Victoria Bridge. To the north of the site is Ocean Drive with the tram extension under construction to run along this route. The surrounding area has a mix of uses with commercial uses predominant at ground floor and residential above.

This application site is located within the Leith Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The application is a Proposal of Application Notice for the proposed demolition of the existing office and redevelopment to form residential flatted accommodation (Sui Generis) with associated ancillary uses, public realm, landscaping and parking.

3.2 Key Issues

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

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

The site forms part of the waterfront area identified in the Edinburgh Local Development Plan (LDP) and as such Policy Del 3 (Waterfront) and the Central Leith and Waterfront Development Principles must be considered. The Plan supports development within this location that contributes towards the creation of new urban quarters that are comprehensively designed and form mixed-use sustainable neighbourhoods.

b) the proposal would preserve or enhance the setting of the nearby listed buildings and Leith Conservation Area.

The site is adjacent to the category A listed Victoria Swing Bridge, B listed Victoria Dock, Prince of Wales Graving Docks and the Leith Conservation Area. Development on the site has the potential to affect the setting, character and appearance of Edinburgh's built heritage. The proposal will be assessed in relation to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

c) The design, scale and layout are acceptable within the character of the area; and does the proposal comply with the design policies of the Local Development Plan.

The proposal will be assessed against all relevant design policies within the LDP as well as guidance where applicable e.g. Edinburgh Design Guidance. A design and access statement will be required to support the application as well as a daylight and overshadowing assessment for both the proposal and neighbouring properties. Local and key views will be an important consideration in respect of the proposed height and massing.

d) Access arrangements are acceptable in terms of road safety and public transport accessibility.

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

e) There are any other environmental factors that require consideration.

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

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Townscape and Visual Impact Assessment;
- Sustainability Form S1;
- Affordable Housing Statement;
- Daylight and overshadowing information;
- Transport Information;

- Ecology information;
- Waste management information;
- Flooding risk and drainage information and
- Noise/air quality information.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions with the planning authority are ongoing.

8.2 Publicity summary of representations and Community Council comments

The applicant's Proposal of Application Notice noted that there will be an online consultation in accordance with government guidance for the period of the Covid-19 emergency. The online consultation event is to be held between 15 March 2021 - 26 May 2021. A public notice was placed in the Edinburgh Evening News 3 March 2021.

The applicant has confirmed that Leith Harbour and Newhaven Community Council and local councillors received a copy of the Proposal of Application Notice on 19 February 2021.

Background reading/external references

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

David Givan

Chief Planning Officer

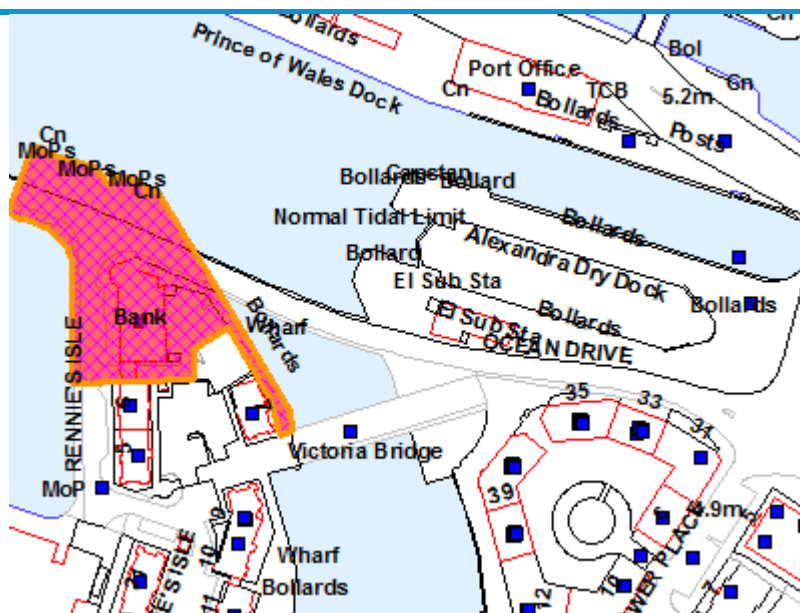
PLACE

The City of Edinburgh Council

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Location Plan



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Development Management Sub Committee

Wednesday 21 April 2021

Report for forthcoming application by

CCG Scotland Ltd. for Proposal of Application Notice

21/00793/PAN

at Land At Waterfront Avenue, Edinburgh, EH5 1SG

Residential development of (approximately) 79 units. The development will also include limited parking spaces, access road and pavements, internal courtyard, an air source heat pump station and drainage infrastructure.

Item number

Report number

Wards

B04 - Forth

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for full planning permission for residential development. The development will also include limited parking spaces, access road and pavements, internal courtyard, an air source heat pump station and drainage infrastructure on land at Waterfront Avenue, Edinburgh, EH5 1SG.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, the applicants submitted a Proposal of Application Notice 21/00793/PAN on 16 February 2021.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The proposed site, covering approximately 1.6 hectares, is located within the Granton Waterfront Development Framework (GWDF) area and forms parts of sites D1, D2 and D4. The main part of the site is currently in use as a car park.

The site is bounded by the B listed former Granton Gasworks railway station (listed 10 November 1998, reference LB45794) to the west. To the southwest is a petrol filling station.

The eastern section of the site contains trees and scrubland. Along the eastern boundary is a foot/cycle path.

Vehicular access is provided via Waterfront Avenue at the north of the site.

2.2 Site History

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

27 March 2009 - renewal of previous planning permissions for a temporary commercially operated public car park on the site (application reference: 08/04243/FUL)

22 October 2020 - planning permission granted for the refurbishment of former Granton station building to include continued Class 4 Business use with ancillary service space, external removals and adaptations to the building and additional works to the surrounding site to remove structures and to provide improved access and enclosure to the west of the site (application reference: 20/02717/FUL)

22 October 2020 - listed building consent granted for the refurbishment of former Granton station building including external and internal alterations to the building and additional works to the surrounding site to remove structures and to provide improved access and enclosure to the west of the site (application reference: 20/02718/LBC).

Main Report

3.1 Description of the Proposal

An application for full planning permission will be submitted for residential development and ancillary works.

3.2 Key Issues

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

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

The eastern part of the site is located within Edinburgh Waterfront: Central Development Area (EW 2b) in the Edinburgh Local Development Plan (LDP). The western part of the site is located within the Edinburgh Waterfront: Forth Quarter (EW 2a) in the LDP.

This is part of an identified housing proposal site for a major housing-led mixed use regeneration opportunity. The development principles for both EW 2a and 2b cover similar matters, and proposals will be expected to:

- complete the approved street layout and perimeter block urban form
- provide housing-led development on sites formerly identified for major business-led development
- provide a housing mix that is appropriate to the site in terms of placemaking and would maximise completions within this urban regeneration proposal within the plan period
- provide a strategic flood risk assessment.
- expressly encourage the enhancement of employment and a 'destination' through existing and new commercial, cultural, tourist and retail opportunities

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

Proposals should accord with the approved Granton Waterfront Development Framework (GWDF) principles (February 2020), which state that the site is for residential use with the potential for non-residential ground floor uses. An approved master plan has been partly implemented, with several housing blocks, a major office development, supermarket, a college and a new large park completed.

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

Additionally, the site also forms part of the 'wider area' as identified in the Granton National Collections Facility Place Brief. This shows the site as a future development opportunity and identifies proposed cycle / footpaths with the site.

b) the proposal would preserve or enhance the setting of the nearby listed building

The site is adjacent to the B listed Granton Gasworks railway station. Development on the site has the potential to affect the setting of the listed building. The proposal will be assessed in relation to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

c) Design, Scale and Layout

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

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

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

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

The LDP Proposals Map contains the tram route safeguard along Waterfront Avenue and also the Waterfront Avenue to Granton Rail path link cycleway footpath access safeguard.

The GWDF also shows the site adjacent to the identified transport hub around Waterfront Broadway.

e) Other Environmental Factors

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having an unacceptable detrimental impact on the environment.

There are a number of existing trees on the site.

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

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

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

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference: 21/00793/PAN) outlined an online consultation event with presentation and question and answer session to be held on 2 April 2021 between 3pm and 6pm.

The PAN was also sent to the Granton and District Community Council and local ward councillors. The Council also requested that a copy of the PAN be sent to West Pilton/West Granton Community Council.

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

Background reading/external references

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

David Givan

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Location Plan



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Development Management Sub Committee

Wednesday 21 April 2021

Application for Planning Permission 20/05478/FUL at Land 30 Metres South of 31 Groathill Road South, Edinburgh.

Amend the design of the consented and commenced development of flatted building (14/00026/FUL and 19/01333/FUL) to split the penthouse apartment into two flats to create one additional unit, extension to 5th floor and alterations to building elevations.

Item number

Report number

Wards

B05 - Inverleith

Summary

The proposal complies with the adopted Local Development Plan. The proposal is acceptable in this location and there will be no adverse impact on residential amenity, traffic or road safety. There are no material planning considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LDES01, LDES04, LDES05, LHOU03, LHOU04, LEN21, LTRA02, LTRA03, LHOU06,

Report

**Application for Planning Permission 20/05478/FUL
at Land 30 Metres South of 31 Groathill Road South,
Edinburgh.**

**Amend the design of the consented and commenced
development of flatted building (14/00026/FUL and
19/01333/FUL) to split the penthouse apartment into two flats
to create one additional unit, extension to 5th floor and
alterations to building elevations.**

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 triangular shaped area of land, measuring around 1177 square metres and is located south west off Groathill Road South. Two new houses have been built to the north of the site and there is a shared access from Groathill Road South which is partially complete.

The site is set below and to the north of a former railway junction, raised on embankments above the surrounding land and passing along both the eastern and western boundaries of the site. The tracks of the former railway lines have been converted into public footpaths and cycle paths.

The site is located within a residential area with the nearest residential properties located on Maidencraig Crescent, Queens Road and Groathill Road South.

2.2 Site History

17 March 2006 - A planning application for the demolition of the existing four houses on site and the erection of a 5-storey block of 22 flats and ancillary works was withdrawn (Application reference: 04/04395/FUL).

16 July 2008 - Development Management Sub Committee was minded to grant planning permission for the erection of five, three-storey terraced townhouses and an attached 4-storey block of 6 flats together with private garden space, vehicular access and car parking for 11 vehicles (Application reference: 08/01117/FUL).

9 January 2009 - The associated legal agreement was concluded for a financial contribution towards the provision of Tramline 1 proportionate to the scale of the development, and planning permission was granted (Application reference: 08/01117/FUL).

23 August 2013 - From submitted details, the demolition of the dwellings on the site was carried out prior to 28 August 2010. Those works constitute the carrying out of building operations and, therefore, the development of land had been initiated in terms of the provisions of Condition No 1 of the grant of planning permission 08/01117/FUL.

24 November 2014 - Planning permission was granted to erect 9 flats and 1 detached house (as amended) (Application reference: 14/00026/FUL).

26 June 2015 - Non-material variation - change to design and materials (Application reference: 14/00026/VARY).

28 August 2015 - Planning permission granted to erect two storey dwelling with hipped roof (as amended) (Application reference:15/02901/FUL).

3 November 2015 - Planning permission refused to erect two storey dwelling with hipped roof, on land to the south of 29 Groathill Road South and adjacent to a previously permitted detached house (15/02901/FUL) (Application reference: 15/04130/FUL).

16 March 2016 - Planning permission granted for the development of one additional detached dwelling over and above previously consented detached dwelling (15/02901/FUL), on land to the south of 31 Groathill Road South (Application reference: 16/00761/FUL).

12 October 2017 - Non material variation to permission 14/00026/FUL (Application reference: 14/00026/VAR2).

23 May 2019 - planning permission granted to amend the design of the consented and commenced development of 9 flats on the site. This involved the addition of a room to the roof (Application reference:19/01333/FUL).

Main Report

3.1 Description of The Proposal

The application is to amend the scheme for nine flats to sub-divide the penthouse flat on the top two floors into two separate duplex units. This would increase the number of units to 10.

The building will be on six floors being the same height as that approved under application 19/01333/FUL which created a roof top extension to the consented scheme to create a large penthouse flat on the fourth and fifth floors combined. All units will have three bedrooms and range from 96 square metres to 136 square metres.

The building footprint is 276 square metres (23.5% of site area); roads and parking 459 square metres (39% of site area) and amenity space is 442 square metres (37% of site area)

The building is to be flat roofed with a predominant use of brick in buff or dark grey. The walls to the recessed top floor will be metal clad. Each flat will have a balcony and there will also be a terraced area on the top floor.

Nine car parking spaces are provided off the access road.

A bin store is located at the entrance to the site and a cycle store for 20 bikes is located to the west of the site

Supporting Statement

The applicant has submitted a lawyer's statement detailing the acquisition of the site and the case for not paying a commuted sum for affordable housing.

This document is 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.

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

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 has been established through previous consents which have been implemented but not completed. During building works it was discovered that there are two sewers passing through the site, west to east, each with a 10.0 metre wide wayleave. The scheme was then changed with a central access road being formed with the flats on one side and a house on the other. A further house was then approved adjacent to this house.

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 flats all have three bedrooms and would provide further accommodation within the area for families and complies with LDP policy Hou 2.

The proposal complies with Policies Hou1 and Hou 2.

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 traditional bungalows and two storey detached houses. The new houses on the other side of the original site are three storey high.

The new flats will be six storeys but the upper floor will be recessed. Whilst the building will be higher than surrounding residential properties, it has been established through previous consents and is in the process of being built. The top floor will be slightly deeper than the previous consent for the additional penthouse extension but this is a minor change to the overall design.

Objectors have raised the issue that a fifth floor was previously removed from application 14/00026/FUL. However, this was a full height storey with no recess. The subsequent application (19/01333/FUL) added a rooftop addition to the penthouse flat and this application extends it by around 3m either end but does not add a full floor as proposed in 14/00026/FUL. The additional rooftop extension was approved by the Development Management Sub-Committee.

It is acknowledged that in terms of height, scale and density, the development introduces a change to the character of the area but the principle of these factors has already been accepted via the extant consents and the form of the development is led by the constraints of the site in terms of the sewers to the north and a culvert to the south. As the building sits in a dip between embankments, it will not appear over dominant.

Overall, the scale, form and design are compatible with previous consents and the proposal will contribute to a sense of place compliant with policy Des 1.

c) Amenity

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.

Policy Hou 3 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 (EDG) also seeks to address the criteria of an acceptable level of amenity for future occupiers of the development.

The units all meet the space standards set out in the EDG and levels of daylight will be good inside rooms. The greenspace meets the requirements of policy Hou 3 and there are additional private balconies and terraces for each flat.

In terms of neighbouring amenity, the nearest houses are the ones built as part of the original consent for nine flats and one house and then the additional house. There is a separating access road and window to window distances are around 20m.

Two objections relate to the house beyond one of the new houses but this is 30m from the edge of the flats and the garden is largely obscured by the new house. There is around 42m to the edge of the objectors' house but again, the new house is in between this. The third objection relates to a house even further away.

The level of amenity for future and existing occupiers will be in compliance with policies Des 5 and Hou 3.

d) Access and Parking

Policies Tra 2 (Car Parking) and Tra 3 (Cycle Parking) of the LDP sets out the requirement for private car and cycle parking.

The access road has partially been formed. Car and cycle parking are in compliance with the standards set out in the EDG and the Roads Authority has no objections.

e) Other Material Considerations

Flood Risk

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.

A drainage strategy was agreed as part of the previous consent and this is now being implemented.

Waste

Bin storage is located adjacent to the road and complies with the Council's standards.

Affordable Housing

Policy Hou 6 (Affordable Housing) states that residential development, including conversions, with more than 12 units should include provision for affordable housing amounting to 25% of the total of number of units proposed.

Affordable Housing has requested an affordable housing contribution on the basis that this is a phased development. In this case they have said a commuted sum would be an acceptable option. The applicant considers his development of 10 flats should not be eligible for an affordable housing contribution as there is no connection between his development and the two houses built on the larger original site by a separate developer.

The Council's non-statutory Affordable Housing guidance gives no information on what constitutes a phased development. It states *Where a proposal is fewer than 12 units but is clearly part of a phased development of a larger site which would be subject to an affordable housing requirement, the affordable housing policy and this guidance will apply.* The only question in this case is whether the current proposal is clearly part of a phased development.

The Council solicitor has advised that this is down to planning judgement. Policy Hou 6 does not directly address this issue, nor is it directly picked up in the LDP supporting text. The LDP supporting text paragraph 233 does set out that further information on affordable housing requirements is provided in planning guidance. However, as shown above this is broad brush with no detail in terms of phased development. It is generally accepted that the inclusion of phased development is trying to cover off the scenario of a developer owning a large plot of land and submitting multiple applications for 11 units for various portions of it to avoid the AH requirements, or similar.

The Council solicitor has advised that the site appears to involve a number of developers, over quite a period of time and, by more accident than design, the larger plot of 9 flats and 1 house has gradually been increased to 10 flats and two houses. In addition, the current developer's interest is only in relation of the 10 flats and they have no link (profit) from the 2 houses.

There is therefore an argument that the development proposed in this application is not "clearly part of a phased development of a larger site which would be subject to an affordable housing requirement" and therefore no affordable commuted should be due. However, if a judgement is made that it does apply, all that can reasonably be sought is a 25% commuted sum against the 10 units in the current application given the lack of link between the developer and the 2 previously consented houses.

When we look at the planning history of this site, a case can be constructed that it is a phased development but this is not strong. Since 2008, the red line boundary has consistently been round the whole site and the original consent in 2008 for 11 units is the starting point. The applicant was Ciji developments and the consent was then sold to Beaufort Property who presumably then realised there was two sewers down the middle of the site and had to amend the scheme. Having therefore got permission for an amended scheme for 9 flats and 1 house in 2014, Beaufort Property then got consent for another house adjacent to this. Both the houses were built by Beaufort Property but they did not proceed with the rest of the development and instead the site for 9 flats was sold to a separate developer, the current applicant, Carmichael Homes. The history of this site would indicate there was no plan from the beginning to avoid affordable housing and it was more a case of selling consents on by different developers with the last one being potentially liable for affordable housing on the wider site. There is not a strong argument that this was **clearly** a phased development.

The applicant has submitted a solicitor's letter setting out the position on the acquisition of the site by the current applicant. This confirms the land was acquired in good faith and for commercial value based on the land value derived from the planning permission for nine flats. There was no conditional missive on achieving further planning permission for 10 flats and no deduction of abnormalities such as developer contributions. There was no clawback or other agreements between Beaufort Property and Carmichael Homes. The letter confirms the transaction was entirely arms-length and that neither Beaufort Property nor their owners retain any financial or other interest in the site.

Government Circular 3/2012 on Planning Obligations sets out the policy tests for seeking developer contributions. These are:

- necessary to make the proposed development acceptable in planning terms
- serve a planning purpose
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

The last two criteria are particularly relevant in this case and based on the evidence submitted and the history of the site, it would be unfair to expect the current applicant to pay a commuted sum based on two houses which do not form part of his application site.

A strong case has been made that affordable housing should not be delivered on the basis of the current application for 10 flats. Based on planning judgement and Planning Obligations Circular 3/2012, it would be unreasonable to expect a commuted sum on the basis of the original site over which the current applicant has no link or profit and has only an interest in the current site for 10 flats.

f) Pubic Comments

Material Comments - Objections:

- building too high - addressed in 3.3 b)
- privacy - addressed in 3.3 c)

Conclusion

The proposal complies with the adopted Local Development Plan. The proposal is acceptable in this location and there will be no adverse impact on residential amenity, traffic or road safety.

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

3.4 Conditions/reasons/informatives

Conditions:-

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

Reasons:-

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

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

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

Three comments have been 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

Date registered 8 December 2020

Drawing numbers/Scheme 01-11A,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager

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

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

Appendix 1

**Application for Planning Permission 20/05478/FUL
At Land 30 Metres South Of 31, Groathill Road South,
Edinburgh
Amend the design of the consented and commenced
development of flatted building (14/00026/FUL and
19/01333/FUL) to split the penthouse apartment into two flats
to create one additional unit, extension to 5th floor and
alterations to building elevations.**

Consultations

Flood Planning

We have no concerns over the proposed alterations to the previously approved development. This application can proceed to determination with no comments from CEC Flood Prevention.

Affordable Housing - dated 23 December 2020

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

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

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

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

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

2. Affordable Housing Provision

This application is to amend a previously consented proposal to deliver an additional flat. 12 units would then be delivered across the site as a whole - two houses and 10 flats.

The Council's planning guidance on 'Affordable Housing' states that 'where a proposal is fewer than 12 units but is clearly part of a phased development of a larger site which would be subject to an affordable housing requirement, an affordable element will be required at an appropriate stage in the development of the site as a whole'.

There is therefore an AHP requirement for a minimum of three homes of approved affordable tenures from this site. This is 25% of the 12 units that are now to be delivered. The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

The application makes no provision for affordable housing. Housing Management and Development is therefore not able to support the application.

We request that the developer therefore enters into dialogue with the Council on the design, mix and location of the affordable housing, and identification of the Registered Social Landlords (RSL) so that an integrated and representative mix of affordable housing can be delivered on site. The tenure of the affordable housing must be agreed by the Council.

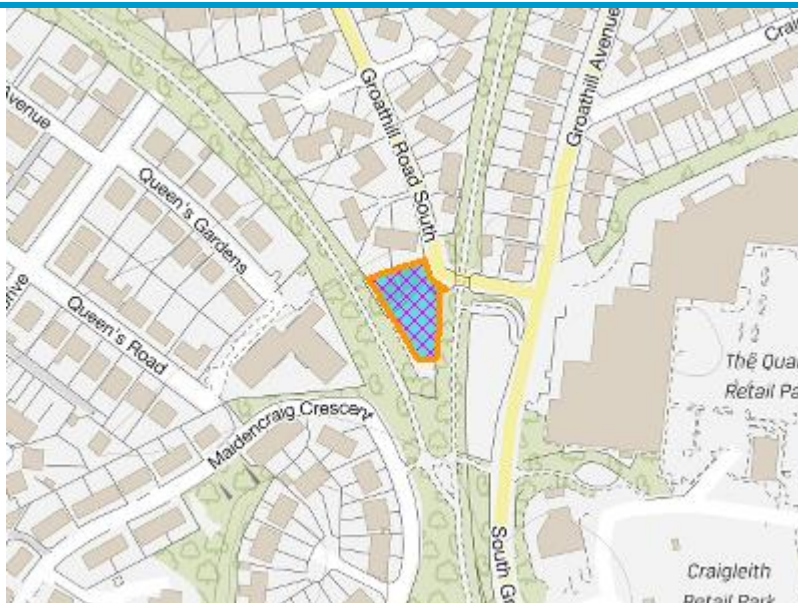
As an alternative, the applicant may propose the payment of a commuted sum in lieu of on-site affordable housing. Given the planning history of the site and as the development is for less than 20 units, it is likely that the payment of a commuted sum would be acceptable. The planning guidance sets out how this would be calculated.

The applicant should submit an "Affordable Housing Statement" explaining how they propose to address the affordable housing requirement. This will be a public document available on the City of Edinburgh Council's Planning Portal.

Roads Authority

No objections

Location Plan



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END

Development Management Sub Committee

Wednesday 21 April 2021

**Application for Planning Permission 19/02822/FUL
at 1 Mentone Terrace, Edinburgh, EH9 2DG.
Change of Use from 5 Garages to new dwelling house.**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The application complies with the relevant policies in the adopted local development plan and non-statutory guidance. The proposed site is a suitable location for the formation of a dwelling house. The proposal will preserve and enhance the character of the conservation area. It will provide a good residential environment for future occupants and will not materially damage the existing amenity of local residents. It will not cause additional flood risk to neighbouring properties or be at risk from flooding itself. There are no material considerations upon which to refuse granting planning permission.

The Scottish Environmental Protection Agency (SEPA) has objected to the application. In the event that the Development Management Sub Committee proposes to grant planning permission, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 states that the application shall be notified to the Scottish Ministers due to the outstanding objection from SEPA.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LEN06, LEN12, LEN16, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LTRA02, LTRA03, LTRA04, LDES12, NSG, NSGD02, OTH, CRPCMP,

Report

Application for Planning Permission 19/02822/FUL at 1 Mentone Terrace, Edinburgh, EH9 2DG. Change of Use from 5 Garages to new dwelling 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 relates to No. 1 Mentone Terrace. It is an area of land to the rear of the flats on Mentone Terrace/Glenorchy Terrace. The site appears to have previously been part of the rear garden area which is shared by the neighbouring flats. However, 5 garages and a raised concrete platform/access were constructed on this area around the 1970's.

The garages appear to be of concrete construction with a flat corrugated concrete asbestos roof. There are five white metal garage doors to the front elevation. The area directly in front of the garages is a raised concrete platform with an access ramp leading from the road.

There are a number of trees directly to the west of the site at a lower level which belong to neighbouring gardens. To the north of the site is an access path which leads from the road to some of the rear gardens. To the north of the access path, is a stone wall and metal fence which lines the rear boundary of the neighbouring garden. This garden is set at a lower level than the site. There are a selection of trees and shrubbery also planted nearby. Directly to the rear (south) of the site, is the wall of the nearby railway line. To the east is a quite large concrete car park which is used for the neighbouring office building. This car park is at a higher level than the site.

There is currently very limited screening along the northern boundary of the site. There is only the very top of the access path wall and a small, low and open, metal security barrier. There is no screening present along the west facing boundary of the site. This means from the elevated position of the raised concrete platform views into the neighbouring gardens are relatively unrestricted.

As the site is set lower than the nearby road and path, the garage building is not very noticeable from public elevations. However, the site appears overgrown and it does not contribute to the character or appearance of the defined conservation area.

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

2.2 Site History

1 October 1997- An application for planning permission to erect an office development was refused at Development Management Sub Committee (application reference: 97/01963/FUL).

10 February 1998- An application for planning permission for the change of use of the garages to an office was refused at Development Management Sub Committee. The appeal was dismissed by a Scottish Government Reporter (application reference: 98/03040/FUL & 99/00051/REF).

14 May 2015- An application for planning permission to demolish the existing garage lock-ups and erect new dwelling house was withdrawn by the applicant. (application reference: 15/01429/FUL)

2 May 2019- An application for planning permission for the erection of a dwelling house was withdrawn by the applicant. (application reference: 16/02458/FUL)

Main report

3.1 Description of the Proposal

The application is for planning permission for the change of use of the existing 5 garages on the site to form a dwelling house. Works associated with the change of use include the formation of a new raised floor within the existing garage, the formation of a new roof on the structure, the insertion of windows and doors and erection of fencing around the site. The walls of the building shall be retained. It is proposed to clad the building in larch. It is also proposed that a 2 metre high larch fence be erected around the west and north boundary of the site.

The dwelling shall have no off street car parking provision, however, secure cycle storage is proposed. The area in front of the existing garage structure shall be utilised as a courtyard garden.

Previous Scheme

Updated plans were submitted which shows that the internal floor level of the proposal will be increased by 450mm from that originally shown. The overall roof height of the building has also been increased by 450mm from that originally proposed. The roof height of the existing structure will now be increased overall by 1.005 metres.

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:

- Planning/Design Statement
- Surface Water Drainage Strategy
- Flood Risk Assessment (FRA)
- FRA Self-Certification
- FRA Appendix Documents
- Noise and Vibration Impact Assessment

3.2 Determining Issues

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

Section 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 proposal will preserve or enhance the character of the conservation area;
- (c) the proposal is of an appropriate scale, form and design;
- (d) the proposal will result in a satisfactory residential environment;
- (e) the proposed use would result in any material loss of amenity;
- (f) the proposal will have an impact in terms of flooding risk;
- (g) the proposal will have an impact on protected trees or protected species;
- (h) other material matters have been addressed and
- (i) public comments have been addressed.

(a) The Principle of Development in this Location

Policy Hou 1 (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 largely of flats and large dwellings. The proposed dwelling would provide further accommodation within the area for small families and complies with LDP policy Hou 2.

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) 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) in the LDP requires development proposals to preserve or enhance the character or appearance of the conservation area and permits development which is consistent with the relevant conservation character appraisal. The application site lies within the Craigmillar Park Conservation area.

The Craigmillar Park Conservation Area Character Appraisal (CPCACA) stresses the following key elements;

- High quality stone-built Victorian architecture of limited height predominates providing homogeneity through building lines, heights and massing.
- Properties are characterised by the predominant use of stone construction, slated roofs and timber sliding sash and case windows.
- Stone boundary walls which define the visual and physical seclusion of the villas.

It also notes that:

- There is a modern red brick light industrial/office building with several tenants on Mentone Gardens built in the 1980s. These add variety and life to the predominantly residential area (This is the building next to the application site).

In terms of new development the CPCACA states that it is crucial that any new building is of high quality design and materials, and sympathetic to the layout and rhythm of the street pattern.

The current garages are long established. They are a simple flat roof structure with a corrugated concrete roof with metal doors to the front. The site is accessed down a wide concrete ramp/driveway. The garages appear to be constructed on a concrete plinth which is raised up from the ground level of the neighbouring rear gardens belonging to the flatted properties on Mentone Terrace.

The site is relatively well secluded from the road by the existing walls, fencing and hedges which line Mentone Terrace. Directly to the east of the site is a large concrete car parking area for the industrial/office building which is mentioned in the conservation area character appraisal.

It cannot be stated that the existing building is attractive or contributes to the character or appearance of the defined conservation area. The application proposes that the existing concrete roof be removed and will be replaced with a green sedum roof which is more appropriate for the site, which has numerous trees and gardens nearby. The proposed roof will increase the height of the existing structure by only 1.005 metres. This will not make the building significantly more noticeable from public elevations. The garage building currently has a range of white metal doors, of different styles, and concrete dividing pillars to its principle elevation. These will be removed and will be replaced with a simple glass frontage, complimented by larch cladding.

The concrete area in front of the garage structure will be utilised as a screened courtyard garden. A private courtyard garden is a more appropriate use of this space than the existing relatively open unkempt concrete platform.

The site currently has very little screening to the neighbouring gardens. It is proposed that a 2 metre high larch fence be erected around the west and north boundary of the site. The site is relatively secluded from public views and whilst on site visit it was evident that wooden fencing has already been utilised nearby, around the perimeter of the directly neighbouring car park and to divide certain areas of the gardens to the rear of Mentone Terrace. It is also apparent from older photographs of the site that there was previously wooden fencing erected along the western boundary of the site to screen it from the neighbouring gardens. The fencing proposed will be high quality and is appropriate in this instance. The site already has a metal gate at its entrance. It is now proposed that a new metal gate be installed which will have wooden inserts within it. It is recommended that the consent be conditioned so that further details of the proposed fencing and gate to the entrance of the site be submitted for approval prior to works commencing on site.

The proposal will improve the appearance of the existing building and will turn the existing raised concrete platform into a more appropriate and attractive courtyard garden. Any fencing proposed will be high quality and it will be relatively shielded from public views. The proposal will preserve and enhance the defined conservation area.

The proposal complies with LDP policy Env 6 and the conservation area character appraisal.

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

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.

It is acknowledged that the existing garages and raised concrete platform do not have a positive impact upon their surroundings. However, it is noted that they are sited next to a quite large concrete car park and a modern brick-built office building.

The works proposed will improve the appearance of the existing building and the overall site, which will contribute towards a sense of place. The proposed alterations are compatible with the character of the existing building and will have a positive impact upon the visual amenity of its surroundings.

The proposal complies with LDP policies Des1, Des 4 and Des 12.

(d) Residential Environment

LDP Policy Hou 5 (Conversion to Housing) states that planning permission will be granted for the change of use of an existing building in non residential use to housing provided:

- (a) a satisfactory environment can be achieved
- (b) housing would be compatible with nearby uses
- (c) appropriate amenity and car and cycle parking standards are met
- (d) the change of use is acceptable having regard to other policies on this plan including those that seek to safeguard or provide for important or vulnerable uses.

LDP policy Hou 3 (Private Greenspace in Housing Developments) states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents. A minimum of 20% of the total site area should be useable greenspace.

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

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 proposal will have very large glazed areas to its principal elevation. It shall also have a selection of high-level windows in its elevation to the rear and a long rooflight. It would provide adequate levels of sunlight/daylight for any future occupiers.

A noise and vibration impact assessment was submitted as part of the assessment of the application. Environmental Protection concluded that it had no objections to the proposal subject to a condition being applied stating that the noise insulation measures proposed (triple glazing) is installed to their satisfaction. They also recommended a condition relating to a ground contamination survey be applied. These conditions have been applied.

The proposal will meet the minimum floor space requirements as established within the Edinburgh Design Guidance.

The proposal will have a courtyard garden with a maximum depth of approximately 6.7 metres and a width of 13.7 metres, although it is acknowledged that the usable area of this garden will be reduced by the existing access ramp.

Overall, the property will still benefit from a relatively secluded and usable garden area. Whilst this courtyard garden area is indicated to be paved it could be converted to a useable grassed area. A condition relating to landscaping is recommended to be attached to the consent. The proposal also includes a sedum roof which adds to the landscaping of the site. The proposal complies with LDP policy Hou 3. It is further noted that there are a number of high quality parks and greenspaces which are within walking distance of the site or are accessible by nearby public transport.

The use of the site as a dwelling house will be more compatible with its surroundings than the current garages.

The Roads Authority was consulted as part of the assessment of the application and it confirmed that it had no objections to the proposal. No off street car parking is proposed. Provision for secure off street cycle storage is shown. It is recommended that the consent be conditioned that further details of the proposed cycle storage be submitted for the written approval of the Council prior to works commencing on site.

The proposal would have to comply with the building regulations in terms of adaptability and sustainability.

The proposal complies with LDP policy Hou 5, Tra 2, Tra 3, Hou 3 and the Edinburgh Design Guidance.

(e) Loss of Amenity to Neighbours

LDP Policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which will not result in an unreasonable loss of privacy or natural light to neighbouring properties.

The proposed alterations to the existing building will increase its maximum height by 1.005 metres. Given the relatively minimal changes proposed and the position of the garage relative to neighbouring properties it will not result in an unreasonable loss of natural light to neighbouring properties.

The site currently contains 5 private garages, with a raised platform in front and an access ramp. Legally the site could be quite heavily utilised for the storage and/or maintenance of personal vehicles/goods. It is further noted that the site is at a higher level than the nearby gardens and that there is currently very little screening present along the west and north mutual boundaries shared between the site and the gardens that are directly nearby.

The existing level of the platform area in front of the building will not be increased in height when it is converted into a courtyard and there will be a 2 metre high larch fence erected around the west and north facing boundary on top of the existing platform. This will offer the courtyard and surrounding gardens substantially more privacy than that which currently exists when the raised platform is utilised.

It is noted that the floor level of the proposed dwelling will be raised by 0.45 metres over the current floor level of the garage. The depth of the proposed garden will be approximately 6.7 metres. However, at the rear of the site there is an access path for the neighbouring properties. This means that the overall distance between the windows in the front elevation of the proposal and the gardens to which it will directly face shall be around 8.5 metres. The proposed windows shall be screened by 2 metre high fencing and by the existing access ramp. The access path is lined with a metal barrier and many of the gardens to the rear of Mentone Terrace are screened by trees and shrubbery.

The west elevation drawing submitted also shows that the neighbouring garden, to which the windows of the property will directly face, is located at quite a lower level. Given the level changes present, the screening proposed, and the fact that the windows of the proposal will be approximately 8.5 metres away from the boundary of this garden, future occupants of the proposed dwelling will not have a direct view over the majority of this garden, even when standing within the property.

Whilst future occupants of the building would have a view of the rear of the flats at Mentone Terrace/Glenorchy Terrace, when standing, there will be approximately 20 metres between the windows of the proposed building and the rear windows of the flats on Mentone Terrace/Glenorchy Terrace.

It is also noted that there are many rear windows belonging to the flats on Mentone Terrace which already overlook the rear garden areas. The level of privacy to these gardens cannot be expected to be the same as to those of detached or even terraced properties.

Overall the proposal will reduce the current opportunities for overlooking from the platform area directly in front of the building and there will be no material loss of privacy to current residents from future occupants of the building.

The proposed property will be detached. 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 LDP policy Des 12 and the Edinburgh Design Guidance.

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.

It is identified that the Pow Burn and Pow Burn Culvert may run under the site. A Flood Risk Assessment (FRA) was submitted with the application. Flood Planning was consulted as part of the assessment of the application as was the Scottish Environmental Protection Agency (SEPA).

The submitted FRA and supplementary information concludes that the development will not increase the risk of a flood to other properties or be at risk of flooding itself.

SEPA has objected to the application. The Council's Flood Planning section has, however, confirmed that it has no objections to the proposal after assessing the submitted FRA and further associated documents.

SEPA state in their consultation response that *"The Terrenus FRA refers to a Powburn Flood Alleviation Scheme close to the site. The Council has advised us that this does not relate to the Pow/Jordan Burn but may refer to the combined sewer network in Ventnor Terrace. We would advise that the flood risk management team in the Council is best placed to comment on surface water flooding issues at, and close to, the site. We also note that proposals to discharge surface water to a local soakaway is also for the Council to consider. We assume that the soakaway was originally designed for the garages and will need to be resized to cope with the expected increase in surface water and also take into consideration future climate change impacts."*

SEPA's response states that the flood risk management team within the Council is best placed to comment on surface water flooding issues at, and close to, the site. Flood Planning has no objections to the proposal in terms of surface water management.

The SEPA consultation response also states *"The Ramage Young report suggests that the site may be adjacent to a culvert which conveys the Pow/Jordan Burn. The capacity of this culvert and its condition is unknown. It is also unknown where the water would flow should the flow in the watercourse exceed the flow in the culvert. However we note that the proposed finished floor level of 53.3 metres Above Ordnance Datum will be a metre or so above the level of the adjacent tracks which would probably receive any excess water"*

SEPA's response above indicates that the site, may, be adjacent to a culvert which conveys the Pow/Jordan Burn. And whilst they state that it is also unknown where the water would flow should the flow in the watercourse exceed the flow in the culvert, they do note that the proposed floor level of the dwelling is above the level of the adjacent tracks which would probably receive any excess water.

Again, Flood Planning has no objections.

SEPA also states that *"The Ramage Young report advises that it is proposed to construct the proposed house on top of a brick sewer. The condition of the sewer is unknown and its life expectancy is unknown. Should the sewer require maintenance or replacement then access would be essential which would be extremely difficult, if not impossible, with a house constructed over it. The house itself will increase the loading on the sewer and may cause damage to the sewer. Any impediment to undertake maintenance or replacement could place nearby properties at an increased risk of flooding. We note that the Flood Risk Assessment (FRA) refers to previous flooding of property in the area*

SEPA in their consultation responses states *"In order to review our objection to the application we would need to be satisfied that the culvert under the proposed house footprint does not convey a watercourse, part or all of the flows of the Pow/Jordan Burn"*

SEPA's objection overall appears to relate largely to concerns that the proposed build may impact upon a culvert that may, or may not, run under the site.

Flood Planning has stated in their response that *"It is in the applicant's interest to confirm the condition and capacity of the culvert. The culvert is under riparian ownership and any future maintenance or replacement will be the responsibility of the landowner"*.

Scottish Water was consulted as part of the assessment of the application and also stated that it had no objections to the proposal.

Scottish Water did however note that the development proposed impacts on existing Scottish Water assets and that the applicant must identify any potential conflicts with Scottish Water assets and contact their Asset Impact Team to apply for a diversion. They stated that the applicant should be aware that any conflicts with assets identified may be subject to restrictions on the proximity of construction.

It must be acknowledged that there is already a building on this site which the applicant intends to convert. The garage is already constructed on a raised platform. When on site visit, it was apparent that there are numerous covers which are present within the open raised platform area. The applicant is only proposing to utilise and convert this area to a courtyard garden. No new building will be constructed over this area.

The agent involved has confirmed that the proposed works will put no additional loads onto the potentially underlying structure. However, this will be fully assessed through the required building warrant for the works. Any potential engineering required to ensure the structural stability of the proposed building and that of the culvert that may, or may not, lie beneath the site will be considered in depth through the process of the warrant. The applicant will also have to liaise with Scottish Water to ensure that there are no potential conflicts with their assets and if there are, that they can be satisfactorily protected.

The applicant has indicated that they are willing to carry out the required investigation into the position and condition of the culvert. However, they have stated that the investigation would currently create an expense that cannot be justified until the principle of development is granted.

Concerns relating to the location and condition of the culvert and the proposals potential impact upon it can be adequately controlled by a planning condition, the required future Building Warrant as well as future discussions with the Scottish Water Asset Impact Team. Should the findings be insurmountable, the planning permission will be unable to be implemented.

In the event that the Development Management Sub Committee proposes to grant planning permission, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 states that the application shall be notified to the Scottish Ministers due to the outstanding objection from SEPA.

The proposed development will not increase a flood risk or be at risk of flooding itself. The proposal complies with LDP policy Env 21.

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.

There are no trees within the site, however there are a number of trees directly next to the site, some of which slightly overhang quite near to the roof of the building.

The application was assessed by Natural Environment. The Council's arboriculturalist stated that it was unlikely that the works proposed would have any impact upon tree roots but that the consent should be conditioned so that if any significant roots are found during construction, then works should be stopped immediately and an arboriculturalist called to provide a written report for the Councils approval. It is recommended that this condition be applied.

The Council's arboriculturalist did state that there may be some light pruning required to nearby trees to facilitate the additional height of the proposal. The agent involved with the application has stated that the development will not result in any works to nearby trees being required.

Since the site lies within a conservation area, the consent of the Council will be required if any works to trees, including pruning, does need to be carried out. An informative has been applied to remind the applicant of this responsibility.

There is no potential impact upon protected species.

The proposal complies with LDP policy Env 12.

h) Other material considerations

Network Rail

Network Rail was consulted as part of the assessment of the application. They confirmed that they had no objections to the proposal. They did, however, suggest a number of informatives stating that the applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land. The recommended informatives have been applied.

One of the comments provided states that no Sustainable Drainage Systems should be constructed within 10 metres of railway infrastructure. The applicant has confirmed that currently the runoff from the existing building enters a soakaway within the site and thus to the local ground water in line with good treatment practise. The current development proposal comprises a renovation of the existing structure and they intend that the existing soakaway facility be used.

Disability access

It is noted that there is quite a steep ramp that provides access to the site. It is acknowledged that this ramp may not meet modern building standards regulations and may be required to be modified. This would be addressed as part of the required building warrant application for the site.

Waste Services

Waste Services was consulted and confirmed that they had no objections to the proposal.

(i) Public comments

Material Representations - objection

- Concerns relating to design and appearance of building and proposed fencing. This is addressed in section 3.3b&c;
- Concerns over flooding/surface water as a result of the development. This is addressed in section 3.3f;
- Concerns regarding building over the culvert. This is addressed in section 3.3f;
- Overlooking and loss of privacy. This is addressed in section 3.3e;
- Potential disturbance and noise. This is addressed in section 3.3e;
- Inappropriate residential environment would be created. This is addressed in section 3.3d;

- Network Rail were not consulted- This is addressed in section 3.3h;
- Disability access. This is addressed in section 3.3h;
- Lack of greenspace. This is addressed in section 3.3d.
- Concerns relating to the impact on the railway. This is addressed in section 3.3h;
- Impact upon trees and wildlife. This is addressed in section 3.3g;
- Loss of outlook. The immediate outlook from properties will not be impacted;
- Health concerns for future residents. Environmental Protection offered no objections to the proposal. A condition has been applied to the consent with regards to the requirement for a ground investigation of the site to be carried out;
- There are inaccuracies within the plans. It is acknowledged that there are some slight inaccuracies within the plans, with the west wall of the garage being shown to be inline with the boundary when instead it appears to be positioned slightly in from the boundary. However, the difference is minimal, approximately 200mm, and it is not proposed for the position of the wall to change. The plans are not clear whether there is a wall or fence located around the boundary of the nearby car park, however, this is not material to the overall assessment of the application. Overall the plans submitted clearly indicate the works which are proposed and what elements of the existing garage are to remain and what will be replaced.
- Description of the proposal is incorrect and that this is not just a change of use. The application description accurately describes that the site will have its use changed from a garage to that of a residential property. The accompanying plans clearly indicate the scale and nature of the works which are proposed to be carried out.

Non Material Representations

- The existing garages are never used and should not have been granted consent. This is not a material planning consideration;
- Lack of architectural details and how the proposal will be built, existing walls will not take the additional weight. This is not a material planning consideration. Further details of the proposed build will be required for the building warrant for the proposal;
- Larch cladding can be combustible. This will be looked at in detail during the building warrant;
- The existing roof contains asbestos. This will be looked at in detail during the building warrant

- Legal liability if works were to stop mid-way. This is not a material planning consideration;
- It would set a precedent. Every application is determined on its own merits.

Conclusion

The proposal complies with the relevant policies in the adopted local development plan and non-statutory guidance. The proposed site is a suitable location for the formation of a dwelling house. The proposal will preserve and enhance the character of the conservation area. It will provide a good residential environment for future occupants and will not materially damage the existing amenity of local residents. It will not cause additional flood risk to neighbouring properties or be at risk from flooding itself. There are no material considerations upon which to refuse granting planning permission.

The Scottish Environmental Protection Agency (SEPA) have objected to the application. In the event that the Development Management Sub Committee proposes to grant planning permission, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 states that the application shall be notified to the Scottish Ministers due to the outstanding objection from SEPA.

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

3.4 Conditions/reasons/informatives

Conditions: -

1. No trees which overhang the application site shall be lopped, topped, pruned or felled without the approval of the Planning Authority.
2. During excavation and construction if any tree roots over 25mm diameter or large bundles of fine roots are discovered within the site then a suitably qualified arboriculturalist shall be contacted and the roots inspected to clarify whether the works shall harm these trees. A written report of any findings following this inspection shall be submitted to the Planning Authority for further approval prior to any further works commencing
3. Prior to the commencement of development a Tree Protection Plan in accordance with BS5837:2012 Trees in relation to design, demolition and construction to demonstrate how trees adjacent to the site will be protected, including the location of tree protection fences, must be submitted to and approved by the Planning Authority.
4. 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.

5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. The landscape plan shall demonstrate that a minimum of 20% of the site area is useable greenspace.
6. 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.
7. The following noise protection measures to the proposed residential property, as defined in the E2 'Environmental Noise and Vibration Impact Assessment' report (Ref P8097), dated December 2019 updated January 2020:

Glazing units with a minimum insulation value of 8,8mm - 14 mm - 6 mm - 14 mm - 12,8mm triple glazing shall be installed for the external doors and windows of the areas highlighted on drawing number 07a.

These glazing units shall be installed prior to the development being occupied.
8. Further details of the proposed secure cycle storage within the site shall be submitted for the written approval of the Council, prior to the unit becoming occupied.
9. A site survey, including the use of CCTV, shall be undertaken to establish the location, condition and depth of the Powburn culvert prior to any construction work beginning. A report on the findings and proposed mitigation measures, including future access provision to the culvert, shall thereafter be submitted to the Planning Authority for further approval and any agreed measures shall thereafter be implemented prior to works beginning on site.
10. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to protect the trees near to the site.
2. To protect the trees near to the site.
3. To protect the trees near to the site.
4. In the interests of visual amenity.
5. In the interests of amenity.
6. In the interests of the health and safety of future occupiers.
7. In the interests of the amenity of future occupiers.
8. In the interests of sustainability.
9. In the interests of flood protection.
10. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

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

5. Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).

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

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

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

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

6. According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

7. The detailed arrangements for waste collection need to be agreed with myself at later stage. The architects or developers should liaise directly with me, via email at Sean.Hanlon@edinburgh.gov.uk

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Six objection comments were received in relation to the application, including one from the Craigmillar Park Association and the Grange/Prestonfield Community Council.

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 12 June 2019

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

Scheme 2

David Givan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 1

Application for Planning Permission 19/02822/FUL At 1 Mentone Terrace, Edinburgh, EH9 2DG Change of Use from 5 Garages to new dwelling house

Consultations

Environmental Protection

The applicant has now submitted further information on the required glazing specification that is required to mitigate the noise from the railway. The required noise reduction levels have been established in the applicant's noise impact assessments and upgraded glazing specifications highlighted on drawing numbers ECA-141 rev B (Elevations & Ground Floor Plans) dated 10/6/2019. The applicant has advised that triple insulated glass units of the following specification will be installed to meet the required sound reduction levels; 8,8mm - 14 mm - 6 mm - 14 mm - 12,8mm. Environmental Protection shall recommend a condition is attached to ensure this minimum specification is installed.

The application site may have become contaminated from previous uses on the land and so it is recommended that a condition be attached which ensures that the site is assessed and appropriately remediated where required to ensure that the site is made safe for the proposed end use.

Environmental Protection offers no objections subject to the following condition:

1. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

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

2. The following noise protection measures to the proposed residential property, as defined in the E2 'Environmental Noise and Vibration Impact Assessment' report (Ref P8097), dated December 2019 updated January 2020:

- Glazing units with a minimum insulation value of 8,8mm - 14 mm - 6 mm - 14 mm - 12,8mm triple glazing shall be installed for the external doors and windows of the

areas highlighted on drawing number ECA-141 rev B (Elevations & Ground Floor Plans) dated 10/6/2019.

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

Roads Authority

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 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);

Note:

1. The proposed zero car parking is considered acceptable and complies with Council parking standards.

SEPA

Original Response:

We object to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

In summary we wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

o A detailed Flood Risk Assessment (FRA) to inform the developable area and finished floor levels.

We note that a Stage 2 FRA has been completed in support of this application, however upon review we still have concerns in relation to flood risk impacts of the development.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1. Flood risk

1.1 SEPA objected to a similar application at this site in May 2015 (15/01429/FUL). We recommend that this response is read in conjunction with our previous response.

1.2 The proposed dwelling house would replace garages and be located at a low level adjacent to the railway tracks. Review of the SEPA Flood Map indicates the site

is immediately adjacent to the 1 in 200-year (0.5% annual probability) flood extent and as such may be at medium to high risk of flooding. The risk of flooding would appear to be from the Jordan Burn and it is likely that the flood modelling is channelling flows along the railway as the watercourse would appear to be culverted in this location. A detailed FRA will be required to assess the flood risk from the Jordan Burn and inform safe development levels. The detailed FRA should provide an estimate of the design flood peak flows and water levels at the site. This will need to take into account various culvert blockage scenarios.

1.3 The results of at the detailed FRA should inform the developable area and finished floor levels. Finished floor levels should be above the 1 in 200 year flood level, with added freeboard (as defined by the council but normally 600mm) and appropriate climate change allowances.

Detailed advice for the applicant

2. Flood risk

2.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland.

2.2 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with Policy 41 (Part 2).

2.3 Our Flood Risk Assessment Checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.

2.4 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

2.5 The flood risk advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website.

Follow-up Response

Thank you for your consultation email which SEPA received on 12 June 2020. Please accept our apologies regarding the delay in our response.

We maintain our objection to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. In order to review our objection to the application we would need to be satisfied that culvert under the proposed house footprint does not convey a watercourse, part or all of the flows of the Pow/Jordan Burn.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

Please note our comments below.

Technical Report

1. SEPA objected to this application in April 2020. Please read this response in conjunction with our previous response.
2. The Ramage Young report suggests that the site may be adjacent to a culvert which conveys the Pow/Jordan Burn. The capacity of this culvert and its condition is unknown. It is also unknown where the water would flow should the flow in the watercourse exceed the flow in the culvert. However we note that the proposed finished floor level of 53.3 metres Above Ordnance Datum will be a metre or so above the level of the adjacent tracks which would probably receive any excess water.
3. The Ramage Young report advises that it is proposed to construct the proposed house on top of a brick sewer. The condition of the sewer is unknown and its life expectancy is unknown. Should the sewer require maintenance or replacement then access would be essential which would be extremely difficult, if not impossible, with a house constructed over it. The house itself will increase the loading on the sewer and may cause damage to the sewer. Any impediment to undertake maintenance or replacement could place nearby properties at an increased risk of flooding. We note that the Flood Risk Assessment (FRA) refers to previous flooding of property in the area.
4. The Terrenus FRA refers to a Powburn Flood Alleviation Scheme close to the site. The Council has advised us that this does not relate to the Pow/Jordan Burn but may refer to the combined sewer network in Ventnor Terrace. We would advise that the flood risk management team in the Council is best placed to comment on surface water flooding issues at, and close to, the site. We also note that proposals to discharge surface water to a local soakaway is also for the Council to consider. We assume that the soakaway was originally designed for the garages and will need to be resized to cope with the expected increase in surface water and also take into consideration future climate change

Scottish Water

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

There is currently sufficient capacity for a foul only connection in the Edinburgh Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Surface Water

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

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

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

Next Steps:

All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Network Rail

Thank you for consulting Network Rail regarding the above development.

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

The applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.

Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area.

All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).

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

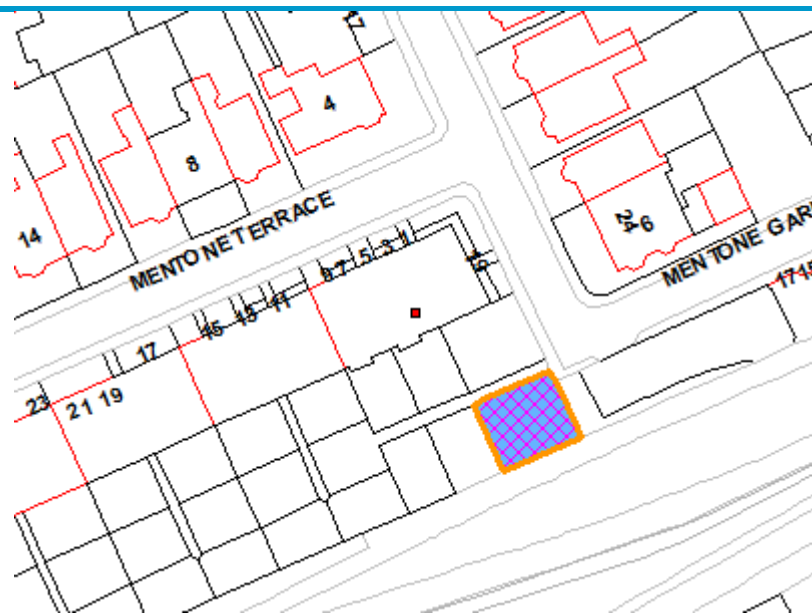
Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner,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

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

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

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

Location Plan



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END

Development Management Sub Committee

Wednesday 21 April 2021

**Application for Planning Permission 20/04317/FUL
at 14 - 15 Minto Street, Edinburgh, EH9 1RQ.
Formation of new hotel bedrooms in the rear grounds of 14
Minto Street.**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The proposal is acceptable in this location. It will respect the special architectural and historic interest of the listed building and its setting and will preserve the character and appearance of the conservation area. The proposal is of an appropriate scale, form and design and draws on the character of the surrounding area to provide a sense of place. Neighbouring amenity will not be adversely affected. There are no archaeology, tree, transport or drainage issues. The proposal complies with the Edinburgh Local Development Plan. There are no other material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LEN03, LEN06, LEN08, LEN09, LEN12, LTRA02, LTRA03, LTRA04, NSG, NSLBCA, NSGD02, OTH, CRPBLA, HEPS, HES, HESSET, HESCON, HESBND,

Report

Application for Planning Permission 20/04317/FUL at 14 - 15 Minto Street, Edinburgh, EH9 1RQ. Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

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 two stone villas on the east side of Minto Street at the junction with Blacket Avenue. Both villas sit behind low stone walls with railings on top. Together they form the Thrum Hotel. The villas have garden ground to the front and rear, with number 14 having a parking area in the rear garden. There are a few trees in the rear garden ground of the application properties.

Immediately to the north of number 14 Minto Street is a strip of trees and shrubs along Blacket Avenue.

Both numbers 14 and 15 are category B listed buildings (refs: LB29346 & LB29347; date of listing: 14/12/1970).

This application site is located within the Blacket Conservation Area.

2.2 Site History

28 June 2019 - Not Minded to make a Tree Preservation Order (NMTCO) to remove 2 large mature poplar trees and remove 1 conifer (application number 19/02900/TCO);

5 September 2019 - application withdrawn to construct a two storey extension to the rear of the property to incorporate additional guest accommodation. Demolish existing conservatory at the rear and current link building between 14-15 and replace with modern links. Proposal to change existing kitchen and reception areas of ground floor number 14 to additional accommodation (application number 19/03616/LBC);

5 September 2019 - application withdrawn to construct a two storey extension to the rear of the property to incorporate additional guest accommodation. Demolish existing conservatory and current link building and replace with modern links (application number 19/03614/FUL);

19 January 2021- listed building consent application withdrawn for alterations to and extension of existing hotel (application number 20/00971/LBC).

20 January 2021- planning permission application withdrawn for alterations to and extension of existing hotel (application number 20/00970/FUL); and

9 October 2020 - listed building application received for formation of new hotel bedrooms in the rear grounds of 14 Minto Street(application number 20/04316/LBC).

Main Report

3.1 Description Of The Proposal

Formation of new hotel bedrooms in a separate building in the rear grounds of 14 Minto Street is proposed.

The proposed building will be located in the south east part of the garden of number 14. It will incorporate the existing stone boundary wall between numbers 14 and 15 Minto Street. The building will be two storeys with the upper storey in the form of a mansard roof. Dormers will be installed on the front (north west) roof plane and rooflights will be installed on the rear (south east) roof plane. An external cycle store will be attached to the proposed building.

Parking will be provided for five vehicles and nine bicycles. The existing access will be retained, and a turning head area will provided within the rear garden.

Materials on the elevations will be coursed rubble natural stone and ashlar. The roof will be natural slate pitches with a raised seam lead platform. Window, door frames and the cycle store will be timber. Parking will be porous pavements with grass area.

Supporting Documents

- Design Statement
- Business Statement
- Surface Water Management Plan

These are available to view on the Planning and Building Standards Online Services Formation of new hotel bedrooms in a separate building in the rear grounds of 14 Minto Street is proposed.

3.2 Determining Issues

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

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of development is acceptable in this location;
- b) the proposal preserves the character of the listed building and its setting;
- c) the proposal preserves or enhances the character and appearance of the Blasket Conservation Area;
- d) the scale, form and design are acceptable;
- e) there is any impact on archaeology;
- f) there is any impact on the amenity of existing neighbouring properties;
- g) there is any impact on trees;
- h) there are any Roads Authority or transport issues;
- i) there are any drainage or flood risk issues and
- j) the public comments have been addressed.

a) Principle

Policy Emp 10 of the Local Development Plan relates to hotel development and states that hotel development will be encouraged in locations with good transport links to the city centre.

The proposals are for an increase in accommodation to the existing hotel use at 14-15 Minto Street.

The hotel use is already established and is in a street with other established hotels and guesthouses. The application site is located on a high frequency bus route and can easily access the city centre and other parts of the city by public transport, cycling and walking.

Economic Development has advised that it is estimated that the proposed development would support approximately two FTE jobs and £0.08 million of GVA per annum (2018 prices).

The principle of ancillary accommodation in the form of ten additional bedrooms is acceptable subject to compliance with other policies in the Local Development Plan.

The principle of the proposal is acceptable and complies with policy Emp 10.

b) Listed Building and its setting

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

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

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Boundaries sets out the principles that apply to altering the boundary treatments of historic buildings. It states that walls, fences and other boundary treatments form important elements in defining the character of historic buildings, conservation areas and designed landscapes. It also states that walls and fences can be valuable in their own right as major elements in the design of a historic building and its setting, or in a broader streetscape or landscape and that alterations or repairs to a historic boundary should protect its character.

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It states that factors to be considered in assessing the impact of a change on the setting of a historic asset or place include the presence, extent, character and scale of the existing built environment within the surroundings of the historic asset or place and how the proposed development compares to this and the ability of the setting to absorb new development without eroding its key characteristics and the effect of the proposed change on qualities of the existing setting.

LDP Policy Env 4 (Listed buildings - Alterations and Extensions) seeks to ensure that proposals to alter or extend a listed building are justified; that there will be no unnecessary damage to historic structures or diminution of its interest; and that additions are in keeping with other parts of the 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.

Historic Environment Scotland (HES) has advised that the proposals should not result in the removal of the B-listed dividing wall between Nos.14 and 15, as the wall is an important reminder of the property boundaries between the former houses in this Georgian suburb, and that any further breaches in the boundary with Blacket Avenue should be resisted.

The proposal will not entail any alterations to the listed villa. However, the proposed building will incorporate the existing rear boundary wall between numbers 14 and 15 Minto Street into its design. The proposal will retain the boundary wall, although it will be subsumed into the proposed building, and, therefore, the separation of the gardens at numbers 14 and 15 will remain. The stone boundary wall also currently consists of sections of concrete scored to look like stone blocks and some patching with bricks. Therefore, it has lost some of its original and historical appearance.

In this context, the inclusion of the boundary wall in the design of the proposal is acceptable. The proposed development will use the existing vehicular access from Blacket Avenue and no additional openings in the boundary wall are proposed.

The application site is numbers 14 and 15 Minto Street and the proposal will sit in the garden ground of number 14. The proposed building will be read in the context of number 14 and will be set sufficiently back from the listed building and will sit lower than the height of the listed villa. Its scale will be smaller than the villa and, thus, it will not detract from the special architectural or historical interest of the building. The current rear setting is dominated by a parking area with chipped stones. The original setting has been compromised by this parking area, which takes up nearly half of the garden area. The proposal includes a more formal parking arrangement in a different layout and grass/soft landscaping areas will be provided. Given the existing composition of the rear garden area, the proposed site layout will preserve the special features and character of the listed building and its setting. The proposed building is also sufficiently set back from the setting of number 15 and will not detract from the villa's special historical and architectural interest and appearance.

The proposal will not detract from the special architectural and historic interest of the listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal complies with policies Env 4 Listed Buildings (Alterations and Extensions) and LDP Policy Env 3 (Listed Buildings - Setting).

c) Conservation Area

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted which preserves or enhances the special character 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 Blacket Conservation Area Character Appraisal states that the essential characteristics are:

- The predominant development form comprises Georgian and Victorian properties occupying large plots.
- The gardens, abundant mature planting within private gardens and in communal areas which make a significant contribution to the character of the area.
- The West Blacket area demonstrates a diverse mix of building types given coherence by the limited range of traditional materials.
- Rich variety of architectural styles evident throughout the Conservation Area, which are given homogeneity through the feu charter which controlled heights (two storey and half storeys), building lines and massing. o Properties are characterised by the predominant use of stone construction, slated roofs and timber sash and case windows.

- Predominance of residential uses, with hotels and guest houses on arterial routes.

From the front street scene in Minto Street, the villas at numbers 14 and 15 will still appear as traditional villas. The proposed rear extension will be seen from some views from Blacket Avenue, although it will be partially hidden due to the strip of trees and shrubs to the north of the application site.

The area of the site where the new building is proposed is relatively concealed from public views, being hidden behind an existing high stone boundary wall and mature shrubs and trees, although there will be glimpses of it from the public street and it will be seen from some private views. Its mews style design using mainly traditional materials will sit comfortably within the plot. Therefore, the impact on the appearance of the conservation area will be limited.

The pattern of rear garden ground to the north of the application site has little development in the rear garden areas. To the south, the application site sits in a row of three villas which still have their ground as garden, albeit number 14 includes an area of car parking. To the south, there are examples of development in the rear garden ground and in particular for those on corner plots, where some of the development faces onto the side roads. The proposal will face onto the side street, Blacket Avenue, and thus offering a similar spatial pattern to that found in side streets near junctions with the main thoroughfare. The proposed building will sit comfortably within such a pattern of rear garden ground and will not detract from the existing spatial pattern to the rear of the villas fronting Minto Street.

The proposal will be an hotel use on the application site and, therefore, will continue to contribute to the character of hotels and guest houses on arterial routes in this part of the conservation area.

The proposal will preserve the character and appearance of the conservation area and conforms to the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal complies with policy Env 6 (Conservation Areas - Development).

d) Design

Edinburgh Local Development Plan policy Des 1 (Design Quality and Context) states planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Planning permission will not be granted for poor quality or inappropriate design that would be damaging to the character of the area.

Policy Des 4 - Development Design states development should have a positive impact on its surroundings, having regard to height and form; scale and proportions, including the spaces between buildings; position of buildings and other features on the site; and materials and detailing.

The Edinburgh Design Guidance sets out key aims for new development to have a positive impact on the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings on site and materials and detailing.

The proposal is of a subservient scale to the existing villas at numbers 14 and 15 and the surrounding villas. It will be positioned subtly in the bottom corner of the garden and will not detract from the existing villa. Although it will sit behind a stone boundary wall and an area of mature trees, it will contribute to a sense of place in relation to the hotel and its location within the area.

The design as a mews style building and its height and size will not dominate the garden ground nor the setting of the villa. Sufficient space will remain between the proposed building and the villa at number 14. The proposal will redevelop an existing area of garden ground which has mostly already been developed into a parking area.

Although mansard roofs are not a traditional feature of the area, dormers are common. The mansard roof design allows two floors of accommodation to be created and make maximum use of the site. The form and scale are similar to the new build elements in the rear area of the former Minto Hotel two doors down.

Blacket Avenue will retain its character of mature trees along this boundary with the application property and, thus, the proposal will not detract from the leafy character and appearance of this part of the street.

Materials proposed are acceptable and, should planning permission be granted, a condition is recommended to ensure high quality materials. A condition is also recommended for a landscape plan to ensure the hard and soft landscaping, including planting such as trees, are of a high quality.

The proposal is of an appropriate scale, form and design. It complies with policies Des 1 and Des 4 and the relevant parts of the Edinburgh Design Guidance.

e) Archaeology

LDP Policy 8 (Protection of Important Remains) states that development will not be permitted which would damage or destroy non-designated archaeological remains which the council considers should be preserved in situ.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) states that planning permission of known or suspected archaeological significance if it can be concluded from information derived from a desk-based assessment and if required a field evaluation.

The City Archaeologist has identified the site as occurring within an area of archaeological potential. The proposals will require ground works associated with the construction which, given the evidence from a nearby site, may uncover unrecorded domestic wells. Accordingly, it is recommended that a programme of archaeological work is undertaken during development to fully excavate, record and analyse any significant buried remains affected and preserve insitu any such wells that may be uncovered.

The proposal, with the use of an appropriate condition, will comply with policies Env 8 and 9.

f) Neighbouring Amenity

Local Development Plan (LDP) Policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The windows will face onto the boundary wall and beyond that onto the mature trees and shrubs and Blacket Avenue. There will be no overlooking or privacy issues.

Nearly all the overshadowing will fall within the application site, which is the rear garden ground of numbers 14 and 15 which form the hotel, and the public street. A negligible amount will fall onto the neighbouring garden to the rear of number 14 and this is acceptable. There will be a small impact on sunlight which will not be an unreasonable loss and this is also acceptable.

The proposal will not result in a loss of privacy or introduce unacceptable overshadowing to neighbouring properties.

The issue of noise from people going between the hotel and new annexe and the use and positioning of the cycle parking storage were raised in the public comments. Some noise will be experienced from the use of the existing car park and people walking from vehicles to the hotel. It is not expected that increased noise will be experienced due to people walking between the hotel villa and the annexe building or by introducing cycle parking.

The proposal will not result in an unreasonable loss of neighbouring amenity and complies with Des 5.

g) Trees

LDP Policy Env 12 (Trees) states that development should not damage trees protected by a Tree Preservation Order or any other tree worthy of retention.

The application property has already secured permission to cut down trees on the site. The proposals will not harm any trees within the site nor in adjacent sites. The group of trees along Blacket Avenue, which are outwith the boundary of the application site, will remain. The setting of the site within a leafy street and surrounding area will be unaffected by the proposed development.

There is no harm to trees and the proposal complies with Policy Env 12.

h) Roads Authority

LDP Policies Tra 2 - Tra 4 set 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 no objections to the application subject to conditions or informatives as appropriate regarding the maximum number of car parking spaces, the amount and design of cycle parking, gates, hardstanding and a Travel Plan.

The existing car park currently exceeds the maximum number of vehicle parking spaces, advised as being acceptable in the Parking Standards contained in the Edinburgh Design Guidance. The number of spaces proposed will be reduced and this makes the amount of parking compliant with the Edinburgh Design Guidance. Nine cycle parking spaces are proposed in covered storage and this is welcomed. However, a condition is recommended to ensure the design of the storage facility is appropriate and of high quality.

The reduction in car parking on the site will reduce the number of cars into the property and, thus, also using Blacket Avenue to access the site's parking.

The proposal complies with policies Tra 2 and 4 and the Edinburgh Design Guidance. With the use of an appropriate condition, it will also comply with policy Tra 3.

i) Drainage

Policy Env 21 relates to flood protection. It states that planning permission will not be granted for development that would: a) increase a flood risk or be at flooding itself; b) impeded 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; c) be prejudicial to existing or planned flood defence systems.

The applicant has submitted information that confirms that the development will not cause any additional risk of flooding or be at risk of flooding itself.

Flood Planning has advised that it has no major concerns over this application. However, it has requested that prior to construction, it expects soakaway testing to be conducted to confirm that the soakaway proposals are feasible. Therefore, a condition is recommended to ensure the testing is carried out and demonstrates that the details in the Surface Water Management Plan can be implemented.

The proposal, with the use of a condition, raises no flood risk or drainage issues and complies with Policy Env 21.

j) Public Comments

Material comments - objections

- Hotel use. Addressed in 3.3a).
- Impact on listed building. addressed in 3.3b)
- Impact on conservation area. Addressed in 3.3c).
- Scale and design. Addressed in 3.3d).
- Amenity - privacy; noise. Addressed in 3.3f).
- Trees. Addressed in 3.3d) and 3.3g).
- Parking and road safety. Addressed in 3.3h).

Material Comments - Support

Hotel business.

Non-Material Comments

Parking on surrounding streets - responsibility of Roads Authority.

Future use or future development - planning authority can only assess the application presented in front of it.

Conclusion

The proposal is acceptable in this location. It will respect the special architectural and historic interest of the listed building and its setting and will preserve the character and appearance of the conservation area. The proposal is of an appropriate scale, form and design and draws on the character of the surrounding area to provide a sense of place. Neighbouring amenity will not be adversely affected. There are no archaeology, tree, transport or drainage issues. There are no other material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No development shall take place 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. Prior to construction, soakaway testing shall be conducted, and the results shall be submitted for the further approval of the Planning Authority.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
4. 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.
5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
6. Further details related to the design and layout of the cycle parking and storage shall be submitted for the further approval of the planning authority and shall thereafter be implemented.

Reasons: -

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure the soakaways are feasible and confirm that the Surface Water Management Plan is appropriate.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to ensure that the approved landscaping works are properly established on site.
6. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. 1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of 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. Any off-street parking should comply with the following:
 - a) Any gate or doors must open inwards onto the property;
 - b) Any hard-standing outside should be porous.
 3. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Note:

- I. The application has been assessed under the current parking standards (updated January 2020) these permit the following:

- a. A maximum of 5 car parking spaces (1 space per 5 bedrooms). 5 car parking spaces are proposed;
- b. A minimum of 3 cycle parking spaces (1 space per 10 bedrooms). 9 cycle parking spaces are proposed;
- c. Due to the level of car parking proposed, there is no requirement for accessible or EV car parking spaces;
- II. The proposals seek to reduce the car parking from 12 to 5 spaces which brings it in line with CEC's parking standards. this is considered acceptable;
- III. It is not clear if the proposed cycle parking and store is of an acceptable design, therefore a condition is required to ensure that this meets the Councils expectations with regards to cycle parking. (See transport response to pre application advice for further detail).

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 23 October 2020 and 17 comments were received. One was a general comment, two were support comments and 14 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**

The application property is in Blacket Conservation Area and the urban area in Edinburgh Local Development Plan.

Date registered

20 October 2020

Drawing numbers/Scheme

01-04.,

Scheme 1

**David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council**

Contact: Jackie McInnes, Planning officer
E-mail: jackie.mcinnnes@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 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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

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

LDP Policy Env 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 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 Blacket Conservation Area Character Appraisal emphasises the mix of substantial villas and terraces, the unified architectural form and materials, the sense of spaciousness derived from the generously proportioned gardens and large mature trees, and the predominance of residential uses.

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

Relevant Government Guidance on Historic Environment.

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

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

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

Appendix 1

Application for Planning Permission 20/04317/FUL at 14 - 15 Minto Street, Edinburgh, EH9 1RQ Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL & LBC applications for the formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

The works occur within the rear gardens of two early/mid-19th century Villas. Construction work carried out in 2017 to the rear of the adjacent Minto Hotel (No16-18) uncovered two unrecorded domestic stone line wells.

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

The proposals will require significant ground works associated with the construction, which given the evidence from the adjacent site may uncovered unrecorded domestic wells. Accordingly, it is recommended that a programme of archaeological work is undertaken during development to fully excavate, record and analysis any significant buried remains affected and if encountered preserve insitu any such wells that may be uncovered. It is recommended that the following condition be attached to permission/consent, if granted, to ensure that this programme of archaeological works is undertaken.

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

Please contact me if you require any further information.

Roads Authority

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

- 1. Further details related to the design and layout of the cycle parking and storage to be provided and agreed with the Chief Planning Officer;*
- 2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport*
- 3. Any off-street parking should comply with the following:*
 - a. Any gate or doors must open inwards onto the property;*
 - b. Any hard-standing outside should be porous;*
- 4. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*

Note:

- I. The application has been assessed under the current parking standards (updated January 2020) these permit the following:*
 - a. A maximum of 5 car parking spaces (1 space per 5 bedrooms). 5 car parking spaces are proposed;*
 - b. A minimum of 3 cycle parking spaces (1 space per 10 bedrooms). 9 cycle parking spaces are proposed;*
 - c. Due to the level of car parking proposed, there is no requirement for accessible or EV car parking spaces;*
- II. The proposals seek to reduce the car parking from 12 to 5 spaces which brings it in line with CEC's parking standards. this is considered acceptable;*
- III. It is not clear if the proposed cycle parking and store is of an acceptable design, therefore a condition is required to ensure that this meets the Council's expectations with regards to cycle parking. (See transport response to pre application advice for further detail).*

Economic Development

It is estimated that the proposed development would support approximately 2 full-time equivalent jobs and £0.08 million of gross value added per annum (2018 prices).

The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 20/04317/FUL for the extension of an existing bed and breakfast at 14 Minto Street, Edinburgh.

Commentary on existing uses

The application relates to the rear grounds of 14 Minto Street, currently in use as a car park. This land is not expected to currently support any economic activity.

Commentary on proposed uses

The application proposes the extension of the bed and breakfast via the development of an additional 10 bedrooms.

- **Class 7 - Hotels and hostels**

The development as proposed would deliver 10 additional bedrooms for the bed and breakfast. The economic impact of the bedrooms can be estimated. The *Employment Densities Guide* (3rd edition) quotes a mean employment density for limited service / budget hotels of one FTE employee per 5 bedrooms. This gives an estimated direct employment impact for the hotel of 2 FTE jobs ($10 \div 5$). Per data from the *Scottish Annual Business Statistics*, the GVA per employee per annum for the accommodation sector in Edinburgh was £41,488 as of 2018. This gives a projected direct GVA impact for the hotel of £0.08 million of GVA per annum (2018 prices) ($2 \times £41,888$).

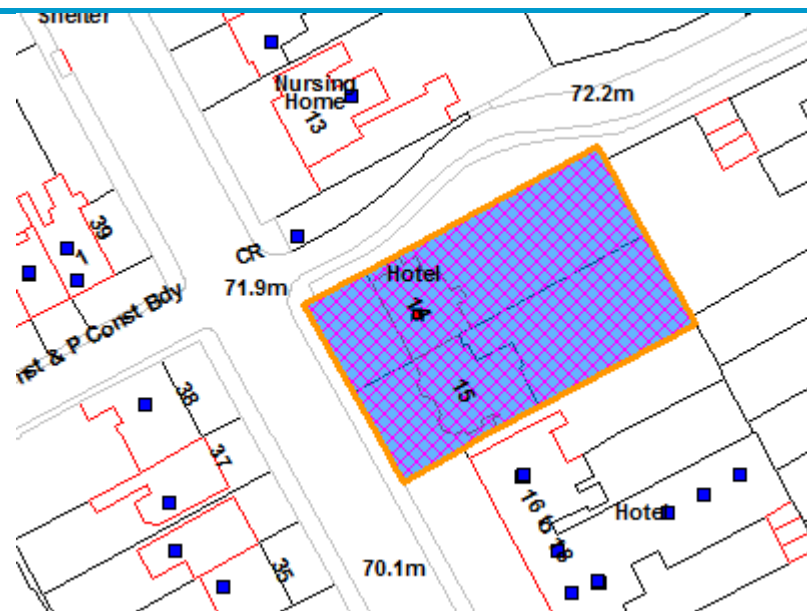
These figures do not include the economic impact of expenditure by visitors to Edinburgh staying in the hotel on items other than accommodation (for example, transport, recreation, and shopping) due to a lack of the raw data required to model this impact robustly.

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the proposed development would support approximately 2 FTE jobs and £0.08 million of GVA per annum (2018 prices).

This response is made on behalf of Economic Development.

Location Plan



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END

Development Management Sub Committee

Wednesday 21 April 2021

**Application for Listed Building Consent 20/04316/LBC
at 14 - 15 Minto Street, Edinburgh, EH9 1RQ.
Formation of new hotel bedrooms in the rear grounds of 14
Minto Street.**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The proposal will not detract from the special architectural and historic interest of the listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal will preserve the character and appearance of the conservation area. The proposal complies with policies Env 4, Env 3 and Env 6.

Links

[Policies and guidance for this application](#)

LDPP, LEN03, LEN06, NSG, NSLBCA, OTH, CRPBLA, HES, HESBND, HESSET, HEPS,

Report

Application for Listed Building Consent 20/04316/LBC at 14 - 15 Minto Street, Edinburgh, EH9 1RQ. Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

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 two stone villas on the east side of Minto Street at the junction with Blacket Avenue. Both villas sit behind low stone walls with railings on top. Together they form the Thrum Hotel. The villas have garden ground to the front and rear, with number 14 having a parking area in the rear garden. There are a few trees in the rear garden ground of the application properties.

Immediately to the north of number 14 Minto Street is a strip of trees and shrubs along Blacket Avenue.

Both numbers 14 and 15 are category B listed buildings (refs: LB29346 & LB29347; date of listing: 14/12/1970).

This application site is located within the Blacket Conservation Area.

2.2 Site History

28 June 2019 - Not Minded to make a Tree Preservation Order (NMTCO) to remove 2 large mature poplar trees and remove 1 conifer (application number 19/02900/TCO);

5 September 2019 - application withdrawn to construct a two storey extension to the rear of the property to incorporate additional guest accommodation. Demolish existing conservatory at the rear and current link building between 14-15 and replace with modern links. Proposal to change existing kitchen and reception areas of ground floor number 14 to additional accommodation (application number 19/03616/LBC);

5 September 2019 - application withdrawn to construct a two storey extension to the rear of the property to incorporate additional guest accommodation. Demolish existing conservatory and current link building and replace with modern links (application number 19/03614/FUL);

19 January 2021- listed building consent application withdrawn for alterations to and extension of existing hotel (application number 20/00971/LBC).

20 January 2021- planning permission application withdrawn for alterations to and extension of existing hotel (application number 20/00970/FUL); and

9 October 2020 - planning permission application received for formation of new hotel bedrooms in the rear grounds of 14 Minto Street (application number 20/04317/FUL).

Main Report

3.1 Description Of The Proposal

Formation of new hotel bedrooms in a separate building in the rear grounds of 14 Minto Street is proposed.

The proposed building will be located in the south east part of the rear garden of number 14. It will incorporate the existing stone boundary wall between numbers 14 and 15 Minto Street which is included in the listing for the application property. The building will be two storey with the upper storey in the form of a mansard roof. Dormers will be installed on the front (north west) roof plane and rooflights will be installed on the rear (south east) roof plane. An external cycle store will be attached to the proposed building.

Parking will be provided for five vehicles and nine bicycles. The existing access will be retained and a turning head area will provided within the rear garden.

Materials on the elevations will be coursed rubble natural stone and ashlar. The roof will be natural slate on the pitch with a raised seam lead platform. Window, door frames and the cycle store will be timber. Parking will be porous pavements with grass area.

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 proposal preserves the character of the listed building and its setting;
- b) The proposal preserves or enhances the character and appearance of the Blacket Conservation Area and
- c) Any public comments have been addressed.

a) Listed Building and setting

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

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

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Boundaries sets out the principles that apply to altering the boundary treatments of historic buildings. It states that walls, fences and other boundary treatments form important elements in defining the character of historic buildings, conservation areas and designed landscapes. It also states that walls and fences can be valuable in their own right as major elements in the design of a historic building and its setting, or in a broader streetscape or landscape and that alterations or repairs to a historic boundary should protect its character.

Historic Environment Scotland's guidance note Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It states that factors to be considered in assessing the impact of a change on the setting of a historic asset or place include the presence, extent, character and scale of the existing built environment within the surroundings of the historic asset or place and how the proposed development compares to this and the ability of the setting to absorb new development without eroding its key characteristics and the effect of the proposed change on qualities of the existing setting.

LDP Policy Env 4 (Listed buildings - Alterations and Extensions) seeks to ensure that proposals to alter or extend a listed building are justified; that there will be no unnecessary damage to historic structures or diminution of its interest; and that additions are in keeping with other parts of the 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.

Historic Environment Scotland (HES) has advised that the proposals should not result in the removal of the B-listed dividing wall between Nos.14 and 15, as the wall is an important reminder of the property boundaries between the former houses in this Georgian suburb, and that any further breaches in the boundary with Blacket Avenue should be resisted.

The proposal will not entail any alterations to the listed villa. However, the proposed building will incorporate the existing rear boundary wall between numbers 14 and 15 Minto Street into its design. The proposal will retain the boundary wall, although it will be subsumed into the proposed building, and, therefore, the separation of the gardens at numbers 14 and 15 will remain. The stone boundary wall also currently consists of sections of concrete scored to look like stone blocks and some patching with bricks. Therefore, it has lost some of its original and historical appearance. In this context, the inclusion of the boundary wall in the design of the proposal is acceptable. The proposed development will use the existing vehicular access from Blacket Avenue and no additional openings in the boundary wall are proposed.

The application site is numbers 14 and 15 Minto Street and the proposal will sit in the garden ground of number 14. The proposed building will be read in the context of number 14 and will be set sufficiently back from the listed building and will sit lower than the height of the listed villa. Its scale will be smaller than the villa and, thus, it will not detract from the special architectural or historical interest of the building. The current rear setting is dominated by a parking area with chipped stones. The original setting has been compromised by this parking area, which takes up nearly half of the garden area. The proposal includes a more formal parking arrangement in a different layout and grass/soft landscaping areas will be provided. Given the existing composition of the rear garden area, the proposed site layout will preserve the special features and character of the listed building and its setting. The proposed building is also sufficiently set back from the setting of number 15 and will not detract from the villa's special historical and architectural interest and appearance.

The design of the new building is assessed under the associated application for planning permission.

The proposal will not detract from the special architectural and historic interest of the listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal complies with policies Env 4 Listed Buildings (Alterations and Extensions) and LDP Policy Env 3 (Listed Buildings - Setting).

b) Conservation Area

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted which preserves or enhances the special character 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 Blacket Conservation Area Character Appraisal states that the essential characteristics are:

- The predominant development form comprises Georgian and Victorian properties occupying large plots.
- The gardens, abundant mature planting within private gardens and in communal areas which make a significant contribution to the character of the area.

- The West Blacket area demonstrates a diverse mix of building types given coherence by the limited range of traditional materials.
- Rich variety of architectural styles evident throughout the Conservation Area, which are given homogeneity through the feu charter which controlled heights (two storey and half storeys), building lines and massing. Properties are characterised by the predominant use of stone construction, slated roofs and timber sash and case windows.
- Predominance of residential uses, with hotels and guest houses on arterial routes.

The site is relatively concealed from public views, being hidden behind an existing high stone boundary wall and mature shrubs and trees, although there will be glimpses of it from the public street and it will be seen from some private views. Its mews style design using mainly traditional materials will sit comfortably within the plot. Therefore, the impact on the appearance of the conservation area will be limited.

The pattern of rear garden ground to the north of the application site has little development in the rear garden areas. To the south, the application site sits in a row of three villas which still have their ground as garden, albeit number 14 includes an area of car parking. To the south, there are examples of development in the rear garden ground and in particular for those on corner plots, where some of the development faces onto the side roads. The proposal will face onto the side street, Blacket Avenue, and thus offering a similar spatial pattern to that found in side streets near junctions with the main thoroughfare. The proposed building will sit comfortably within such a pattern of rear garden ground and will not detract from the existing spatial pattern to the rear of the villas fronting Minto Street.

The proposal will be an hotel use on the application site and, therefore, will continue to contribute to the character of hotels and guest houses on arterial routes in this part of the conservation area.

The proposal will not harm the character and appearance of the conservation area and conforms to the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal complies with policy Env 6 (Conservation Areas - Development).

c) Public Comments

Material Objections

- disrupt rear façade and grounds of listed building; overdevelopment; crowds/obscures house. Addressed in 3.3a).
- amount of plot covered by buildings. Addressed in 3.3a).
- overbearing roof design and dominating dormers. Addressed in 3.3a).
- development of previously undeveloped garden ground. Addressed in 3.3a).
- assess in context of number 14 only. Addressed in 3.3a).
- interrupt sequence of gardens. Addressed in 3.3b).
- damage villa/listed building context and setting. Addressed in 3.3a).
- lack of contextual drawings or visualisation - sufficient information has been provided for consideration of the application in line with legislation/regulations.

Non-material Objections

- pre-application advice - this is not a material consideration in the statutory planning process.
- expansion of hotel use - this is not material to the listed building application.
- parking provision - this is considered in parallel application 20/04317/FUL.
- access to site and increase use of access - this is considered in parallel application 20/04317/FUL.
- loss of amenity, e.g. noise, loss of daylight and privacy - will be considered in parallel application 20/04317/FUL.
- contrary to policy Des 4 (Development Design - impact on Setting) - this is considered in parallel application 20/04317/FUL.
- future development or change of use - only the application proposed can be assessed.
- construction/building work - this is not a material planning consideration.

Support - material comments

- in line with characteristics of the area.

Support - non-material comments

- supporting local business.

Conclusion

The proposal will not detract from the special architectural and historic interest of the listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal will preserve the character and appearance of the conservation area. The proposal complies with policies Env 4, Env 3 and Env 6.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been 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 23 October 2020. Seven comments have been received with six being objections and one in support.

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 property is in Blacket Conservation Area and the urban area in Edinburgh Local Development Plan.

Date registered

9 October 2020

Drawing numbers/Scheme

01-04.,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer

E-mail: jackie.mcinnnes@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 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant Non-Statutory Guidelines

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

Other Relevant policy guidance

The Blacket Conservation Area Character Appraisal emphasises the mix of substantial villas and terraces, the unified architectural form and materials, the sense of spaciousness derived from the generously proportioned gardens and large mature trees, and the predominance of residential uses.

Relevant Government Guidance on Historic Environment.

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

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

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

Appendix 1

Application for Listed Building Consent 20/04316/LBC At 14 - 15 Minto Street, Edinburgh, EH9 1RQ Formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

Consultations

Historic Environment Scotland

Thank you for your consultation which we received on 15 October 2020. The proposals affect the following:

Ref Name Designation Type LB29346, LB29347 14 MINTO STREET, INCLUDING BOUNDARY WALLS, 15 MINTO STREET, INCLUDING BOUNDARY WALLS Listed Building, Listed Building

Our Advice

The revised drawings now site the proposed new units within the garden space of No.14 Minto Street, unattached to the frontage B-listed buildings. Whilst we would not have a locus on assessing the setting of a B-listed building, we note that the proposals are likely to involve the removal of the original stone dividing wall between Nos.14 & 15. It may also - the drawings aren't detailed enough - involve the loss of walling facing Blasket Avenue.

We would advise that any proposals should not result in the removal of the B-listed dividing wall between Nos.14 and 15. The wall is an important reminder of the property boundaries between the former houses in this Georgian suburb. We would also advise that any further breaches in the boundary with Blasket Avenue should be resisted.

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.

Further Information

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

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

Please contact us if you have any questions about this response. The officer managing this case is Steven Robb who can be contacted by phone on 0131 668 8089 or by email on Steven.Robb@hes.scot.

Archaeologist

Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL & LBC applications for the formation of new hotel bedrooms in the rear grounds of 14 Minto Street.

The works occur within the rear gardens of two early/mid-19th century Villas. Construction work carried out in 2017 to the rear of the adjacent Minto Hotel (No16-18) uncovered two unrecorded domestic stone line wells.

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

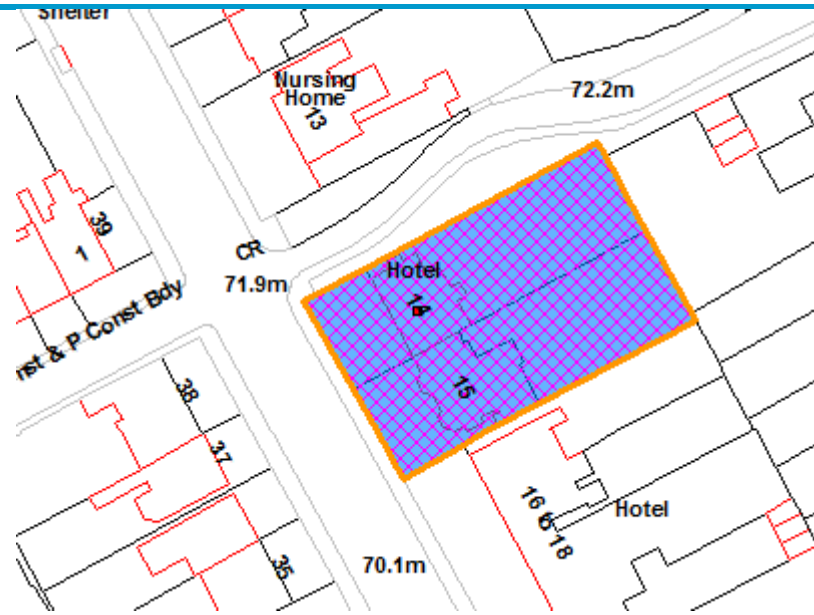
The proposals will require significant ground works associated with the construction, which given the evidence from the adjacent site may uncovered unrecorded domestic wells. Accordingly, it is recommended that a programme of archaeological work is undertaken during development to fully excavate, record and analysis any significant buried remains affected and if encountered preserve insitu any such wells that may be uncovered. It is recommended that the following condition be attached to permission/consent, if granted, to ensure that this programme of archaeological works is undertaken.

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

Please contact me if you require any further information.

Location Plan



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Development Management Sub Committee

Wednesday 21 April 2021

**Application for Planning Permission 21/00158/FUL
at 13 St Fillan's Terrace, Edinburgh, EH10 5NH.
Single storey rear extension and attic conversion, including
front and rear dormers and erect new garden room in rear
garden (as amended).**

Item number

Report number

Wards

B10 - Morningside

Summary

The application for development is in accordance with the Edinburgh Local Development Plan as it complies with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development). The proposal represents an acceptable minor departure from the non-statutory Guidance for Householders. 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, CRPLEW,

Report

Application for Planning Permission 21/00158/FUL At 13 St Fillan's Terrace, Edinburgh, EH10 5NH Single storey rear extension and attic conversion, including front and rear dormers and erect new garden room in rear garden (as amended).

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 mid-terrace residential dwelling that is predominately sandstone with a slate roof. The property has a front garden and an expansive rear curtilage. The property has not been extended to the rear elevation.

The additions and alterations to residential dwellings within the surrounding area are characterised by single storey extensions to the rear and roof lights and dormer windows to the roof plans. These extensions range in terms of size and scale and vary in design from glazed to solid structures.

The street has one storey terraced residential dwellings to the west and two storey terraced residential dwellings to the east. These terrace rows both share similar characteristics in terms of their primary elevations; stone-based properties with large ground floor bay windows and 'bay styled' dormer windows to the roof plan. One large non-original 'box style' dormer window exists at number 5 St Fillan's Terrace. This application site is located within the Plewlands Conservation Area.

2.2 Site History

02.12.2020 - Application withdrawn for; Single-storey rear extension, 1st floor out-shoot extension to rear and new front and rear dormers. - (20/04848/FUL).

28.10.2020 - Application withdrawn for; Single storey rear extension, rear first floor out-shoot extension and attic conversion, including front and rear dormers - (20/04149/FUL).

Main report

3.1 Description Of The Proposal

The amended proposal is for the installation of a single storey rear extension, two dormer windows to the front and rear elevations of the roof plan, a roof light to the rear elevation of the roof plan and a garden room (16 sqm, approximately) in the rear curtilage.

Roof Light -

- Materials - Conservation Area style.

Single Storey -

- Height -2.9m
- Height to eaves - 2.7m
- Length - 6.4m
- Width -5.2m
- Floorspace - 33 sqm
- Materials - Smooth render, aluminium doors & rooflight, ply membrane roof, zinc eaves and cast iron rain goods.

Garden Room -

- Height - 2.4m
- Height to eaves - 2.2m
- Length - 3.9m
- Width - 4.5m
- Floorspace - 15 sqm
- Materials - timber windows & doors, timber clad, EPDM roof, aluminium fascia.

Bay-Style Dormer Windows -

- Materials - timber (painted white) and slate cheeks.

Revised Scheme -

Scheme 2 reduces the single storey rear extension in length by approximately 0.7m and changes its proposed materials from pebble-dashed render to smooth render.

The following supporting document is available to view on the Planning and Building Standards Portal:

- 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 proposed scale, form and design is acceptable and will not be detrimental to the conservation area
- b) the proposal will cause an unreasonable loss to neighbouring amenity;
- c) Other Material Considerations.
- d) any comments raised have been addressed.

a) Scale, form, design and the conservation area

The Plewlands Conservation Area is mainly comprised of two storey residential terraced development. The predominant height is two storeys with a small number of flatted elements of mainly three and four storeys. The buildings are complemented by mature trees, extensive garden settings, shallow stone boundary walls and spacious roads.

Single storey extension -

The non-statutory Guidance for Householders states that "extensions should not overwhelm or dominate the original form or appearance of the house, or detract from the character of the area".

The Edinburgh Local Development Plan Policy Des 12 also states that "planning permission will be granted for alterations and extensions to existing buildings which; in their design and form, choice of materials and positioning are compatible with the character of the existing building"

The Edinburgh Local Development Plan Policy Env 06 states that "development within a conservation area or affecting its setting 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 single storey rear extension is of a modern design that would sit comfortably on the rear elevation of the property. The size and scale of the proposal would be subordinate and subservient in its design and this would have a harmonious relationship with the original building. These characteristics would also be congruous in terms of the additions and alterations to the residential dwellings of surrounding Plewlands Conservation Area where there is a range of additions and alterations. The layout of this element of the proposal is also in keeping with character of the spatial pattern of the surrounding area. In addition, as part of the revised scheme, the proposed materials and fenestration design represent suitable modern additions that feature throughout the surrounding Plewlands Conservation Area.

In terms of overdevelopment, the non-statutory Guidance for Householders advises that a rear extension should not consume more than one third of the rear garden. The floor space of the proposed single storey rear extension is approximately 33 sqm which would be less than one third of the rear garden space (150 sqm, approximately) and therefore complies with the overdevelopment criterion.

Garden room -

The non-statutory Guidance for Householders states that "buildings within the residential curtilage - such as garages, sheds or greenhouses - should be subordinate in scale and floor area to the main house" and that "Proposals will be assessed for their impact on the amenity of the area and on neighbouring property (eg loss of daylight) in the same way as extensions".

The proposed installation of a garden room within the rear section of the garden is acceptable in terms of size and scale; the floor space of the garden room is approximately 15 sqm and when compared against the 59 sqm, approximately, of the original property, would represent a subordinate addition. Furthermore, the height of the garden room is 2.4m approximately which would also be subservient in relation to that of the original property (9.2m, approximately). In relation to the spatial layout of the garden room, these feature regularly throughout the surrounding Plewlands Conservation Area and this element of the proposal would be congruous to this characteristic. The proposed materials and fenestration design would represent suitable additions and would also be acceptable in the Plewlands Conservation Area

In terms of overdevelopment with both elements combined, the floorspace of the single storey rear extension (33 sqm, approximately) and the garden room (15 sqm, approximately) come to 48 sqm, approximately. This would leave 102 sqm from 150 sqm the rear garden space and this would represent a satisfactory amount of remaining garden space.

Primary and secondary elevation dormer windows -

The non-statutory Guidance for Householders states that "dormers in conservation areas will be acceptable when they are compatible with the building and the character of the surrounding area", and that "the relationship between a dormer and its surroundings is particularly important. Dormers should be of such a size that they do not dominate the form of the roof" and "on principal elevations a single dormer should be no greater in width than one third of the average roof width. If there are two or more dormers, their combined width should be less than 50% of the average width of the single roof plane on which they are located".

The dormer window represents a departure from the non-statutory Guidance for Householders in that it is over one third of the roof width (2.2m approximately compared to the 5.6m of the roof plan). However, the size and scale of the original dormer windows within this section of St Fillan's Terrace are over one third of their associated roof plans and therefore this would represent a characteristic of the streetscape. Taking this into consideration, this would represent an acceptable minor departure from the non-statutory Guidance for Householders and the proposed dormer window would sit comfortably within that elevation of the building.

In terms of the character and appearance of the surrounding area, dormer windows are present within the direct streetscape and the surrounding Plewlands Conservation Area. Furthermore, the proposed 'bay style' design would be compatible with the existing original 'bay style' primary elevation dormers within the direct streetscape and therefore would not have a detrimental impact upon the character and appearance of the surrounding Plewlands Conservation Area. The choice of materials and fenestration design would provide a subtle contrast to the original building.

Similarly, the proposed dormer window to the rear elevation of the property is of a similar design that will sit comfortably within that elevation of the building. The proposed design, form, choice of materials and fenestration design provide a suitable contrast to the original building and represent good quality modern additions.

The proposals comply with Local Development Plan Policy Des 12, Env 6, the non-statutory Guidance for Listed Buildings and Conservation Areas and are an acceptable minor departure from the non-statutory Guidance for Householders.

b) Neighbouring amenity

In relation to daylighting, the non-statutory Guidance for Householders requires proposals to comply with the 45-degree criterion.

The proposal was assessed in terms of daylighting against both adjacent neighbouring properties, specifically in relation to the single storey rear extension and the garden room. These elements of the proposal comply with the 45-degree criterion established in the non-statutory Guidance for Householders when assessed against both adjacent neighbouring properties.

In terms of overshadowing, the non-statutory Guidance for Householders requires proposals not detrimentally overshadow neighbouring gardens.

The proposal was assessed in terms of overshadowing against both adjacent neighbouring properties, specifically in relation to the single storey rear extension and the garden room. The proposed garden room would not create any unacceptable levels of overshadowing in relation to both adjacent properties.

The proposed single storey rear extensions represents a minor departure from the non-statutory Guidance for Householders in that it would create a small amount of overshadowing (1.84 sqm, approximately) in relation to 11 St Fillan's rear garden. However, taking into consideration the remaining size of the neighbouring garden (109 sqm, approximately), this would mitigate against the area of additional overshadowing. The proposal would not have an unacceptable impact on overshadowing and represent an acceptable minor departure in this instance.

These elements of the proposal would not create any unacceptable overshadowing when assessed against both adjacent neighbouring properties.

In terms of privacy, the non-statutory Guidance for Householders requires proposals to comply with the 9m distance-to-boundary criterion.

With respect to outlook, there are no immediate impacts on outlook from any elements of the proposal.

Similarly, the proposal was also assessed in terms of privacy, specifically in relation to the single storey rear extension and the garden room. These elements of the proposal comply with the 9m criterion set out in the non-statutory Guidance for Householders.

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

c) Other material considerations

In relation to drainage concerns, the plans show that rainfall would be directed and managed on site.

d) Public comments

51 representations were received from members of the public, all objecting to the application.

Material Comments - Objection: -

- The size and scale of the single storey extension element of the proposal; this is addressed in section a).
- Overdevelopment; this is addressed in section a).
- The primary elevation dormer window; this is addressed in section a).
- The spatial layout of the garden room/overdevelopment; this is addressed in section a).
- The proposed materials; this is addressed in section a).
- Daylighting; this is addressed in section b).
- Overshadowing; this is addressed in section b).
- Drainage/water runoff; this is addressed in section a).
- Outlook; this is addressed in section b).

Non-Material Comments - Objection: -

- Precedent; precedent does not form part of a planning assessment. The individual merits of the proposal must be considered.
- Permitted development; permitted development is in relation to development that falls within the criterion of the relevant permitted development class. The application is for full planning permission and not permitted development.

Conclusion

The application for development is in accordance with the Edinburgh Local Development Plan as it complies with policy Des 12 (Alterations and Extensions) and policy Env 6 (Conservation Areas - Development). The proposal represents a minor departure from the non-statutory Guidance for Householders. 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.

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Fifty one representations were received from members of the public, all objecting to the application.

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**

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?

Date registered

14 January 2021

Drawing numbers/Scheme

01-04,05a,06a,07a,08a,09a,10,11a,12,

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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.

The Plewlands Conservation Area is mainly comprised of two storey residential terraced development. The predominant height is two storeys with a small number of flatted elements of mainly three and four storeys. The buildings are complemented by mature trees, extensive garden settings, shallow stone boundary walls and spacious roads.

Appendix 1

**Application for Planning Permission 21/00158/FUL
At 13 St Fillan's Terrace, Edinburgh, EH10 5NH
Single storey rear extension and attic conversion, including
front and rear dormers and erect new garden room in rear
garden (as amended).**

Consultations

No consultations undertaken.

Location Plan



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END

Development Management Sub Committee

report returning to Committee - Wednesday 21 April 2021

Application for Advert Consent 20/03658/ADV at Advertising Drum, Brunswick Street, Edinburgh. Arts and Culture Advertising Structure.

Item number

Report number

Wards

B12 - Leith Walk

Recommendations

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

Background information

The application was considered by the Development Management Sub Committee on 3rd March 2021.

The application was continued to allow the Roads Authority to carry out a site visit to assess potential implications upon pedestrian movement around the site.

Clarification was also sought in relation to the site's proximity to the ongoing tram works in the area, along with the potential impact the proposed advertisement drum could have upon an existing tree located on the widened footway.

Main Report

The application is recommended for approval.

Waste Bins and Pedestrian Movement

The Roads Authority carried out a site visit on 17th March 2021.

The aim of the site visit was to confirm the location of the communal waste bins and assess the implications of the proposed drum on pedestrian movement around the drum, cycle racks and access to the bins.

The site visit found the communal waste bins correctly located on the road, along the double yellow lines.

It is confirmed that the distance between the proposed drum and the kerblines (beyond which the bins sit), the cycle racks, and the nearest building (Oddbins) all exceed the 2m footway width recommended by the Roads Authority.

Following the site visit, and given the above distances, the Roads Authority is satisfied that pedestrian movement within the area will not be impeded by the installation of the proposed drum. The Roads Authority confirm that there are no road or pedestrian safety concerns at this location.

Proximity to Tram works

In terms of the ongoing "Trams to Newhaven" development, the site does not fall within the boundary for these works and will not be affected by these future tram works. The widened footway is shown to remain on the approved drawings.

Furthermore, given its position along Brunswick Street and set away from ongoing works, the proposed drum will have no impact upon the construction works for the tramline.

Existing Tree on Site

Clarification was sought with regards to the potential impact the proposed drum could have on the existing mature tree within the site.

The tree trunk is located further from the proposed drum position than the existing cycle racks and would sit to the right of the existing traffic sign. The tree's lowest sitting branches would sit above the height of the drum.

The applicant has confirmed that tree already requires pruning to ensure that the traffic sign remains visible to drivers entering Brunswick Street. This existing pruning measures would also ensure that no branches would come into contact with the drum.

In light of the existing mitigation measures, the proposed advert drum will not be to the detriment of the existing tree.

Conclusion

The proposed advertisement drum will not be to the detriment of road or pedestrian safety or the amenity of the area. The existing tree on site will not be adversely affected by the proposal.

It is recommended that the application is granted subject to the conditions and informatives recommended in the Report of Handling presented to the Committee on the 3rd March 2021.

Links

Policies and guidance for this application

NSG, NSADSP, NSBUS, 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=QG0RFXEWKDK00>

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Development Management Sub Committee

report returning to Committee - Wednesday 21 April 2021

Application for Advert Consent 20/03664/ADV at Advertising Drum, Commercial Street, Edinburgh. Display of Arts and Culture Advertising Structure.

Item number

Report number

Wards

B13 - Leith

Recommendations

It is recommended that this application be withdrawn

Background information

The application was considered by the Development Management Sub Committee on 3rd March 2021.

The application was continued to allow the Roads Authority to carry out a site visit to assess potential implications upon pedestrian movement around the site, in particular, the movement between the proposed drum and cycle racks.

Main Report

The Roads Authority carried out a site visit on 17th March 2021.

The site visit confirmed the position of the proposed drum in close proximity to the cycle racks. The Roads Authority has concluded that the proposed drum is likely to impede access to the racks, as well as limit movement around the space. As such, the Roads Authority has objected to the proposal.

Alternative locations were considered, but it was concluded that there are no other suitable locations for the drum within the vicinity that will not have an adverse impact upon pedestrian movement.

In light of this, it was recommended that this application be withdrawn.

The applicant wishes to progress with the Arts and Culture advertising project in full co-operation with the Council, and in that spirit agreed to withdraw the application.

Links

Policies and guidance for this application

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=QG0RL1EWKE200>

or Council Papers online

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Development Management Sub Committee

report returning to Committee - Wednesday 21 April 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

Recommendations

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

Background information

This application was continued at Committee on 17 March 2021 for the following reasons:

- further details of cycle parking;
- transport contributions and
- revised drawings.

This returning report sets out information in relation to this request.

Main Report

Cycle Parking

Further details of cycle parking have been provided and the additional drawings are available on the Planning Portal.

This shows the four residents' cycle spaces under the stairs of the access to the flats; two cycle spaces at the front of the shop for customers; and two staff cycle spaces at the back of the store. It has been clarified that these will be accessed from the side lane off Ferry Road which also provides access to the new flats.

Transport Contributions

There are no actions under the Action Programme which would justify a developer contribution from this development. However, the plans have been adjusted to show the current dropped kerb being removed with only a small section remaining for cycle access and trolleys from the loading on the other side of the road.

As the pavement and road are owned by the Council and outwith the application site, it would not be usual to add a condition to ensure this happens. A Road Occupation Permit will however be required for these works and there is a realistic prospect of this being granted. In order to safeguard the interests of road safety, a suspensive condition has therefore been added to ensure this can be delivered as part of this development. It is as follows:

Prior to the commencement of development, a road occupation permit shall be applied for from the Roads Authority for the amendments to the dropped kerb and the re-instatement of the pavement. If approved, the permit works shall be implemented prior to the first use of the retail development hereby approved.

Amended Plans

Amended site and ground floor plans have been submitted which now show the garden area to the back for the flats and the removal of the current dropped kerb with a small section retained.

Conclusion

The cycling parking and amenity ground for future occupiers is of a satisfactory standard complying with the Council's requirements. The additional condition will ensure that the amendments to the dropped kerb and pavement shall be in place before the retail unit is operational.

Overall, 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.

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,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QA5YO2EWI1T00>

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Development Management Sub Committee

report returning to Committee - Wednesday 21 April 2021

Application for Advert Consent 20/03685/ADV at Advertising Drum 8 Metres North of, 147 Ferry Road, Edinburgh. Arts and culture advertising structure.

Item number

Report number

Wards

B12 - Leith Walk

Recommendations

It is recommended that this application be withdrawn

Background information

The application was considered by the Development Management Sub Committee on 3rd March 2021.

The application was continued to allow the Roads Authority to carry out a site visit to assess potential implications upon pedestrian movement on the footway around the corner of the site, as well as the potential impact upon a driver's line of sight at the road junction.

Main Report

The Roads Authority carried out a site visit on 17th March 2021.

The site visit confirmed that the advertisement drum proposed on the corner of the junction will sit in the line of sight for drivers entering the junction. As such, the Roads Authority has objected to the proposal on road safety grounds.

Alternative locations were considered, but it was concluded that there are no other suitable locations within the area of hardstanding that will not have an impact upon driver's visibility and raise road safety concerns.

In light of this, it was recommended that the application be withdrawn.

The applicant wishes to progress with the Arts and Culture advertising project in full co-operation with the Council, and in that spirit agreed to withdraw the application.

Links

[Policies and guidance for this application](#)

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QG2M5GEWKJL00>

Or [Council Papers online](#)

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Development Management Sub Committee

Report Returning to Committee – Wednesday 21 April 2021

Application for Approval of Matters Specified in Conds 19/02993/AMC.

at Land Adjacent To 194, Fountainbridge, Edinburgh

Approval of matters specified in conditions 1, 5, 6, 7, 8, 12 & 13 of 15/02892/PPP for Building E including form & massing; design & materials, daylight & sunlight, design & operation of private/public open spaces; roads, footways/cycleway/access/servicing & parking; venting & electric vehicle charging, drainage, waste management operational requirements for commercial uses/ sustainability/floor levels/lighting, site investigation/hard & soft landscaping details & noise mitigation.(as amended).

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Recommendations

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

Background information

The Development Management Sub-Committee determined to grant this application on 4 December 2019, subject to the conclusion of a legal agreement within six months of this date to secure the necessary delivery of on-site affordable housing.

Under the Scheme of Delegation, the Chief Planning Officer has delegated powers to extend the six-month period for concluding a legal agreement to nine months, provided meaningful progress is being achieved. This delegated power was used to extend the period for concluding the legal agreement by a further three months. On 16 December 2020 Committee granted an additional extension of three months until 16 March 2021. However, this additional three month period has now been exceeded and therefore, the matter requires to be returned to Committee for a decision.

Main Report

There are no new material planning considerations which affect the original Committee decision on 4 December 2019 to grant this application subject to a legal agreement first being concluded to secure the necessary infrastructure.

The Section 75 legal agreement seeks to secure on-site affordable housing. This is the third of the first three Build to Rent S75s in the city to propose the ongoing delivery of Affordable Housing on the site via intermediate rental units. This is an entirely new form of affordable housing for the city. The developer, being responsible for building and delivering the affordable housing as part of their development, has the potential to improve sufficient delivery of affordable housing at no expense to the Council. However, it is critical adequate safeguards are put in place to ensure that affordable housing is in fact being delivered on the site throughout the 25-year affordable period. An entirely new bespoke schedule has required to be developed to address this new issue, with input from the developers and their agents on each of the three BTR S75s.

The report of 16 December 2020 advised that while the major issues had been mostly resolved there were a number of remaining issues. Meaningful progress continues to be made in negotiating the terms of this legal agreement and only one substantive issue remains to be resolved. It is considered that there are reasonable prospects that a further three-month extension to the period to conclude the legal agreement could enable this remaining issue to be resolved, the legal agreement signed and planning permission released.

It is recommended to extend the deadline for concluding the legal agreement by a further three months until 21 July 2021 to enable planning permission thereafter to be released.

Links

Policies and guidance for this application

LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN03, LEN09, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LRET01, LRET05, LTRA02, LTRA03, LTRA04, NSGD02, DBFOUN,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PTG6ZZEWK0X00>

or [Council Papers online](#)

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Development Management Sub Committee

Report Returning to Committee – Wednesday 21 April 2021

Application for Planning Permission in Principle 19/03097/PPP

at Site 60 Metres South Of 199, Fountainbridge, Edinburgh.
Proposed mixed use development comprising retail (Class 1), financial services (class 2), food and drink (class 3), office/light industrial (class 4), hotel (class 7), housing (class 9), community use (class 10), leisure (class 11), public house (non-classified use) and associated parking, open space, infrastructure and public realm works.

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Recommendations

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

Links

Policies and guidance for this application

LDPP, LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES11, LEN08, LEN09, LEMP01, LEMP10, NSG, LHOU01, LHOU06, LTRA01, SGDC,

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=PTR2OLEWKK700>

Or [Council Papers online](#)

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Development Management Sub Committee

report returning to Committee - Wednesday 21 April 2021

Application for Approval of Matters Specified in Conds 17/02484/AMC at Granton Harbour, West Harbour Road, Edinburgh. Approval of matters specified in condition 2 of outline application 01/00802/OUT 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.

Item number

Report number

Wards

B04 - Forth

Recommendations

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

Background information

The application was presented to the Development Management Sub-Committee on 16th December 2020. The committee continued the application for the following reasons:

- 1) To enable the applicant to work with officers to provide a plan which clearly indicated which part of the proposals the Sub-Committee was being asked to approve and to remove items which did not require approval, or items that had already been approved.*
- 2) To request that the applicant consider including the Waterfront Pathway in the plan, as required by the Local Development Plan.*
- 3) That the plan would illustrate the conditions on the report with greater clarity.*

4) That the Chief Planning Officer would discuss with Legal Services ways to address the lack of consultation with the local community council and the apparent gap in the system, even though the statutory requirements had been met.

Note: It would be advantageous for the applicant to work more closely with the community, to address their concerns and noting that the community had a right to know about developments in their area.

Since the last committee, the applicant has provided a further revised masterplan which altered the proposals for Plot 35A to the east of the hotel site. This was previously shown as terrace housing and is now identified as perimeter style blocks.

The revised masterplan has also been annotated to show the application numbers of detailed approval on the individual plots (if it exists) and the pathways are more clearly identified.

Due to the proposed changes to Plot 35A the proposals were subject to a further representation period.

Main Report

1) Sites that benefit from approval.

The masterplan drawing has been updated and now annotates the plots with the planning application reference numbers, including the plots with extant planning permission

As set out in the previous report to committee, this iteration of the masterplan largely updates the plan to show the plots that now have separate detailed approval.

2) Walkway

The masterplan has been updated to be clearer on the proposals for the promenade and other footpaths/cyclepaths within the site. A further drawing has also been provided to illustrate the status of various sections of the waterfront walkway and other pathways within the masterplan area.

This shows the promenade around the western breakwater, the potential links through the masterplan area adjacent to the waterside and also the existing and proposed paths/cyclepaths through the site.

The applicant has indicated that in parts of the harbour there are issues with allowing access due to the requirements of carrying out operational port/harbour functions. However, the masterplan does now show routes closer to the water's edge.

There are sections that have been given detailed approval through separate applications, such as the promenade adjacent to plots 21 and 22 (approved under application reference 18/02721/AMC) and the area to the south of the proposed marina building (under application reference 20/02026/FUL).

The general overview of the path network is acceptable and follows the safeguarded Edinburgh Waterfront Promenade as shown on the LDP Proposals Map. However, further design details, such as the width and finishing materials of these paths are required, and therefore this reserved matter cannot be fully dealt with at this stage.

3) Sites that are not approved through this application

The report to committee on 16th December 2020 contained conditions (1,2 and 3) setting out a number of reserved matters on certain plots which are not approved through this masterplan.

These related to:

- The proposed retail centre at Plots 12, 14, 15, 15A, 16 and 17.
- The proposed technology hub at plot 19A.
- The proposed primarily residential-led development at Plot 35A.

A plan has been marked up to show which plots these are.

Plot 35A to the east of the hotel has been altered from the previous masterplan presented to committee. The masterplan shows 49 residential units. As noted with the 16 December 2020 committee report, earlier masterplans have shown development at this location, albeit within a different format.

A separate application for the road layout, but not the residential blocks of development within this area, has recently been granted (application number 20/05731/FUL). Development at this location is acceptable.

There is no information on the reserved matters such as height, design or how the open space within the blocks will be configured. It is recommended that reserved matters for this plot are not approved through this masterplan application.

4) Public Comments

The application has been through the required level of notification and consultations.

However, as the applicant proposed a different layout for Plot 35A to that presented to committee on 16th December 2020, the proposal was re-notified to allow for a further period for representations to be made.

Granton and District Community Council was advised of the further period for comments. It did not comment on the application.

This period attracted 14 representations, including comments from the Forth Corinthian Yacht Club, Royal Forth Yacht Club and Wardie Bay Beachwatch. A summary of the comments is included below.

Material objections:

- Quality of open space/landmarks and associated routes adjacent to the waterfront - this is addressed through the masterplan which shows routes and walkways.
- lack of publicly accessible pedestrian space at the waterfront - this is addressed through the masterplan which shows routes and walkways.
- space for pedestrians tight along Breakwater Road, adjacent to the northern face of the hotel and Plot 30 - addressed through the masterplan which shows routes and walkways, and sections of the walkway have been approved, Plot 30 has an earlier permission.
- swift bricks should be provided - this can be considered through any further detailed proposals for individual plots.

- vehicular access should not be restricted on Lochinvar Drive to accommodate cycle and pedestrian pathway - the masterplan includes the route of the safeguarded Edinburgh Waterfront Promenade as shown on the LDP Proposals Map.
- there should be no restriction on communal spaces to reduce car parking - addressed as the car parking is not applied for or approved through this submission.
- impact on ecology - Firth of Forth SPA, Ramsar, SSSI - the earlier report to committee considered the impacts on ecology.
- air and water pollution - this application relates to a general masterplan and reserved matters linked to the outline permission.
- Surface Water Management Plan out of date. SUDS required - a condition is recommended requiring a flood risk assessment and surface water management plan to accompany detailed AMCs.
- inadequate sustainability measures - applications for detailed AMCs will require sustainability measures.
- poor design quality proposed - detailed design matters are not considered through this application.
- lack of detail of open space - general open space areas shown within the masterplan and remain largely the same as previous iterations.
- masterplan lacks imagination - this masterplan largely consolidates a number of detailed AMCs, which are now approved.
- mismatch between redline boundary shown on location plan and most recent masterplan drawing, this should be clarified - the red line boundary has been reinstated around 65 West Harbour Plan to reflect location plan submitted for this AMC.
- the access to the existing retail units at 65 West Harbour Road should reflect the current position - this application does not give approval for development outwith the red line boundary, furthermore reserved matters for the adjacent plots are not recommended for approval through this application.
- proposed development shown on land at 65 West Harbour Road should be removed to reflect present situation - this application does not give approval for development outwith the red line boundary, furthermore reserved matters for the adjacent plots are not recommended for approval through this application.

Support:

- development and investment required
- good balance between open space and new build
- regeneration of the area and asset to the city.
- revitalise this part of the city
- will support jobs
- commercial, leisure and environmental proposals will enhance the area's amenities affording safe access to the waterfront.

Non-material:

- why development has taken so long
- implementation
- handling of application
- land ownership

Conclusion

The proposals are generally acceptable at the masterplan level and the drawing largely consolidates and shows the layouts of a number of plots that now have detailed approval. There are some plots which the reserved matters are not approved and further detail and supporting information will be required through further submissions.

Links

Policies and guidance for this application

LDPP, LDEL03, LDES01, LDES02, LDES04, LDES05, LDES07, LEMP10, LEN13, LEN14, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU06, LHOU07, LHOU10, LRET07, LTRA04, LTRA07, LTRA09,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=OQTL7EEWM9P00>

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Development Management Sub Committee

report returning to Committee - Wednesday 21 April 2021

Application for Advert Consent 20/03675/ADV at Advertising Drum, Lindsay Road, Edinburgh Arts and Culture Advertising Structure.

Item number

Report number

Wards

B13 - Leith

Recommendations

It is recommended that this application be withdrawn

Background information

The application was considered by the Development Management Sub Committee on 3rd March 2021.

The application was continued to allow the Roads Authority to carry out a site visit to assess potential implications upon pedestrian movement along the footway, and to ascertain if Tram Works would have an impact the position of the pedestrian crossing.

Main Report

The Roads Authority carried out a site visit on 17th March 2021.

The Roads Authority have confirmed that the proposed Tram Works involve a new controlled crossing located further east of the existing (which is removed), with the footway adjacent becoming a shared use facility. As a result, the position of the proposed drum may impede pedestrian movement as it will be in situated within the new desire line.

The Roads Authority therefore objects to the proposal.

Notwithstanding the above, it was concluded that an alternative site for the advert drum could be achieved within the vicinity, given the wide expanse of footway. It was recommended this application be withdrawn and for the applicant to resubmit an application for an alternative location.

The applicant wishes to progress with the Arts and Culture advertising project in full co-operation with the Council, and in that spirit agreed to withdraw the application.

Links

Policies and guidance for this application

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QG12K5EWKHN00>

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Development Management Sub Committee

report returning to Committee - Wednesday 21 April 2021

Application for Planning Permission 20/05425/FUL at 37A 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

Recommendations

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

Background information

This application was continued by Committee on 17 March 2021 to clarify the access rights of residents to the garden.

This information is now available and is explained in the main report.

Main Report

Following the Committee meeting, the applicant was asked to provide confirmation via a solicitor's letter of the ownership and access rights to the rear garden. This has now been received from Brodies Solicitors.

The Disposition transferring title from J&B Taylor Funeral Services Limited in favour of Bluemarth Limited was registered in the General Register of Sasines 21 years ago, but with an earlier date of entry in 1999.

The description of the subjects which were sold to the applicant and of which they are heritable proprietor is as follows:

"the main door property (formerly a dwellinghouse, but now an office) known as and forming 39 London Street and the sunk flats known as and forming 37A London Street together with the backgreen or ground behind the said property and the three cellars in the western division of the area in front of the tenement of which the property forms part".

Bluemarsh Limited, the applicant, owns the ground to the rear of 37A and 39 London Street.

Copies of some of the titles of other proprietors on upper levels of the tenement were also submitted. This shows that these proprietors have no right of ownership in the garden ground and instead only have a right to use the area of ground in question. Their titles in fact do not clearly specify the area over which they have rights but it appears that there is a division of the area of ground to the rear of the tenement standing with Bluemarsh owning and having exclusive use of the garden area immediately to the rear of the property (but possibly not the whole area to the rear) and the upper floor tenement residents have access to the upper part of the garden to the south of the fence line on the proposed site plan. This southern part of the ground is accessed via a path from the rear of the tenement building.

Historic OS maps show a shorter garden to the rear of the property and back up this proposition.

There is some ambiguity with the historic conveyancing in relation to the exact split of ground at the rear but Bluemarsh were disposed the garden ground in 1999 and the sellers at the time had a right to sell it. There is no suggestion in any of the titles that the upper flats own part of the garden.

The fact that the residents in the upper flats have a right to use at least the back part of the garden does then raise the question of interaction between visitors using the four units at sub-basement/basement level and residents of the upper floors. Whilst it is generally acknowledged that visitors stay in short term let accommodation to visit the City and not to use back gardens, the possibility of interaction should be considered. The question is whether this is likely to be more onerous than if the units were residential. On balance, given the limited number of units and the likelihood that visitors would not use the back garden as intensively as a resident, the impact on residential amenity would be limited.

However, to further meet the concerns of objectors, the applicant has removed the sub-basement terrace area which showed a potential sitting out area and the rear doors have been changed to fire doors. Whilst the latter cannot be controlled by Planning, an informative has been added to highlight this is shown on the drawings and is expected to be implemented. Any instances of anti-social behaviour are a matter for the Locality teams potentially working with the Police.

Questions were also raised about a locked gate from the street down to the basement area and the possibility of this area being misused. The applicant has confirmed the gate has not been locked for many years.

The plans have been updated to reflect the correct address of the basement and sub-basement - 37A London Street.

Links

Policies and guidance for this application

LDPP, LHOU07, LEN04, LEN01, LEN06, LTRA02, LTRA03, HES, HESUSE, NSG, NSBUS, CRPNEW,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=QKTDEUEWGO800>

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Development Management Sub Committee

report returning to Committee - Wednesday 21 April 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

Recommendations

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

Background information

This application was continued by Committee on 17 March 2021 to clarify the access rights of residents to the garden.

Main Report

This application relates to the ground floor property which has no direct access to the rear garden although the applicant does own it as detailed in application 20/05425/FUL.

There is therefore no change to the original recommendation.

Links

Policies and guidance for this application

LDPP, LHOU07, LEN04, LEN06, LEN01, LTRA02, LTRA03, HES, HESUSE, NSG, NSBUS, CRPNEW,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QKTDE5EWGNW00>

or Council Papers online

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Development Management Sub Committee

report returning to Committee - Wednesday 21 April 2021

Application for Planning Permission in Principle 20/01410/PPP

at 43 Main Street, Edinburgh, EH4 5BZ.

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

Item number

Report number

Wards

B01 - Almond

Recommendations

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

Background information

The Development Management Sub-Committee determined that it was minded to grant this application on 7 October 2020, subject to the conclusion of a legal agreement within six months of this date.

The applicant has failed to progress any legal agreement required on this site and the application is returned to Committee for a decision to refuse the application.

Main report

The application was originally reported to the Development Management Sub Committee on 7 October 2020. The Committee resolved to grant planning permission subject to the conclusion of a legal agreement to address the following matters

- a) 25% affordable housing is provided on the site in accordance with Council policy;
- b) a financial contribution to Children and Families towards the alleviation of accommodation pressures in the local school catchment areas;

Per unit requirement:

Per Flat - £1,093
Per House - £6.985

- c) financial contribution to redetermine sections of footway and carriageway as necessary for the development (£2,000);
- d) financial contribution to introduce waiting and loading restrictions as necessary (£2,000);
- e) financial contribution to promote a suitable order to introduce a 20mph speed within the development, and subsequently install all necessary sign and markings at no cost to the Council (£2,000);
- f) provision of Car Club vehicles and space (£12,500).

The Report clearly identified that the legal agreement should be concluded within 6 months and the applicant was advised that if this did not occur then the application would returned to committee with a likely recommendation that the application be refused.

Edinburgh Local Development Plan (LDP) Policy DEL 1 Developer Contributions and Infrastructure Delivery clearly identifies that development will be required to mitigate any infrastructural impacts from a proposed development. In particular part a) addresses transport infrastructure and part b) of the policy provides the basis to seek education contributions.

LDP Policy Hou 6 Affordable housing sets out the Council position on the delivery of 25% affordable housing on sites for the development of over 12 units. Whilst the application is only for a planning permission in principle the site area and the indicative layout illustrates a development in excess of 12 units and it is therefore appropriate to apply this policy.

The applicant has failed to secure an appropriate legal agreement within the specified 6 months period. It is recommended that the application be refused on the basis that the appropriate infrastructure to mitigate the development has not been provided contrary to policies DEL 1 and HOU 6 of the Edinburgh Local Development Plan.

Links

Policies and guidance for this application

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

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpaweb/applicationDetails.do?activeTab=documents&keyVal=Q7N0YIEWMJ400>

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Development Management Sub Committee

report returning to Committee - Wednesday 21 April 2021

**Application for Planning Permission 18/00846/FUL
at Land 143 Metres Southeast Of 94, Ocean Drive,
Edinburgh.**

**Residential development of 245 flats over 4 apartment
buildings with heights of 7 storeys (Block A), 13 storeys
(Block B), 11 storeys (Block C) and 9 storeys (Block D) with a
commercial unit, car parking and associated landscaping (as
amended).**

Item number

Report number

Wards

B13 - Leith

Recommendations

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

Background information

The Committee was minded to grant planning permission on 5 December 2018 subject to the conclusion of a legal agreement within six months of that date to secure developer contributions towards education, healthcare, transport and affordable housing. The period for conclusion of the legal agreement was previously extended for a further three months under delegated powers, but that period has now expired.

Since this application was considered at committee, the applicant submitted a new application for residential development and associated uses on the same site (application reference 19/02778/FUL).

Consequently, negotiations on the legal agreement were not concluded on this application. A legal agreement has been concluded on reference 19/02778/FUL and that planning permission has been issued.

The applicant has now indicated that it wishes to progress with the legal agreement, therefore a three month extension to the period to conclude the legal agreement is recommended.

Main Report

There are no new material planning considerations which affect the Development Management Sub-Committee decision on 5 December 2018 that it was minded to grant this application subject to a legal agreement first being concluded to secure the necessary contributions towards education, healthcare, transport and affordable housing.

The legal agreement was not originally taken forward at the time as the applicant decided to bring forward alternative proposals for the site, which now have been granted. However, through further dialogue the applicant has indicated that they wish to continue with the legal agreement for this application.

It is recommended a three month extension is added for concluding the legal agreement to enable planning permission thereafter to be released.

If no meaningful progress is made the application will be reported back to committee with a recommendation for refusal.

Links

Policies and guidance for this application

LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LEN03, LEN08, LEN09, LEN16, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, LTRA07, LTRA08, LRS06, SDP, NSG, NSGD02, OTH,

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=P4QZ2REWLLQ00>

Or Council Papers online

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Development Management Sub Committee

Report Returning to Committee – Wednesday 21 April 2021

Application for Planning Permission 18/09642/FUL at 7 Redhall House Drive, Edinburgh, EH14 1JE. Alteration and conversion of existing building to form six duplex apartments; the erection of a detached garage block accommodating six garages and the erection of two detached dwelling houses with all associated site development works and landscaping.

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Recommendations

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

Background information

The Development Management Sub-Committee determined that it was minded to grant this application on 20 November 2019, subject to the conclusion of a legal agreement within six month of this date to link and phase the implementation of the listed building consent 18/09641/LBC for the restoration of Redhall House with the new development proposed under application 18/06942/FUL.

Negotiations are continuing and nearing conclusion.

Under the Scheme of Delegation, the Chief Planning Officer has delegated powers to extend the six-month period for concluding a legal agreement to nine months, provided meaningful progress is being achieved. This delegated power was used to extend the period for concluding the legal agreement in this case. An extension to this time period was agreed on the 13 May 2020.

A further extension of time was agreed at the Development Management Sub Committee on the 16 December 2020. The report stated that this extension was until June 2021 but when the report was presented, a three month extension was referred to and this was what was resolved by Committee. Negotiations are ongoing and the applicant has confirmed they require until June to achieve this.

The three month period has now been exceeded and therefore requires to be returned to Committee for a decision until June 2021.

Main Report

There are no new material planning considerations which affect the Development Management Sub-Committee original decision on 20 November 2019 that it was minded to grant this application subject to a legal agreement first being concluded to link and phase the implementation of the listed building consent 18/09641/LBC for the restoration of Redhall House with the new development proposed under application 18/06942/FUL.

Conclusion of the legal agreement process has been signed by the owners but has been delayed due to the financing of the development by the bank. The applicant's solicitor has confirmed their client is taking steps to resolve this issue and advises that the timescale of this being concluded is within the next 3-4 months.

These matters are being actively pursued between both parties.

A further extension of time was agreed at the Development Management Sub Committee on the 16 December 2020. The report stated that this extension was until June 2021 but when the report was presented, a three month extension was referred to and this was what was resolved by Committee. Negotiations are ongoing and the applicant has confirmed they require until June to achieve this.

The three month period has now been exceeded and therefore requires to be returned to Committee for a decision.

If this application is approved, a 'Minded to Grant' letter will be sent to the agents setting out the amended informative deadline for conclusion of the legal agreement and including all of the original conditions and remaining informatives stated in the original 'Minded to Grant' letter of 22 November 2019.

It is recommended the period for concluding the legal agreement be extended to enable planning permission thereafter to be released. A period until the end of June 2021 is requested.

Links

Policies and guidance for this application

LPC, LEN03, LEN09, LEN12, LEN16, LDES01, LDES04, LEN21, LHOU01, LDES05, LEN18, LTRA02, LTRA03, NSG, NSGD02,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PHQBZHEWH8T00>

Or [Council Papers online](#)

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Development Management Sub Committee

report returning to Committee - Wednesday 21 April 2021

Application for Planning Permission 19/01036/FUL at Car Park, Torphin Road, Edinburgh Application for a new residential building, comprising 9 flats and 2 houses, with associated infrastructure, landscaping and engineering works (as amended).

Item number

Report number

Wards

B08 - Colinton/Fairmilehead

Recommendations

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

Background information

This application was previously considered at the Development Management Sub-Committee on 1 July 2020. The Committee continued the application to:

- clarify that a legal agreement for class 8 use could be agreed with the applicant and to include legal arguments for housing land supply.

This returning report sets out information in relation to this request along with additional information.

Main Report

Development Use Class

The application as originally submitted describes the use as residential. This is supported by the planning statement submitted with the application and the further addendum submitted 9 June 2020 which assesses the application against the principle housing policy and housing land supply position. The applicant has not applied for a Class 8 use and the decision maker can only assess the application submitted and not an alternative proposition.

The committee has asked to consider if Class 8 use could be agreed. Class 8 use is defined as residential institutions in the Town and Country Planning (Use Classes) (Scotland) Order 1997.

In the statement submitted by the applicant in October 2020 following committee discussions, the applicant has stated that the use is not readily reflected in the use class order and that they would consider a Sui Generis use (a use within a class of its own) most appropriate.

The development of the flats already reflects a sui generis residential use. The two houses fall under Class 9 (Houses).

Housing Land Supply

The latest Housing Land Audit and Completions Programme was reported to Planning Committee on 3 February 2021. This monitored the completion of housing and the supply of housing land in the period for 2020.

It concluded that there is more than sufficient unconstrained housing land to meet the housing land requirement and that the five-year completions programme is above target. This most recent report updates and reaffirms the position that was expressed at the original committee.

Further Information

Following the committee discussions on 1 July 2020 and on the request of the planning service, the applicant has submitted a statement of further information. This statement is available to view on the Planning Portal. A summary of this further information is set out below.

Occupancy of Residential Units

The proposal includes 11 residential units as a mixture of one bedroom to four bedroom flats and two three bedroom houses. The applicant has stated that the two three bedroom houses and one of the two bedroom flats would be occupied by care givers and their families. The remaining flats would be occupied by people with special care needs.

From the bed spaces indicated on the plans the development would provide 14 spaces for people with special care needs and 8-10 spaces for care givers and their families. The applicants statement states there would be spaces for 18 residents with care needs though this is understood to be an error.

The applicant has advised that the caregivers would be employed by Tiphereth or volunteers with Tiphereth and that the care givers may wish to bring their families. This mix of residents is intended to form a shared living community.

Location of Development

It was requested that the applicant provide specific details of how the use was physically connected to Hoyland House. Hoyland House is the former golf club house for which the proposed development site was previously the car park. This information was to provide evidence of the need for the development to be in this particular location in proximity to Hoyland House.

The applicant has advised that Hoyland House is not the organisation's only site nor is it its primary site. They have stated that they run a number of sites along Torphin Road including homes and day service buildings. A map has been provided showing these locations spread over approximately 800 metres. Planning application history shows that these include class 8 care uses and various facilities.

There is no physical connection to Hoyland House specifically. The applicant has stated: *'Residents will be part of the wider Tiphereth community. Due to the specific support needs of the residents and Tiphereth's philosophy, the proposed facility needs to be located close to the existing Tiphereth facilities at Hoyland House (150m from the site) and along Torphin Road (500m from the site).'*

Conclusion

The original report raises significant issues on the design of the proposal and its appropriateness for this location within the green belt, Special Landscape Area and Pentlands Regional Park

Specifically, the proposal fails to address the overarching requirement that development would not detract from the landscape quality and/or rural character of the area in respect of green belt development. As such, it is contrary to policy Env 10 on Green Belt and no substantive case has been provided which would justify an exception to this policy.

The previous report concludes that the design quality of the development falls far below that which would be expected for this highly sensitive site and that the proposal would fail to provide an adequate level of amenity for future occupiers. This position has not changed.

The applicant has submitted sketch layouts which, though limited in detail, may enable a more suitable approach to design. The applicant has indicated the potential for a scheme with a revised design and more clearly defined and precise use could be submitted. Any revisions to the scheme of this extent would require the submission of a new application. The applicant has requested that the scheme be determined as it currently stands.

In the event that committee was minded to grant planning permission on the basis of a restricted use this should be secured by legal agreement. This would be based upon the following informative:

A legal agreement shall be formed which secures the occupancy of the development as follows: At least eight of the dwellings shall be occupied by at least one individual who has a physical or learning disability and who requires care or support at their place of residence. The remaining dwellings shall be occupied by care givers and their families. Care givers shall provide care to occupants of this development or to the Class 8 residential use at 'Hoyland House' 37 Torphin Road, Edinburgh or 'Torphin House' 49 Torphin Road, Edinburgh.

The applicant has indicated that they would be willing to enter into such a legal agreement.

Links

Policies and guidance for this application

LDPP, LHOU01, LHOU02, LEN10, LEN11, LEN18, LDES01, LDES04, LDES05, LTRA02, LTRA03, LEN17, NSG, NSGD02, NSGCGB,

A copy of the original Committee report can be found in the list of documents at

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