

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00 am Wednesday, 19th May, 2021**

Virtual Meeting - via Microsoft Teams

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

### Contacts

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Tel: 0131 553 8242 / 0131 529 4085

## 1. Order of business

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- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 17 May 2020** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

## 2. Declaration of interests

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

## 3. Minutes

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- 3.1 Minutes of Previous Meeting of Development Management Sub-Committee of 5 May 2021 – submitted for approval as a correct record 9 - 12

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

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

### Pre-Applications

13 - 18

- 4.1** Report for forthcoming application by The City Of Edinburgh Council for Proposal of Application at Currie High School, 31 Dolphin Avenue, Currie - Construction of a new community high school, swimming pool and sports facilities within the grounds of the existing school plus associated external landscaping and car parking. Demolition of the existing school building - application no 21/01226/PAN – Report by the Chief Planning Officer

- 4.2** Report for forthcoming application by Hart Builders (Edinburgh) Ltd for Proposal of Application Notice at Silverlea Old Peoples Home, 14 Muirhouse Parkway, Edinburgh. Residential development comprising of around 140 flats and colonies with associated roads, parking and greenspace - application no 21/01797/PAN – Report by the Chief Planning Officer

### Applications

- 4.3** 12A Cumberland Street North East Lane, Edinburgh - Erection of mews house - application no 20/03874/FUL – Report by the Chief Planning Officer

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

- 4.4** 12A Cumberland Street North East Lane, Edinburgh. Erection of a mews building - application no 20/03873/LBC – Report by the Chief Planning Officer

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

- 4.5** 41 & 43 Lanark Road, Edinburgh, EH14 1TL - Change of use from public house and ancillary property to form short stay

commercial visitor accommodation and associated alterations (in retrospect) - application no 19/06157/FUL – Report by the Chief Planning Officer

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

- |            |  |         |
|------------|--|---------|
| <b>4.6</b> | 41 And 43 Lanark Road, Edinburgh, EH14 1TL - Internal and external alterations to buildings (in retrospect) - application no 19/06158/LBC – Report by the Chief Planning Officer | 77 - 88 |
|------------|--|---------|

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

- |            |   |          |
|------------|---|----------|
| <b>4.7</b> | 24 Parkgrove Avenue, Edinburgh, EH4 7QJ - Erection of dwelling - application no 21/00526/FUL – Report by the Chief Planning Officer | 89 - 106 |
|------------|---|----------|

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

- |            |   |           |
|------------|---|-----------|
| <b>4.8</b> | 9 Sciennes Road (Royal Hospital for Sick Children), Edinburgh - External alterations to Category A listed Mortuary Chapel building - application no 21/00331/LBC – Report by the Chief Planning Officer | 107 - 124 |
|------------|---|-----------|

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

- |            |   |           |
|------------|---|-----------|
| <b>4.9</b> | Springfield Lea, Place, Terrace and Bo'ness Road, Echline, South Queensferry, M90 (at land bounded by) - Residential development and associated works including formation of vehicular and pedestrian access, suds, infrastructure provision and hard and soft landscaping - application no 20/05023/FUL – Report by the Chief Planning Officer | 125 - 184 |
|------------|---|-----------|

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

## **5. Returning Applications**

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

- |            |   |           |
|------------|---|-----------|
| <b>5.1</b> | Newhouse Farmhouse, Long Dalmahoy Road, Kirknewton. Alter an approved residential layout, extend site area, form sewage | 185 - 186 |
|------------|---|-----------|

treatment works and erect 8 (eight) houses (amendment to 17/02707/FUL) (as amended) – application no 19/04036/FUL – Report by the Chief Planning Officer

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

## **6. Applications for Hearing**

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

**6.1** None.

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

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

|            |   |           |
|------------|---|-----------|
| <b>7.1</b> | 195 Kingsknowe Road North, Edinburgh, EH14 2ED - Demolition of existing Public House and construction of 10 townhouses and one detached dwellinghouse with associated gardens and car parking (as amended) – application no 18/04268/FUL – Report by the Chief Planning Officer | 187 - 204 |
|------------|---|-----------|

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

|            |   |           |
|------------|---|-----------|
| <b>7.2</b> | 50 Marine Drive, Edinburgh (At Land to the West Of) - Erection of changing facilities, storage, retail outlet and café serving hot and cold food and drinks to eat in or take away. Operational times are 10am to 8pm daily over April to September with the structure being dismantled and removed for winter storage – application no 20/05834/FUL – Report by the Chief Planning Officer | 205 - 230 |
|------------|---|-----------|

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

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

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**These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit**

**the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.**

**8.1** None.

## **Andrew Kerr**

Chief Executive

## **Committee Members**

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

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

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

## **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact, 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](mailto:jamie.macrae@edinburgh.gov.uk) / [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk). The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to <https://democracy.edinburgh.gov.uk/>.

## **Webcasting of Council meetings**

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for the purpose of keeping historical records and making those records available via the Council's internet site.

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

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

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# Minutes

## Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 5 May 2021

### Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Mary Campbell, Gordon, Griffiths (excluding applications 4.1 to 4.4)., Mitchell, Mowat, Osler, Rose, and Ethan Young.

### 1. Minutes

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#### Decision

To approve the minute of the Development Management Sub-Committee of 21 April 2021 as a correct record

### 2. General Applications and Miscellaneous Business

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

#### Requests for Presentations

Councillors Booth and Mary Campbell requested a hearing in respect of Item 4.5 – 8 Shandwick Place, Edinburgh

#### Requests for Hearings

Ward Councillor Gloyer requested a hearing in respect of Item 7.1 – 20 Meadow Place Road, Edinburgh, EH12 7UQ

#### Dissent

Councillor Rose requested that his dissent be recorded in respect of the decision on Item 4.5 – 8 Shandwick Place, Edinburgh, EH2 4RP

#### Decision

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

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

## Appendix

| Agenda Item No. / Address   | Details of Proposal/Reference No   | Decision  |
|---|--|---|
| Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register. |  |   |
| <b>4.1 – <a href="#">Hillpark Avenue, Edinburgh</a></b>   | Tree Preservation Order No. 194  | To confirm Tree Preservation Order No. 194 (Hillpark Avenue, Edinburgh)<br><br>N.B Note felling of trees brought to attention by Community Council and Officer to check with Tree Preservation Orders if this is apparent in other locations (i.e. any other cases where TPOs have not been confirmed timeously). |
| <b>4.2 – <a href="#">50 Marine Drive, Edinburgh (Land to the West of)</a></b>                                   | Erection of changing facilities, storage, retail outlet and café serving hot and cold food and drinks to eat in or take away. Operational times are 10am to 8pm daily over April to September with the structure being dismantled and removed for winter storage - application no 20/05834/FUL   | To <b>CONTINUE</b> consideration of the application for planning permission to the meeting of the Development Management Sub-Committee meeting of 19 May 2021 to allow for a presentation.  |
| <b>4.3 – <a href="#">2, Old Kirk Road, Edinburgh (Garage 8 Metres West Of)</a></b>                              | Proposal to clarify roof design of old proposed skylight volume and chimneys (that were disseminated on roof), in order to have only one zync regular volume, stepped back from main facade, echo sloping roof of neighbouring houses.<br>Contrasting/complimentary material for flat roof extension to be vertical metal cladding in matte metal/grey colour to compliment roughcast and sandstone based precast concrete - application no 20/05883/FUL | To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.  |

| Agenda Item No. / Address   | Details of Proposal/Reference No   | Decision  |
|---|--|---|
| <b>4.4 – <a href="#">13 Sciennes, Edinburgh</a></b>                                     | Temporary period of 2 years to permit Sui Generis use of premises as student accommodation and short-stay accommodation for let to non-students at any time of year - application no 21/00878/FUL  | To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.  |
| <b>4.5 – <a href="#">8 Shandwick Place, Edinburgh, EH2 4RP</a></b>                      | Change of use to provide short stay holiday accommodation on 1st and 2nd floors - application no 21/00869/FUL  | To <b>REFUSE</b> planning permission as the application was contrary to Local Development Plan policy Hou 7.<br><br><b>Dissent</b><br><br>Councillor Rose requested that his dissent be recorded in respect of this item. |
| <b>4.6 – <a href="#">8 Shandwick Place, Edinburgh, EH2 4RP</a></b>                      | Alterations to form short stay self-catering units on first and second floor. Internal alterations to third floor flats - application no 21/00867/LBC  | To <b>GRANT</b> listed building consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.  |
| <b>5.1 – <a href="#">199 Fountainbridge, Edinburgh (At Site 60 Metres South Of)</a></b> | 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 - application no 19/03097/PPP | To <b>AGREE</b> to extend the deadline for concluding the Memorandum of Understanding by a further three months to enable planning permission to be released for this application.  |

| Agenda Item No. / Address  | Details of Proposal/Reference No   | Decision  |
|--|--|---|
| <p>7.1 - <a href="#">20 Meadow Place Road, Edinburgh, EH12 7UQ</a></p> | <p>Erection of 24 residential apartments including access, parking, landscaping and associated works. (as amended) - application no 20/03461/FUL</p> | <p>1) To <b>REFUSE</b> the request for a hearing and agree to determine the application at the meeting of the Development Management Sub-Committee of 5 May 2021.</p> <p>2) To <b>GRANT</b> planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer.</p> |

## Development Management Sub Committee

**Wednesday 19 May 2021**

**Report for forthcoming application by**

**The City Of Edinburgh Council for Proposal of Application Notice**

**21/01226/PAN**

**at Currie High School, 31 Dolphin Avenue, Currie.  
Construction of a new community high school, swimming pool and sports facilities within the grounds of the existing school plus associated external landscaping and car parking. Demolition of the existing school building.**

**Item number**

**Report number**

**Wards**

B02 - Pentland Hills

### Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for the construction of a new community high school, swimming pool and sports facilities within the grounds of the existing school plus associated external landscaping and car 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 on 9 March 2021 (planning reference: 21/01226/PAN).

### Links

**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**



## Recommendations

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

## Background

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### 2.1 Site description

The proposal site is the existing Currie High School located at 32 Dolphin Avenue to the south of Currievale Drive.

It comprises the school buildings, sports pitches and open space/footpaths associated with the school use.

The site is bound by trees and woodland, with the wider surrounds being characterised by residential homes; predominantly two-storey dwelling houses.

The Woodland School sits to the south east of the high school.

### 2.2 Site History

There is no relevant planning history for this site.

## Main report

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### 3.1 Description of the Proposal

An application for planning permission will be submitted for the construction of a new community high school, swimming pool and sports facilities within the grounds of the existing school plus associated external landscaping and car parking. The proposal involves the demolition of the existing school building.

### 3.2 Key Issues

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

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

The site is located within the Urban Area designated within the Edinburgh Local Development Plan, and the existing use is a school, Class 10 Non-Residential.

The proposal should accord with the LDP policies in terms of design, accessibility and landscaping.

The Strategic Education Brief (Jan 2020) is applicable.

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

The applicant will be required to comply with all relevant design policies within the LDP as well as supplementary guidance where applicable (e.g. Edinburgh Design Guidance).

A design and access statement will be required to support the application as well as a daylight and overshadowing assessment. A floodlighting strategy has been requested as part of the application.

Key View Analysis will be required to be submitted by the applicant identifying local and longer key city views, as per the Edinburgh Design Guidance.

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

LDP transport policies will apply to the proposal. The applicant will be required to provide transport information including a travel plan and to demonstrate how the proposal complies with parking standards including service arrangements and cycle parking provision.

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

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

- PAC Report;
- Planning Statement;
- Design and Access Statement;
- Transport Statement and Green Travel Plan;
- Servicing Strategy;
- Landscape and Visual Impact Analysis;
- Tree Survey and Protection Plan;
- Flood Risk Assessment and Self Certification;
- Site investigation/Contamination;
- Preliminary Ecological Study/ Protected Species Habitat Survey (including bat survey);
- Waste Management Information;
- Sustainability S1 Form;
- Archaeological Phased Programme of Works;
- Noise/ site acoustics + impact on neighbouring housing and
- Floodlighting strategy for external sports + effect on neighbouring housing and bats.



### **3.3 Assessment**

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

### **Financial impact**

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

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

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

### **Equalities impact**

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

### **Sustainability impact**

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

### **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The applicant's 'Proposal of Application Notice' noted that three virtual public presentations and Q&A events were held on 20 April 2021 at 11am, 20 April 2021 at 6pm and the 22 April 2021 at 7pm.

A public notice was placed in the Edinburgh Evening News, The Currie and Balerno News on 13 April 2021, seven days prior to the event.

The applicant has confirmed that Balerno Community Council, Currie Community Council, Juniper Green Community Council and ward councillors received a copy of the Proposal of Application Notice on 8 March 2021.

## Background reading/external references

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

### David Givan

Chief Planning Officer

PLACE

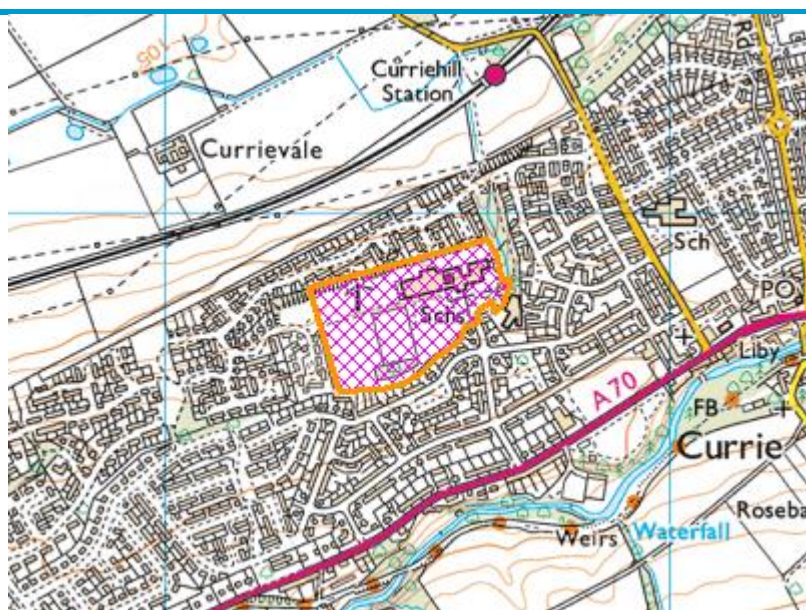
The City of Edinburgh Council

Contact: Sonia Macdonald, Planning Officer

E-mail:sonia.macdonald@edinburgh.gov.uk Tel:0131 529 4279

## Location Plan

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**END**

## Development Management Sub Committee

**Wednesday 19 May 2021**

**Report for forthcoming application by**

**Hart Builders (Edinburgh) Ltd for Proposal of Application Notice**

**21/01797/PAN**

**at Silverlea Old Peoples Home, 14 Muirhouse Parkway, Edinburgh.**

**Residential development comprising of around 140 flats and colonies with associated roads, parking and greenspace.**

**Item number**

**Report number**

**Wards**

B01 - Almond

### **Summary**

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming detailed application for a residential development comprising around 140 residential units including flats and colonies with associated roads, parking and greenspace.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice on 1 April 2021 (21/01797/PAN).

## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## **Recommendations**

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

## **Background**

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### **2.1 Site description**

The site comprises:

- (i) the former Silverlea Care Home site at 14 Muirhouse Parkway, located on the north side of Muirhouse Parkway and within the urban area;
- (ii) an area of open space adjacent to the north of the Silverlea Care Home site. This open space is located within the Green Belt;
- (iii) an area of open space further to the north which lies immediately to the south of Silverknowes Caravan Park site. This open space is located within the Green Belt; and
- (iv) an unsurfaced footpath and the access to it from a point on the south side of Marine Drive. The said footpath is located within the Green Belt and is part of the larger area of open space designated in the Local Development Plan as a local nature conservation site.

Silverknowes Golf Course bounds the site to the west. The site is located to the west of a group of 8 category B listed houses at Nos.1-16 (inclusive numbers) Salvesen Crescent (Listed Building ref 45601).

### **2.2 Site History**

There is no relevant planning history for this site.

## **Main report**

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

An application for detailed planning permission will be submitted for a residential development comprising around 140 residential units including flats and colonies, with associated roads, parking and greenspace.

### **3.2 Key Issues**

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

**a) The proposed development will not have a serious detriment on the setting of any listed buildings and structures.**

The site is close to a group of listed houses. The impact of the proposed development on their setting will be considered in relation to Section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against the relevant policies in the Edinburgh Local Development Plan.

**b) The principle of the development is acceptable in this location.**

The acceptability of the proposed residential use located partly within the existing urban area and partly within the Green Belt is a key consideration. The southern part of the site is located in the urban area, as defined in the Edinburgh Local Development Plan. The Plan supports development within the urban area provided proposals are compatible with other policies in the plan. The remainder of the site is in Green Belt, as defined in the Edinburgh Local Development Plan. The Plan presumes against new build residential development in the Green Belt unless there are material planning considerations which indicate otherwise.

**c) The design, scale, layout and materials are acceptable within the character of the area and contribute to a sense of place.**

A key consideration is ensuring that the design, scale and layout are acceptable within the character of the area and integrate with the existing landscape from key views and approaches, and also that the proposal complies with the Edinburgh Design Guidance. The proposal will be considered against the provisions of the Edinburgh Local Development Plan and Edinburgh Design Guidance. A Design and Access Statement will be required to accompany the application.

**d) The proposal is not detrimental to the amenity of neighbours.**

The proposal will be assessed against relevant design policies in the Edinburgh Local Development Plan and non-statutory guidance.

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

Pedestrian permeability and connectivity through the site and beyond are key considerations. The proposal should have regard to the Council's parking standards, transport policies in the Edinburgh Local Development Plan and the requirements of the Edinburgh Street Design Guidance. Consideration should be given to the impact on traffic flows on local roads and access to public transport. Transport information will be required to support the application to assess the effects of the proposal on local infrastructure and the accessibility of the site. Consideration also needs to be given to enabling safe and convenient pedestrian and cycle movement into and through the site, where appropriate.

**f) There are any other environmental factors that require consideration.**

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

- Pre-application Consultation Report.
- Planning Statement.
- Design and Access Statement.
- Transport Information.
- Sustainability Statement.
- Landscape and Visual Impact Assessment.
- Topographical information.
- Tree survey and tree constraints plan.
- Archaeological Assessment.
- Flood Risk Assessment and Surface Water Management Plan.
- Drainage Impact Assessment.
- Site Investigation Report and,
- Ecology report.

### **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**

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

## **Sustainability impact**

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

## Consultation and engagement

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### 8.1 Pre-Application Process

Pre-application discussions are taking place on this application.

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

A dedicated Silverlea consultation web page will be utilised to engage stakeholders, share information and collect comments and feedback. The web page will explain and introduce the context of the PAN, including a summary of the wider Granton Waterfront Regeneration. A questionnaire will be included, and responders will have a three-week period, commencing 10 May 2021, to complete and return the questionnaire online.

A live digital event will be held on 17 May 2021 between 3pm and 5pm. The event will give an overview of the vision and principles for the development and will give respondents the opportunity to comment, ask questions and receive responses directly from the application project team.

Additionally, non-digital consultation is proposed. Paper copies of the presentation material will be made available on request in line with the Councils 'happy to translate' policy. The project team has requested the use of the Muirhouse Salvesen Community Council notice board to display printed information boards, mirroring the digital platform.

Posters will be displayed on and around the site giving details of the consultation and how to get involved.

The project team has requested the opportunity to present to the following groups via web conference with feedback live for a 3-week period from 10 May 2021 - 31 May 2021:

- Improving Muirhouse and Pennywell (IMP).
- Craigroyston Football Club (CYFC).
- Muirhouse/Salvesen Community Council and,
- Davidson Mains and Silverknowes Residents Association.



The consultation will be publicised as follows:

- The Granton Waterfront Regeneration mailing list and the Granton Waterfront stakeholder database will be notified of the consultation, including details of how they can contribute.
- Surrounding community councils and local ward councillors will be notified personally via email of the consultation.
- The consultation will be advertised in the Edinburgh Evening News at least seven days before the launch.
- The Council's various social media platforms will be utilised to publicise the consultation and,
- Leaflets will be delivered to around 1000 homes in the immediate surrounding area.

Feedback will be gathered from the various sources and will be summarised and published on the consultation hub.

### **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: Adam Thomson, Planning Officer  
E-mail: [adam.thomson@edinburgh.gov.uk](mailto:adam.thomson@edinburgh.gov.uk) :

## Location Plan

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**END**

## Development Management Sub Committee

**Wednesday 19 May 2021**

**Application for Planning Permission 20/03874/FUL  
at 12A Cumberland Street North East Lane, Edinburgh.  
Erection of mews house.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

Provided a condition is applied to the consent stating that the zinc clad roof and the zinc proposed to the rear wall of the building is unacceptable, and is not approved, the development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area. The proposal will also comply with the adopted Edinburgh Local Development Plan and will not damage the Outstanding Universal Value of the Edinburgh World Heritage Site. The proposal is acceptable in this location and is of an appropriate scale, form and design. The proposal will have no material impact upon the amenity of neighbouring residents and will provide an adequate residential environment for future occupants.

There are no material planning considerations which outweigh this conclusion.

### Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LEN01, LEN03, LEN06, LEN12, LEN16, LEN09, LEN21, LTRA02, LTRA03, LTRA04, NSG, NSGD02, OTH, CRPNEW,

# Report

## **Application for Planning Permission 20/03874/FUL at 12A Cumberland Street North East Lane, Edinburgh, Erection of mews house.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is located on the west side of Cumberland Street North East Lane and to the rear of tenement properties in Fettes Row. The site comprises a quite large car parking area built on former garden ground to the rear of Fettes Row. The site is raised from the garden area to the rear and is separated by a retaining wall.

The properties in Fettes Row are listed category B, and the tenements were designed by Thomas Brown, 1821. They were listed on the 15 July 1965 (LB Ref 25181).

To the south, and opposite the site, lie category B listed tenement properties in Cumberland Street with small private garden areas onto the lane. Three modern mews dwellings (with a fourth consented) have already been constructed along the lane and a row of modern garages lie to the eastern end of the lane. The surrounding uses are predominantly residential.

The site is located within the World Heritage Site.

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

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

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

The application is for planning permission for the erection of a three-storey mews dwelling (two storey from the lane).

The proposed mews property will have 2 bedrooms and a study/bedroom. It is traditional in form with contemporary detailing. The mews will measure approximately 8.6 metres in width by 6.5 metres in depth.

It will have a ridge height of approximately 6.7 metres and an eaves height of 4.8 metres at the lane and a ridge height of approximately 9.2 metres and an eaves height of 7.4 metres taken from the rear garden of the property

The two main bedrooms will be on the lower ground floor whilst a study/bedroom and garage will be on the ground floor level and a kitchen, dining room and sitting room will be at first floor level. The proposed height, depth and width of the mews will be broadly similar to that of the other mews buildings along Cumberland Street North East Lane.

The building will be finished in natural stone, hardwood cladding and is shown to have a zinc roof. The principal elevation will incorporate part of the existing stone walls which run along the front boundary of the site. It will have grey aluminium framed windows as well as grey rooflights on the front and rear elevation.

There are a selection of windows proposed to the rear at lower ground floor levels and ground floor level. The windows at the lower ground floor level will be screened by an existing wall and proposed retaining wall whilst the rear windows on the ground floor level will be fitted with obscured glazing. It is also noted that one of the two rear ground floor windows will provide sunlight/daylight to the proposed garage which is not classed as a habitable room.

The mews will have a rear garden. It will measure approximately 4.5 metres by 8.2 metres. One off street car parking space is proposed.

#### Supporting Statement

The agent has provided a Design Statement as part of the submission documents. 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.

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 proposed use is acceptable in this location;
- b) the proposal preserves the character and setting of the listed buildings;
- c) the proposal preserves or enhances the character and appearance of the conservation area;
- d) the proposal affects the Outstanding Universal Value of the World Heritage Site or the Historic Garden and Designed Landscape;
- e) the proposal is detrimental to the amenity of neighbours;
- f) the proposal will provide adequate amenity for future occupants;
- g) the proposal affects road safety and parking;
- h) there are any implications with regards to flooding;
- i) the proposal will have any impact on protected trees and
- j) comments raised have been addressed.

#### a) Principle of Development

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

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable provided the proposals are compatible with other policies in the plan. Compliance with other policies in the plan are addressed in further detail below and in sections 3.3 (b- j).

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 is a largely a mixture of flats, mews properties and larger dwellings. The proposed mews dwelling would provide further accommodation within the area for families and complies with LDP policy Hou 2.

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. Mews houses are a traditional feature of the New Town and there are other examples in this lane. The proposal is compatible with the established spatial character of the area.

The proposal complies with the relevant LDP policies and therefore complies with LDP policy Hou 1.

The development is acceptable in principle.

b) Impact on character and setting of listed buildings

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

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

LDP policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting 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.

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

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Boundaries states walls, fences and other boundary treatments form important elements in defining the character of historic buildings, conservation areas and designed landscapes.

There are a number of mews properties already present to the rear of the principal buildings on Fettes Row and Cumberland Street. The setting of these buildings is also compromised by modern flat roof garages and the quite large open car parking area on this site. Large elements of the original boundary walls have also been lost to these later developments.

The existing site is utilised as a raised red gravel car parking area which is of no architectural or landscape quality. The proposed mews structure seeks to improve the quality and visual amenity of the lane whilst maintaining the sense of enclosure of the rear gardens and maintaining an appropriate area of garden ground for the houses on Fettes Row. The proposed mews property is in keeping with the other existing mews structures within the lane. The replacement of the existing parking area with a suitably designed mews building will enhance the setting of the surrounding listed buildings.

The new mews building is built off the boundary wall to the lane and the side walls which delineate the plot. The existing opening in the wall will be largely re-used for the garage access and a new window and door will be formed. This has been sensitively done so that the new and old integrate to form a cohesive building.

The historic fabric will be retained and re-used without any damage and the special interest of the listed walls will be retained.

The application complies with LDP policies Env 3 and Env 4 and the relevant Historic Environment Scotland Managing Change in the Historic environment guidance notes.

### c) Design and Impact on Conservation Area

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

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

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

LDP policy Des 3 (Development Design- Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing features and characteristics worthy of retention on the site and in the surrounding area have been identified, incorporated and enhanced through its design.

LDP policy Des 4 (Development Design- Impact upon Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact upon views having regard to

- (a) height and form
- (b) scale and proportion, including the space between buildings
- (c) position of buildings and other features on the site
- (d) materials and detailing.

The New Town Conservation Area Character Appraisal identifies the key characteristics of this part of the New Town as:

*"The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, contributes significantly to the character of the area. There is a standard palette of traditional building materials including blonde sandstone, timber windows and pitched slated roofs".*

In relation to mews properties it states *They are usually one and a half storeys high, with a carriage entrance and sometimes a hayloft, both on the lane side. They were usually built with a formal high quality design facing the house and an informal rubble elevation facing the lane of the mews.*



The existing car parking area on the site is unattractive. Its replacement with a high-quality new building has the potential to enhance the character and appearance of the conservation area.

The envelope, traditional form and construction materials of the proposed mews generally reflect the type of buildings that commonly occupy the rear garden areas of Georgian terraced buildings in the Second New Town, which is a significant constituent area of the World Heritage Site.

The principle of mews development has already been established in this particular part of the lane. Other mews structures also appear to be historically evident along Cumberland Street South East Lane and Cumberland Street South West Lane.

Given the subdivision of most of the garden grounds to the rear of this part of Fettes Row and the level of existing development within these plots, the development of a mews building within this site is compatible with the character of the area.

The proposed height and envelope of the proposal broadly matches that of the other mews buildings within the lane and the proposed dimensions are appropriate in this particular location, given the length of the original garden plots. The retention and re-use of the boundary walls ensures the new mews building integrates well with the historic context.

As regards design, the proposed mews is largely of high quality traditional mews form with sympathetic contemporary detailing in traditional materials. This will complement the character and appearance of the New Town Conservation Area in which good quality modern buildings are encouraged. The formal symmetrical rear facade proposed facing the listed terrace on Fettes Row was a common approach to New Town mews design and is acceptable as long as adequate privacy levels to neighbouring properties can be maintained. The proposed traditional materials of natural stone, slate and timber are in keeping with the historic palette of the area.

However, it is proposed that the development will have a zinc roof and an element of zinc to the proposals rear wall. Zinc is not a traditional material utilised on the walls or roofs of mews properties. The use of zinc for the wall and roof also does not conform with the New Town Conservation Area Character Appraisal. A condition has been applied that states that the element of zinc proposed to the rear wall of the development and the zinc roof are not approved and that more appropriate materials should be submitted for the written approval of the planning authority within 2 months of the consent being granted.

Overall, if the element of zinc proposed for the external rear wall and the proposed zinc roof was replaced with more suitable materials, then the new building will be compatible with the character of the conservation area and can be viewed overall as a positive enhancement.

The site is only largely visible from the lane and surrounding residential tenements. The proposal will improve the visual amenity of the lane and will therefore enhance the appearance of this part of the New Town Conservation Area.

In summary, the proposed mews building will both preserve and enhance the character and appearance of the conservation area through the replacement of the unattractive car parking area with a new traditional style structure of appropriate scale, and design. Provided a condition is applied to the consent stating that the element of zinc proposed for the external rear wall of the proposal and the proposed zinc roof is not approved, the proposal complies with LDP policies Des 3, Des 4 and Env 6.

#### d) Impact on World Heritage Site and the Historic Garden and Designed Landscape

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

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

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

Mews style properties for residential use within these lane are a common feature in the New Town and the proposal does not have a detrimental impact on the OUV of the World Heritage Site. It complies with LDP policy Env 1.

LDP policy Env 7 (Historic Gardens and Designed Landscapes) states that development will only be permitted where there is no detrimental impact on the character of the site recorded in the Inventory of Gardens and Designed Landscapes, adverse effects on its setting or upon component features which contribute to its value. The site falls within the recorded New Town Gardens.

The inventory of Gardens and Designed Landscapes states, *The internationally recognised New Town Gardens comprise a series of 18th and 19th century town gardens, squares and walks. Although broadly contemporary with other developments in city planning, Edinburgh New Town has the most extensive system of public and private open space, designed to take full advantage of the topography and Edinburgh townscape.*

The proposal will be constructed on an area of garden that has been converted into a parking area in the past. The proposal will restore part of the site to a garden once again. It will have no detrimental impact upon the character of the New Town Gardens.

The proposal complies with LDP policy Env 7.

#### e) Impact on Residential Amenity

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

LDP policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise the effective development of adjacent land.

The Edinburgh Design Guidance states that - *The pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. This means that there may be higher expectations for separation in suburban areas than in historic areas like the Old Town.*

There are windows proposed to the rear elevation of the building. However, the two large bedroom windows to the rear will be sited at lower ground level where they will be screened by a proposed retaining wall and the existing boundary wall to the rear of the plot. Two other rear windows are proposed to the ground floor level. However, one of these windows will only permit light to the proposed garage, which is not classed as a habitable room. The other window will provide light to study/bedroom. The plans submitted show that both of these windows will be fitted with obscure privacy glazing. There will also be a glass door to the rear elevation on the ground floor which shall provide access to the rear garden. This door, however, will only provide light to a hallway and will again be fitted with obscure glazing. A small platform and steps will lead down to the rear garden. The platform proposed is small and will not enable opportunities for overlooking.

With regards to privacy to neighbouring properties on the opposite (south) side of the lane, the distances between the windows on the front elevation of the mews and the rear garden boundaries of properties in Cumberland Street across the lane will be approximately 6 metres, with a window to window distance of roughly 10 metres. Whilst the proposal will not meet the 18 metre window to window distance set out in the Edinburgh Householder Guidance, it is noted that the tight urban form of the lane and the existing mews buildings present, which have the same window to window distances as that proposed, already form an established pattern of development in the street. This means that the appropriate distances between buildings and consequential privacy distances are less than would be expected within a modern residential estate.

The proposal will have one small ground floor window which will provide light to a W/C. One of the two windows on the first floor will directly overlook the staircase/hallway area of the floor whilst the other will provide light to the kitchen/dining room area. The proposal shall therefore only have one window to its principal elevation that provides sunlight/daylight to a habitable space within the property. Any potential loss of privacy experienced will not be unreasonable.

The view from the properties on Fettes Row over the rear gardens will not be obscured. The properties to the rear of Cumberland Street will still have an immediate view over the rear garden grounds and the lane.

The Edinburgh Design Guidance states that - *New buildings should be spaced out so that reasonable levels of daylight to existing buildings are maintained. The layout of buildings in an area will be used by the Council to assess whether the proposed spacing is reasonable.*

The proposed mews building will be located in line with the existing mews dwellings in the lane. It will also be of a broadly similar depth and height to the other existing mews properties. The spacing between mews properties and other buildings to the front and rear of the lane is therefore established and must be seen as reasonable. The proposed development will have a similar impact on directly neighbouring properties, in terms of potential loss of sunlight/daylight, as the existing mews buildings. Unlike some mews properties, this development will have its own rear garden. This will minimise any overshadowing that the proposal will cause to the gardens to the rear of the site.

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

#### f) Amenity for future occupiers

LDP policy Des 5 also expects future occupiers to have acceptable levels of amenity.

It is acknowledged that the two main bedrooms will be located at the lower ground floor level of the property. However, these rooms will both have large double windows which will permit adequate levels of sunlight/daylight to enter these rooms. It is also acknowledged that there are many other examples of lower ground floor rooms nearby within the properties along Fettes Row and Cumberland Street which have quite restricted access to sunlight/daylight.

The ground floor bedroom/study to the rear shall have a large window, albeit obscured, whilst the first floor room shall have two large south facing windows and a selection of rooflights. Views will be quite limited but this has to be expected in a built up area such as this.

The Edinburgh Design guidance establishes minimum floor space standards for new residential properties. These are, 66 square metres for a two bedroomed property. The proposed property exceeds these requirements.

LDP policy Hou 3 (Private Green Space) states that planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents. It is acknowledged that mews properties traditionally either had no or minimal garden grounds. This is part of the character of these buildings. In this instance, however, the proposed property will have a rear garden of approximately 4.5 metres depth and 8.2 metres width. This will be adequate greenspace for future residents.

#### g) Road Safety and parking

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 application was assessed by the Roads Authority. The application proposes one off street car parking space, within the garage, which is acceptable. The removal of the existing car parking site helps promote the Council's policies in terms of reducing traffic movements and encouraging active travel. The proposed property has a large hall and a secure garage in which secure cycle storage could be provided.

The proposal complies with LDP policy Tra 2 and Tra3.

#### h) Flooding

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

Flood Planning was consulted as part of the assessment of the application. It confirmed that the site does not fall within an area at risk of flooding. A Surface Water Management Plan was however requested. This was submitted and was assessed by Flood Planning. Flood Planning requested that the applicant confirm that Scottish Water accept the proposed surface water discharge to the combined system. This confirmation has not yet been received. As the consent of Scottish Water is a separate statutory regime outwith the control of the planning authority, this requirement has been added as an informative.

The proposal complies with LDP policy Env 21.

#### i) Trees

LDP policy Env 12 (Tree Protection) states that development will not be permitted if likely to have a damaging impact upon a tree covered by a tree preservation order or worthy of merit.

There is a selection of trees which are located directly around the site. The applicant has submitted an arboricultural tree report which was assessed by the Council's tree officer. The tree report states that no roots of nearby trees shall be harmed. It does state that some pruning of the branches of nearby trees will be required but that this will not harm the trees. As the nearby trees are located within the defined conservation area, permission will be required from the planning authority for any works to these trees. The proposal will not harm the trees worthy of retention.

The proposal complies with LDP policy Env 12.

## i) Public Comments

### **Material Comments - Objections:**

- impact on listed buildings and their setting. This is addressed in section 3.3 b)
- the use of zinc for the walls and roof is inappropriate for a building within the defined conservation area and within the World Heritage Site. This has been addressed in section 3.3 c and d)
- the design which has windows to the rear is inappropriate. This has been addressed in sections 3.3 c) and d)
- loss of privacy and overshadowing. This is addressed in section 3.3 e)
- loss of immediate views. This is addressed in section 3.3 e)
- impact on trees. This is addressed in section 3.3 i)

### **Material Comments - Support**

- will enhance the conservation area and the lane. This is addressed in section 3.3 c)
- good to see the existing wall being retained and incorporated. This is addressed in section 3.3 c)

### **Neutral Comments**

- potential harm to nearby trees. This is addressed in section 3.3 i)

### **Non Material Objections**

- potential damage to perimeter wall and potential subsidence. This will be addressed by the required Building Warrant
- impact of noise and disruption throughout build. This is not a material planning consideration.
- loss of view. This is not a material planning consideration.
- the development would set an undesirable precedent for mews properties with rear windows. Every application is determined on its own individual merit.
- hours of construction should be restricted. This is not a material planning consideration and is controlled by different legislation.

## **Conclusion**

Provided a condition is applied to the consent stating that the zinc clad roof and the zinc proposed to the rear wall of the building is unacceptable, and is not approved, the development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area. The proposal will also comply with the adopted Edinburgh Local Development Plan and will not damage the Outstanding Universal Value of the Edinburgh World Heritage Site. The proposal is acceptable in this location and is of an appropriate scale, form and design. The proposal will have no material impact upon the amenity of neighbouring residents and will provide an adequate residential environment for future occupants.

There are no material planning considerations which outweigh this conclusion.

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

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

#### **Conditions:-**

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Notwithstanding the planning permission hereby granted, permission is not given for the proposed zinc roof covering or the element of zinc cladding shown to the rear wall of the development. Details of a more appropriate roof covering and wall finish shall be submitted for the approval of the Planning Authority within 2 months of the date of this consent.
3. 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.

4. Prior to work commencing on site, further details of the proposed obscure glazing to be utilised within the windows of the property shall be submitted for the written approval of the planning authority.
5. No trees which overhang the application site shall be lopped, topped, pruned or felled without the approval of the Planning Authority.
6. 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.
7. 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.
8. Further details of the construction method of the new mews building in relation to the existing front and side stone walls shall be submitted for the approval of the Planning Authority prior to the commencement of development.

**Reasons:-**

1. In the interests of amenity.
2. To preserve or enhance the special character or appearance of the conservation area.
3. To ensure the safety of future residents.
4. In the interests of amenity.
5. In order to ensure the protection of the nearby trees.
6. To protect the trees near to the site.
7. To protect the archaeological interest of the site.
8. To ensure any listed walls are retained as part of the development.



## **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 Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A - New Build);
5. Prior to works commencing on site confirmation that Scottish Water will accept the proposed surface water discharge to the combined system shall be submitted to the planning authority.

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

The application received 8 objection comments, 1 neutral letter of comment and 1 support comment. The points raised are addressed in section 3.3 of this report.

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

**Date registered** 14 September 2020

**Drawing numbers/Scheme** 01-24,

Scheme 1

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

Contact: Robert McIntosh, Planning Officer  
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## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

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

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

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

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

### **Other Relevant policy guidance**

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

# Appendix 1

## **Application for Planning Permission 20/03874/FUL At 12A Cumberland Street North East Lane, Edinburgh, Erection of mews house.**

### **Consultations**

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#### **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 Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A - New Build);*

*Note:*

- The proposed single car parking space proposed complies with the current parking standards (1 space per residential unit);*
- The proposed development results in a net reduction in car parking, this is considered acceptable*

#### **Archaeologist**

*The site occurs at the core of Edinburgh's 18th century New Town, occupying the rear of 12 Fettes Row, part of a B-listed row of Georgian Townhouses. These tenements designed by Thomas Brown in 1821 though earlier maps such as those by Ainslie 1804 and Kirkwood 1821, reflect the earlier masterplan for the site which formed part of the 1st planned extension of the New Town. The original plans indicate provision for an earlier mews building on this site, however this was never constructed, as a result the site has remained undeveloped garden ground until recently and its current use as a car-park.*

*This application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV4, ENV6, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative*

*It is welcomed that the proposals will retain the existing listed garden wall fronting onto the Lane. The site has remained undeveloped since the construction of Fettes Row c.1821. As such the site could contain information regarding the construction and development of the garden areas Associated with these Georgian tenements, which would be removed by the construction of the new mews. Overall this impact is considered to have a low archaeological significance however it is recommended that an appropriate programme of archaeological excavation is undertaken prior to/during development in order to fully excavate, record and analysis any surviving archaeological remains.*

*It is recommended that the following condition be attached to any permission 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 must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

## **Environmental Protection**

*I refer to the above and would advise that Environmental Protection has no objections to the application subject to the condition below.*

*The site is situated between two gardens with residential properties to the north and south, further west and east.*

*The site should be assessed for contamination to ensure that it is made safe for the proposed end use. In this regard, a condition is recommended below.*

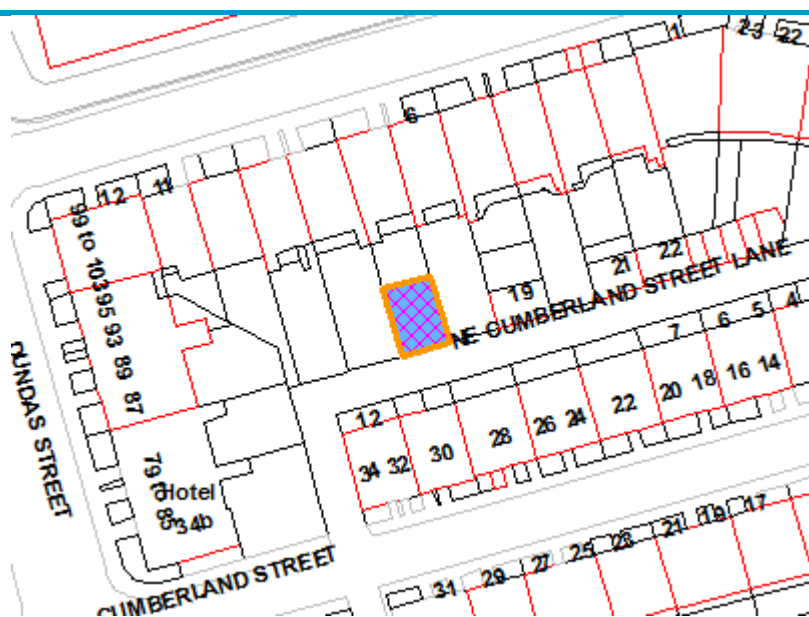
*Therefore, Environmental Protection offers no objections to the proposal subject to the following condition:*

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

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

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

## Location Plan



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## Development Management Sub Committee

**Wednesday 19 May 2021**

**Application for Listed Building Consent 20/03873/LBC  
at 12A Cumberland Street North East Lane, Edinburgh.  
Erection of a mews building.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

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Provided a condition is applied to the consent stating that the zinc clad roof and the zinc proposed to the rear wall of the building is not approved, the development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

### Links

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[Policies and guidance for this application](#)

LDPP, LEN03, LEN06, NSG, NSLBCA, HES, HESSET, OTH, CRPNEW,

# Report

## **Application for Listed Building Consent 20/03873/LBC at 12A Cumberland Street North East Lane, Edinburgh. Erection of a mews building.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is located on the west side of Cumberland Street North East Lane and to the rear of tenement properties in Fettes Row. The site comprises a quite large car parking area built on former garden ground to the rear of Fettes Row. The site is raised from the garden area to the rear and is separated by a retaining wall.

The properties in Fettes Row are listed category B, and the tenements were designed by Thomas Brown, 1821. They were listed on the 15 July 1965 (LB Ref 25181 74670).

To the south and opposite the site lie category B listed tenement properties in Cumberland Street with small private garden areas onto the lane. Three modern mews dwellings have already been constructed along the lane and a row of modern garages lie to the eastern end of the lane. The surrounding uses are predominantly residential.

The site is located within the World Heritage Site.

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

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

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

The application is for the erection of a three-storey mews dwelling (two storey from the lane). This will be built off the listed walls to the front and side and so requires listed building consent.

The proposed mews property will have 2 bedrooms and a study/bedroom. It is traditional in form with contemporary detailing. The mews will measure approximately 8.6 metres in width by 6.5 metres in depth.

It will have a ridge height of approximately 6.7 metres and an eaves height of 4.8 metres at the lane and a ridge height of approximately 9.2 metres and an eaves height of 7.4 metres taken from the rear garden of the property

The two main bedrooms will be on the lower ground floor whilst a study/bedroom and garage will be on the ground floor level and a kitchen, dining room and sitting room will be at first floor level. The proposed height, depth and width of the mews will be broadly similar to that of the other mews buildings along Cumberland Street North East Lane.

The building will be finished in natural stone, hardwood cladding and is shown to have a zinc roof. The principal elevation will incorporate part of the existing stone walls which run along the front boundary of the site. It will have grey aluminium framed windows as well as grey rooflights on the front and rear elevation.

### Supporting Statement

The agent has provided a Design Statement as part of the submission documents. This document is available to view on the Planning and Building Standards Online Services.

## **3.2 Determining Issues**

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

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 and setting of the listed building;
- b) the proposal preserves or enhances the character and appearance of the conservation area and
- c) comments raised have been addressed.

#### a) Character and Setting of listed buildings

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

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

LDP policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting 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.

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

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Boundaries states walls, fences and other boundary treatments form important elements in defining the character of historic buildings, conservation areas and designed landscapes.

In terms of setting, there are a number of mews properties already present to the rear of the principal buildings on Fettes Row and Cumberland Street. The setting of these buildings from the lane is also compromised by modern flat roof garages and the quite large open car parking area on this site. Large elements of the original boundary walls have also been lost to these later developments.

The existing site is utilised as a raised red gravel car parking area which is of no architectural or landscape quality. The proposed mews structure seeks to improve the quality and visual amenity of the lane whilst maintaining the sense of enclosure of the rear gardens and maintaining an appropriate area of garden ground for the houses on Fettes Row. The proposed mews property is in keeping with the other existing mews structures within the lane. The replacement of the existing parking area with a suitably designed mews building will enhance the setting of the surrounding listed buildings.

The new mews building is built off the boundary wall to the lane and the side walls which delineate the plot. The existing opening in the wall will be largely re-used for the garage access and a new window and door will be formed. This has been sensitively done so that the new and old integrate to form a cohesive building.

The historic fabric will be retained and re-used without any damage and the special interest of the listed walls will be retained.

The application complies with LDP policies Env 3 and Env 4 and the relevant Historic Environment Scotland Managing Change in the Historic Environment guidance notes.

#### b) Impact on Conservation Area

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

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

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

The New Town Conservation Area Character Appraisal identifies the key characteristics of this part of the New Town as:

*"The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, contributes significantly to the character of the area. There is a standard palette of traditional building materials including blonde sandstone, timber windows and pitched slated roofs".*

In relation to mews properties it states *They are usually one and a half storeys high, with a carriage entrance and sometimes a hayloft, both on the lane side. They were usually built with a formal high quality design facing the house and an informal rubble elevation facing the lane of the mews.*

The existing car parking area on the site is unattractive. Its replacement with a high-quality new mews building has the potential to enhance the character and appearance of the conservation area.

The envelope, traditional form and construction materials of the proposed mews generally reflects the type of buildings that commonly occupy the rear garden areas of Georgian terraced buildings in the Second New Town, which is a significant constituent area of the World Heritage Site.

The principle of mews development has already been established in this particular part of the lane. Other mews structures also appear to be historically evident along Cumberland Street South East Lane and Cumberland Street South West Lane.

Given the subdivision of most of the garden grounds to the rear of this part of Fettes Row and the level of existing development within these plots, the development of a mews building within this site is compatible with the character of the area.

The proposed height and envelope of the proposal broadly matches that of the other mews buildings within the lane and the proposed dimensions are appropriate in this particular location, given the length of the original garden plots. The retention and re-use of the boundary walls ensures the new mews building integrates well with the historic context.

With regards to design, the proposed mews is largely of high-quality traditional mews form with sympathetic contemporary detailing in traditional materials. This will complement the character and appearance of the New Town Conservation Area in which good quality modern buildings are encouraged. The formal symmetrical rear facade proposed facing the listed terrace on Fettes Row was a common approach to New Town mews design and is acceptable. The proposed traditional materials of natural stone, slate and timber are also in keeping with the historic palette of the area.

However, it is proposed that the development will have a zinc roof and an element of zinc to the proposals rear wall. Zinc is not a traditional material utilised on the walls or roofs of mews properties. The use of zinc for the wall and roof also does not conform with the New Town Conservation Area Character Appraisal. A condition has been applied that states that the element of zinc proposed to the rear wall of the development and the zinc roof are not approved and that more appropriate materials should be submitted for the written approval of the planning authority within 2 months of the consent being granted.

Overall, if the element of zinc proposed for the external rear wall and the proposed zinc covered roof was replaced with more suitable materials, then the new building will be compatible with the character of the conservation area and can be viewed overall as a positive enhancement.

The site is only largely visible from the lane and surrounding residential tenements. The proposal will improve the visual amenity of the lane and will therefore enhance the appearance of this part of the New Town Conservation Area.

In summary, the proposed mews building will both preserve and enhance the character and appearance of the conservation area through the replacement of the unattractive car parking area with a new traditional style structure of appropriate scale, and design. Provided a condition is applied to the consent stating that the element of zinc proposed for the external rear wall of the proposal and the proposed zinc roof is not approved, the proposal complies with LDP policies Des 3, Des 4 and Env 6.

### c) Public Comments

#### **Material Comments - Objections:**

- impact on setting of listed building. This is addressed in section 3.3 a)
- use of zinc is inappropriate. This has been addressed in section 3.3 b)
- the rear window layout is inappropriate for the conservation area. This has been addressed in section 3.3 b)

## **Non Material Objections**

- overshadowing. This is not a material consideration in the assessment of an application for listed building consent. This has however been assessed in the concurrent application for Planning permission)
- loss of sunlight/daylight. This is not a material consideration in the assessment of an application for listed building consent. This has however been assessed in the concurrent application for Planning permission)
- loss of privacy. This is not a material consideration in the assessment of an application for listed building consent. This has however been assessed in the concurrent application for Planning permission)
- impact upon nearby trees. This is not a material consideration in the assessment of an application for listed building consent. This has however been assessed in the concurrent application for Planning permission)
- potential damage to perimeter wall and potential subsidence. This will be addressed by the required Building Warrant
- impact of noise and disruption throughout build. This is not a material planning consideration.
- loss of view. This is not a material consideration in the assessment of an application for listed building consent.
- the development would set an undesirable precedent for muse properties with rear windows. Every application is determined on its own merit.
- lack of access for construction vehicles. This is not a material consideration in the assessment of an application for listed building consent. This has however been assessed in the concurrent application for Planning permission)
- other mews properties are used as air bnb properties with resultant noise issues. This is not a material consideration in the assessment of an application for listed building consent).

## **Conclusion**

Provided a condition is applied to the consent stating that the zinc clad roof and the zinc proposed to the rear wall of the building is not approved, the development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

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

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

#### **Conditions: -**

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Notwithstanding the listed building consent hereby granted, permission is not given for the proposed zinc roof covering or the element of zinc cladding shown to the rear wall of the development. Details of a more appropriate roof covering, and wall finish shall be submitted for the approval of the Planning Authority within 2 months of the date of this consent.
3. Further details of the construction method of the new mews building in relation to the existing front and side stone walls shall be submitted for the approval of the Planning Authority prior to the commencement of the works.

#### **Reasons: -**

1. In the interests of amenity.
2. To preserve or enhance the special character or appearance of the conservation area.
3. To ensure any listed walls are retained as part of the works.

#### **Informatives :-**

It should be noted that:

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



## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

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

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

**Date registered** 14 September 2020

**Drawing numbers/Scheme** 01-24,

Scheme 1

**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**

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### **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.

## **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.

## **Other Relevant policy guidance**

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

# Appendix 1

## Application for Listed Building Consent 20/03873/LBC At 12A Cumberland Street North East Lane, Edinburgh, Erection of a mews building.

### Consultations

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#### Historic Environment Scotland

*We note the principle of mews housing in this lane has been agreed previously. In this case we welcome the approach to retain the historic listed boundary walling. Although not specific to the listed building consent, we also appreciate the design approach which*

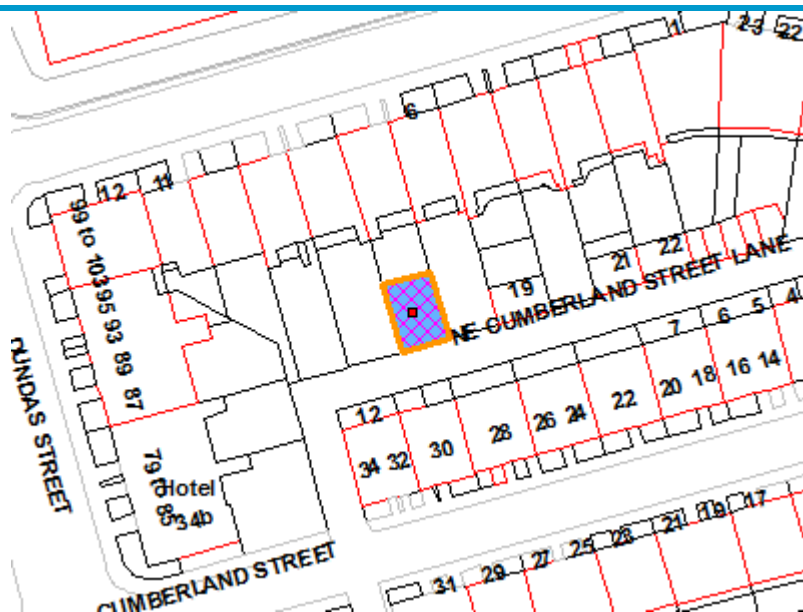
*has a more formal, symmetrical 'rear' façade facing the listed terrace house on Fettes Row, a common approach to New Town mews design.*

*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.*

### Location Plan

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## Development Management Sub Committee

**Wednesday 19 May 2021**

**Application for Planning Permission 19/06157/FUL  
at 41 & 43 Lanark Road, Edinburgh, EH14 1TL  
Change of use from public house and ancillary property to  
form short stay commercial visitor accommodation and  
associated alterations (in retrospect).**

**Item number**

**Report number**

**Wards**

B09 - Fountainbridge/Craiglockhart

### Summary

The change of use to short term commercial visitor accommodation is acceptable in principle in this location and will not harm the special interest of the listed building, provided the UPVC windows are removed. It will not result in an unreasonable loss of amenity for neighbouring residential properties or raise any transport concerns. The proposal complies with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

### Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES12, LEN03, LEN04, LEN21, LHOU07, LTRA02, LTRA03, LTRA04, NSG, NSLBCA, HES, HESINT, HESROF, HESSET, HESUSE,

# Report

## **Application for Planning Permission 19/06157/FUL at 41 & 43 Lanark Road, Edinburgh, EH14 1TL. Change of use from public house and ancillary property to form short stay commercial visitor accommodation and associated alterations (in retrospect).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site consists of a mid-nineteenth century two storey former public house constructed from whitewashed rubble stone. The site also encompasses a separate outbuilding situated within the rear courtyard area.

The main building can be accessed from the front door of the building or through a private side door which leads to a private courtyard to the rear with stairs leading up. The outbuilding to the rear is also accessed through this private side door and through the private courtyard.

The surrounding area has a mixed residential/commercial character encompassing flatted properties and various industrial and commercial uses.

The premises are a category B listed building (listing date: 12 December 1974, reference: LB30121).

#### **2.2 Site History**

28 November 2018 - Planning permission granted for change of use from public house and ancillary property to residential property and alterations to existing residential property (as amended) (Application number: 18/07895/FUL).

28 November 2018 - Listed building consent granted for alterations for change of use from public house to residential property and alterations to existing residential flat above (as amended) (Application number: 18/07896/LBC).

3 September 2019 - Listed building consent granted for new window and door arrangement at rear outshoot and formation of new gas meter housing by removal of existing window (Application number: 19/03213/LBC)

27 December 2019 - Application pending for internal and external alterations to building (in retrospect) (Application number 19/06158/LBC).

## **Main report**

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

The application proposes the change of use of the existing public house and outbuilding (sui generis) to a short-term holiday/commercial visitor accommodation (SCVA). This is also a sui generis use. Twelve studio apartments are being formed.

It is understood that the SCVA had been operational since August 2019 although this has stopped since the pandemic.

Internally, the existing, largely non original partition walls have been removed and new walls have been installed. Externally 2 large new rooflights have been installed to the rear, a new, small roof terrace has been installed and the windows of the main building and the outbuilding have been replaced with windows which are of a sash and case style but which are constructed from UPVC.

### **3.2 Determining Issues**

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

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

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- a) the proposal is acceptable in principle;
- b) the development has special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest;
- c) the form and design of the proposal is acceptable
- d) the development will have a materially detrimental effect on the living conditions of nearby residents;
- e) the development raises any issues in respect of car and cycle parking and road safety;

- f) other material planning considerations have been addressed and
- g) comments raised have been addressed.

#### a) Principle of the Proposal

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP). It should be noted that the LDP does not include any policies against the loss of public houses.

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

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

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

The guidance states that proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area and proximity to nearby residents.

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. These appeals are material planning considerations. The main determining issues in these cases relate to the following:

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

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



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

The main building was previously utilised as a public house with residential accommodation located above and the outbuilding was used as ancillary storage for the pub with accommodation above. The main building now has ten SCVA rooms and the outbuilding to the rear, two SCVA rooms. The main building to the front is sited directly on Lanark Road and is near to the junction of Inglis Green Road. These are both busy arterial roads. The main building and outbuilding are both privately accessed. The directly surrounding uses are a mixture of business and commercial. Whilst there are some residential properties, these are located further away.

Based on the criteria established above, the proposal is acceptable in principle.

#### b) Impact on the Listed Building

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

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

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

#### *Use and adaptation*

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *"for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. The listed buildings in Scotland reflect a wide range of our history and culture, they contribute to our well- being culturally, socially and economically. We can't have these benefits without caring for these buildings. We need to make sure they have a long term future if we want to benefit from them in the long term"*

*"A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm. Once a building is empty or underused its long term future is immediately at risk"*

The property was previously utilised as a public house with residential accommodation above and the outbuilding to the rear utilised as ancillary storage for the pub with accommodation above. The pub has however been closed for a number of years. A suitable use for the property must now be found.

Historic Environment Scotland's guidance note on the use and adaptability of listed buildings explains that the process of converting a building will have some impact on a building's special interest, regardless of how well it is handled.

### *Interior*

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Interiors states that *"Alteration to a historic building should protect its character. In general, the principal spaces in a building are more sensitive to change as these are the spaces that normally make the most significant contribution to its character"*

The building had previously been subject to a high degree of intervention in the past when it had been utilised as a public house. The ground floor was mainly open plan whilst a modern layout was also present in the upstairs level which was utilised for residential purposes. Overall, the interior was in a poor state of repair limiting the historical fabric that could have been retained.

The works which have been carried out have been done relatively sensitively, with all kitchen units being kept away from windows. It is noted that a dividing wall has been constructed between a window at the front elevation of the property. However, the dividing wall is very narrow, it is sited to an upper level window and is disguised to a degree by the central glazing bar of the sash and case style windows. On balance, the interior works are acceptable.

### *Roof*

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: Roofs states that *"Alterations and repairs to roofs should protect the character of the listed building. The contribution of the roof to that character should therefore be understood before considering how to alter the building"*

*"Some areas of a roof will generally be more sensitive to change than others: alterations to subsidiary elevations are likely to have less visual impact on the character of a building".*

*"The addition of new features to principal or prominent roof slopes should generally be avoided. New dormers and roof lights should be appropriately designed and located with care".*

Two large rooflights have been installed to the rear roof of the main listed building. It is noted that the roof already had a historic rooflight present. Whilst it is acknowledged that the rooflights are large, they are dark framed to blend in with the slate of the roof and have a dividing bar to break up the element of glass present.

They are also on a relatively private elevation and are therefore not overly noticeable. The roof at the principal elevation of the property remains untouched.

The rooflights are not sited on a principal or prominent roof slope and are acceptable.

There is a small outshot to the rear of the main building. This outshot has been subject to a high degree of alteration in the past including recent planning permission (19/03213/LBC) for the installation of a new window and door as part of its conversion into a plant room. Previously this outshot had a small element of mono pitched roof. This has been removed and replaced with a roof terrace. The new terrace is small and has black metal safety railings present around it.

The element of roof which has been removed had very little contribution to the character of the building. The element of roof was small, not of special interest and was on a secondary elevation. The roof terrace is acceptable.

### *Windows and doors*

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: Windows states that *"Generally, replacement windows should seek to match the original windows in design, form, fixing, method of opening and materials. In replacing sash windows, materials other than timber, e.g. uPVC, will rarely be acceptable. Softwood is traditionally used, now often treated to improve durability"*

It is noted that the plans approved under a previous application for listed building consent at the site (18/07895/LBC) showed that the existing largely timber windows were going to be replaced with timber windows on a like for like replacement, albeit with slim line double glazing. However, whilst the new windows in the property are of a traditional sash and case style they are actually formed from Upvc.

The new Upvc windows are not acceptable within this B listed building and this element of the works is contrary to LDP policy Env 4, Historic Environment Scotland's guidance on Managing Change in the Historic Environment: Windows and Edinburgh's Listed Building and Conservation Area Guidance. A condition has been applied to the consent stating that the new Upvc windows are not approved and that they should be removed and replaced with suitable timber sash and case windows within 6 months of the application being determined.

### *Setting*

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that *"setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance."*

*Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes".*

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

The alterations to the building, apart from the Upvc windows which are unacceptable, will not impact upon the way the building is understood, appreciated or experienced.

The majority of the works which have been carried out to the buildings generally complies with Historic Environment Scotland's Guidance Notes on Managing Change in the Historic Environment, LDP policy Env 4 and associated supplementary guidance. The Upvc windows do not comply LDP policy Env 4, Historic Environment Scotland's guidance on Managing Change in the Historic Environment: Windows and Edinburgh's Listed Building and Conservation Area Guidance.

#### 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 to a sense of place. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the appearance of the area around it, especially where this has special importance.

LDP policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which in their choice of materials are compatible with the character of the existing building and will not be detrimental to neighbourhood amenity and character.

The majority of the works which have been carried out are not damaging to the appearance of the area around it and are compatible with the character of the building. They therefore comply with LDP policy Des 1 and Des 12. However, the Upvc windows are in their materials not compatible with the character of the existing building and are not in compliance with LDP policy Des 1 and Des 12.

#### d) Impact on residential amenity

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), restricts developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents.

The site is located on Lanark Road. This part of Lanark road is a busy location in terms of traffic and pedestrian movement as it is a main arterial route in and out of the city. The building currently has largely commercial uses directly around it.

The entrances to the main building and outbuilding are not shared with any other residential properties. Any occupants of the buildings would therefore not come into contact with residents living nearby.

The site is not located on a quiet residential street. Instead it is located on a busy route in and out of the city and has largely non-residential uses nearby. Given the above and the self-contained nature of the site, the SCVA proposed would not result in an unacceptable impact on existing levels of residential amenity. Environmental Protection was consulted on the application and offered no objection with regards to the proposals potential impact upon amenity of nearby residents.

The proposal complies LDP Policy Hou 7.

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 SCVA will largely utilise the windows that already exist within the building. It is further noted that planning permission was granted for the change of use of the building to residential use under planning application 18/07895/FUL. The only new openings proposed are rooflights to the rear of the main building. These rooflights will overlook the courtyard of the application site and then the outbuilding. No material loss of privacy shall occur. The first floor of the main building to the rear has a small roof terrace. However, the raised terrace is well screened by existing non-residential buildings. The terrace does face towards a site which currently contains a studio and a garage. However, the land does have an extant consent for the formation of student housing.

The proposal complies with LDP policy Des 12 in terms of privacy.

#### e) Parking and Road Safety

LDP Policy Tra 2, (Private Car Parking), and LDP Policy Tra 3, (Private Cycle Parking), state that planning permission will be granted for development where proposed car and cycle parking provision complies with and does not exceed the parking levels set out in the Non-statutory Edinburgh Design Guidance.

The guidance does not define car or cycle parking standards for a SCVA. The Roads Authority was consulted as part of the assessment of the application and confirmed that it had no objections. It did advise that 12 secure cycle spaces should be constructed on the site. This has been placed as an informative. The site also benefits from easy access to nearby public transport routes.

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

#### f) Other Material Planning Considerations

##### Flooding

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

The site falls within an area which is at risk of flooding. A Flood Risk Assessment (FRA) was submitted as part of the application. The FRA was reviewed by the Council's Flood

Planning department and by the Scottish Environmental Protection Agency. No objections were raised.

The proposal complies with LDP policy Env 21.

#### g) Public Comments

##### **Material Comments - Objections:**

- Impact on the listed building, removal of internal fabrics, lack of information regarding materials proposed and no survey to justify the replacement of the windows. This is addressed in section 3.3 b)
- Unauthorised use - This planning application has been submitted to formalise the use.

##### **Non Material Comments - Objections:**

- The proposal is overdevelopment of the site- Space standards are not a material consideration in assessment of SCVAs.

#### Conclusion

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is acceptable in principle in this location and provided the Upvc windows are removed and are suitably replaced, the development will not harm the special interest of the listed building. It will not result in an unreasonable loss of amenity for neighbouring residential properties or any transport concerns. The proposal complies with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

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

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

##### **Conditions :-**

1. Notwithstanding the planning permission hereby granted, permission is not given for the UPVC windows which are currently present within the B listed building. The UPVC windows shall be removed and shall be replaced with suitable sash and case timber windows, within 6 months of the consent being granted. Details of the new timber sash and case windows shall be submitted for the approval of the Planning Authority within 2 months of the date of this consent.

## **Reasons:-**

1. To protect the special interest of the listed building.

## **Informatives**

It should be noted that:

1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
2. The applicant should consider providing 12 cycle parking spaces in a secure and under cover location.

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

Three objection comments were received. A full assessment of the matters raised can be found in section 3.3 of the main report.

## Background reading/external references

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



## **Statutory Development**

### **Plan Provision**

**Date registered** 28 January 2020

**Drawing numbers/Scheme** 01,02,03,

Scheme 1

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

Contact: Robert McIntosh, Planning Officer  
E-mail: [robert.mcintosh@edinburgh.gov.uk](mailto:robert.mcintosh@edinburgh.gov.uk)

## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Managing Change in the Historic Environment: Roofs sets out Government guidance on the principles that apply to altering the roofs 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.

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

# Appendix 1

## **Application for Planning Permission 19/06157/FUL At 41 And 43 Lanark Road, Edinburgh, EH14 1TL Change of use from public house and ancillary property to form short stay commercial visitor accommodation and associated alterations (in retrospect).**

### **Consultations**

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#### **Edinburgh Airport**

*The proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.*

*We therefore have no objection to this proposal.*

#### **Environmental Protection**

*The proposed development is located at 41- 43 Lanark Road in a former Public House building. Immediately to the north-east is located a vacant second-hand car dealer and vehicle repair garage. The site is current subject to a planning application to re-develop the site for student accommodation. To the south and structurally attached to the building is a former Church building. It is believed it is used for storage and distribution with office accommodation (18/09049/FUL). Further south is located the former church manse which has residential use.*

*To the west is located an Ironmonger shop and further west a barbers. Part of this building has applied to change the use from an office to residential accommodation. To the north on the other side of the road approximately 40m distance is located a 3-storey flatted housing development.*

*The studio has been operating since 7 Aug 2019, however no complaints have been received by Environmental Protection. There are no residential properties nearby that are likely to be affected by noise from the serviced apartments. Therefore, Environmental Protection has no objections to this proposal.*

#### **Roads Authority**

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

- 1. The applicant should be required to provide 12 cycle parking spaces in a secure and under cover location;*
- 2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of public transport travel passes,*

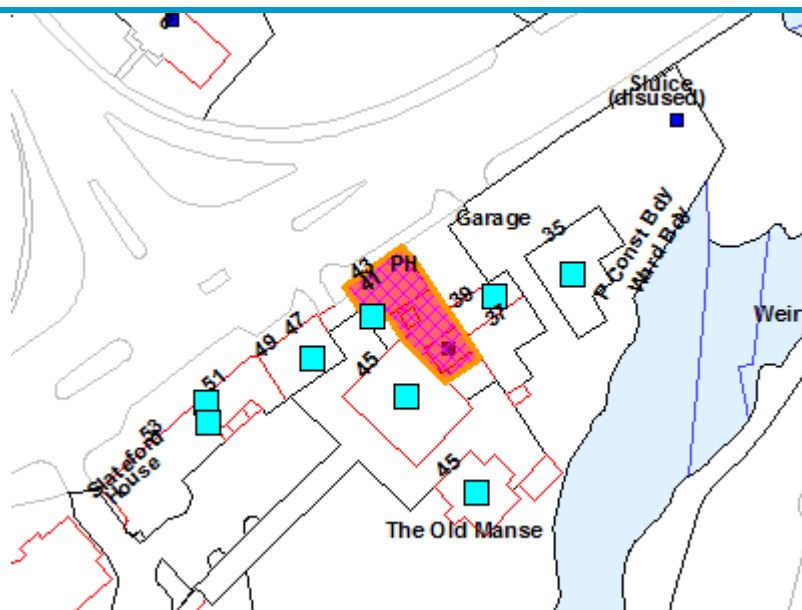
a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

Note:

Zero car parking is considered acceptable.

## Location Plan

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END

## Development Management Sub Committee

**Wednesday 19 May 2021**

**Application for Listed Building Consent 19/06158/LBC  
at 41 And 43 Lanark Road, Edinburgh, EH14 1TL.  
Internal and external alterations to buildings (in retrospect).**

**Item number**

**Report number**

**Wards**

B09 - Fountainbridge/Craiglockhart

### Summary

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The internal alterations and the majority of the external alterations comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed buildings. However, the UPVC windows do not comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they do not preserve the character and setting of the listed buildings and diminish the special interest of the listed building.

### Links

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[Policies and guidance for this application](#)

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

# Report

## **Application for Listed Building Consent 19/06158/LBC at 41 And 43 Lanark Road, Edinburgh, EH14 1TL. Internal and external alterations to buildings (in retrospect).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site consists of a mid-nineteenth century two storey former public house constructed from whitewashed rubble stone. The site also encompasses a separate outbuilding situated within the rear courtyard area.

The main building can be accessed from the front door of the building or through a private side door which leads to a private courtyard to the rear with stairs leading up. The outbuilding to the rear is also accessed through this private side door and through the private courtyard.

The surrounding area has a mixed residential/commercial character encompassing flatted properties and various industrial and commercial uses.

The premises are a category B listed building (listing date: 12 December 1974, reference: LB30121).

#### **2.2 Site History**

28 November 2018 - Planning permission granted for change of use from public house and ancillary property to residential property and alterations to existing residential property (as amended) (Application number: 18/07895/FUL).

28 November 2018 - Listed building consent granted for alterations for change of use from public house to residential property and alterations to existing residential flat above (as amended) (Application number: 18/07896/LBC).

3 September 2019 - Listed building consent granted for new window and door arrangement at rear outshoot and formation of new gas meter housing by removal of existing window (Application number: 19/03213/LBC).

28 January 2020 - Application pending for change of use from public house and ancillary property to form short stay commercial visitor accommodation and associated alterations (in retrospect) (Application number: 19/06157/FUL).

## Main report

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### 3.1 Description of the Proposal

The application is for listed building consent for internal and external alterations associated with the change of use from public house and residential property to form short-term holiday/commercial visitor accommodation (SCVA), (in retrospect).

Internally, the existing, largely non original partition walls have been removed and new walls have been installed. Externally, 2 large new rooflights have been installed to the rear, a new, small roof terrace has been installed and the windows of the main building and the outbuilding have been replaced with windows which are of a sash and case style but which are constructed from UPVC.

### 3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) the proposal will preserve the character and setting of the listed building and its special interest;
- b) representations raised have been addressed.

#### a) Character and Setting of the Listed Building

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

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

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

### *Use and adaptation*

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *"for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. The listed buildings in Scotland reflect a wide range of our history and culture, they contribute to our well-being culturally, socially and economically. We can't have these benefits without caring for these buildings. We need to make sure they have a long term future if we want to benefit from them in the long term"*

*"A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm. Once a building is empty or underused its long term future is immediately at risk"*

The property was previously utilised as a public house with residential accommodation above and the outbuilding to the rear utilised as ancillary storage for the pub with accommodation above. The pub has however been closed for a number of years. A suitable use for the property must now be found.

Historic Environment Scotland's guidance note on the use and adaptability of listed buildings explains that the process of converting a building will have some impact on a building's special interest, regardless of how well it is handled.

### *Interior*

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Interiors states that *"Alteration to a historic building should protect its character. In general, the principal spaces in a building are more sensitive to change as these are the spaces that normally make the most significant contribution to its character"*

The Council's Listed Buildings and Conservation Area guidance (LBCA) states *"Where the interior is of particular architectural or historical importance, subdivision will not be permitted. The degree of change to the plan form which may be acceptable will normally be dependent on previous alterations and use"*.

The building had previously been subject to a high degree of intervention in the past when it had been utilised as a public house. The ground floor was mainly open plan whilst a modern layout was also present in the upstairs level which was utilised for residential purposes. Overall the interior was in a poor state of repair limiting the historical fabric that could have been retained.



The works which have been carried out have been done relatively sensitively, with all kitchen units being kept away from windows. It is noted that a dividing wall has been constructed between a window at the front elevation of the property. However, the dividing wall is very narrow, it is sited to an upper level window and is disguised to a degree by the central glazing bar of the sash and case style windows. On balance, the interior works are acceptable.

## Roof

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: Roofs states that *"Alterations and repairs to roofs should protect the character of the listed building. The contribution of the roof to that character should therefore be understood before considering how to alter the building"*

*"Some areas of a roof will generally be more sensitive to change than others: alterations to subsidiary elevations are likely to have less visual impact on the character of a building".*

*"The addition of new features to principal or prominent roof slopes should generally be avoided. New dormers and roof lights should be appropriately designed and located with care".*

The Council's Listed Buildings and Conservation Area guidance (LBCA) states that *"roof lights are almost always the preferred solution instead of dormers, but these will not generally be permitted on roof slopes which are largely unaltered. Where acceptable, roof lights should be of conservation type and should be of an appropriate scale and proportion. The proposed number of roof lights will also be a deciding factor"*.

Two large rooflights have been installed to the rear roof of the main listed building. It is noted that the roof already had a historic rooflight present. Whilst it is acknowledged that the rooflights are large, they are dark framed to blend in with the slate of the roof and have a dividing bar to break up the element of glass present. They are also on a relatively private elevation and are therefore not overly noticeable. The roof at the principal elevation of the property remains untouched.

The rooflights are not sited on a principal or prominent roof slope and are acceptable.

There is a small outshot to the rear of the main building. This outshot has been subject to a high degree of alteration in the past including recent planning permission (19/03213/LBC) for the installation of a new window and door as part of its conversion into a plant room. Previously this outshot had a small element of mono pitched roof. This has been removed and replaced with a roof terrace. The new terrace is small and has black metal safety railings present around it.

The element of roof which has been removed had very little contribution to the character of the building. The element of roof was small, not of special interest and was on a secondary elevation. The roof terrace is acceptable.

## *Windows and doors*

Historic Environment Scotland's Managing Change in the Historic Environment guidance note: Windows states that *"Generally, replacement windows should seek to match the original windows in design, form, fixing, method of opening and materials. In replacing sash windows, materials other than timber, e.g. uPVC, will rarely be acceptable. Softwood is traditionally used, now often treated to improve durability"*

It is noted that the plans approved under a previous application for listed building consent at the site (18/07895/LBC) showed that the existing largely timber windows were going to be replaced with timber windows on a like for like replacement, albeit with slim line double glazing. However, whilst the new windows in the property are of a traditional sash and case style, they are actually formed from Upvc.

The new Upvc windows are not acceptable within this B listed building and this element of the works is contrary to LDP policy Env 4, Historic Environment Scotland's guidance on Managing Change in the Historic Environment: Windows and Edinburgh's Listed Building and Conservation Area Guidance. A condition has been applied to the consent stating that the new Upvc windows are not approved and that they should be removed and replaced with suitable timber sash and case windows within 6 months of the application being determined.

## *Setting*

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that *"setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance."*

*Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes".*

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

The alterations to the building, apart from the Upvc windows which are unacceptable, will not impact upon the way the building is understood, appreciated or experienced.

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

The majority of the works which have been carried out to the buildings generally complies with Historic Environment Scotland's Guidance Notes on Managing Change in the Historic Environment, LDP policy Env 4 and associated supplementary guidance. However, the Upvc windows do not comply LDP policy Env 4, Historic Environment

Scotland's guidance on Managing Change in the Historic Environment: Windows and Edinburgh's Listed Building and Conservation Area Guidance.

#### b) Representations

- No condition report for the previous windows. No details of materials proposed for new windows. - This is addressed in section 3.3 a
- Loss of existing building fabric- This is addressed in section 3.3 a.

### **Conclusion**

The internal alterations and the majority of the external alterations comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed buildings. However, the Upvc windows do not comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they do not preserve the character and setting of the listed buildings and diminish the special interest of the listed building.

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

### **3.4 Conditions/Reasons:**

#### **Conditions: -**

1. Notwithstanding the listed building consent hereby granted, consent is not given for the UPVC windows which are currently present within the B listed building. The UPVC windows shall be removed and shall be replaced with suitable sash and case timber windows, within 6 months of the consent being granted. Details of the replacement timber sash and case windows shall be submitted for the approval of the Planning Authority within 2 months of the date of this consent.

#### **Reasons: -**

1. To protect the special interest of the listed building.

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

One representation was received in relation to the application. The points raised are addressed in section 3.3 of this report.

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

**Date registered** 27 December 2019

**Drawing numbers/Scheme** 01,02,03,

Scheme 1

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

Contact: Robert McIntosh, Planning Officer  
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## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

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

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

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

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

# Appendix 1

## **Application for Listed Building Consent 19/06158/LBC At 41 And 43 Lanark Road, Edinburgh, EH14 1TL Internal and external alterations to buildings (in retrospect).**

### **Consultations**

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#### **Archaeologist**

*Further to your consultation request I would like to make the following comments and recommendations concerning this application for change of use from public house and residential property to form service apartments (in retrospect)*

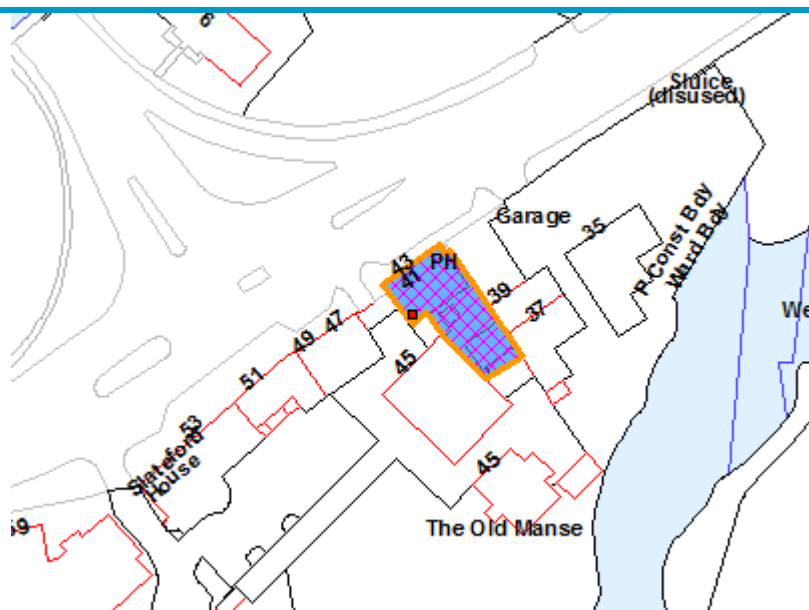
*This historic form public house was the subject to a programme of historic recording during its conversion from a public house in 2019 by Headland Archaeology. Given both the level of archaeological work already undertaken and the retrospective nature of this application it is expected (in this instance) that that no further archaeological impacts will occur.*

#### **Historic Environment Scotland**

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

## Location Plan

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**END**



## Development Management Sub Committee

**Wednesday 19 May 2021**

**Application for Planning Permission 21/00526/FUL  
at 24 Parkgrove Avenue, Edinburgh, EH4 7QJ.  
Erection of dwelling.**

**Item number**

**Report number**

**Wards**

B03 - Drum Brae/Gyle

### Summary

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The proposal is contrary to the Edinburgh Local Development Plan. The proposal would constitute an overdevelopment of the site and will adversely undermine the established residential character and the amenity value of the area. The existing characteristics and features worthy of retention on the site and in the surrounding area have not been identified, incorporated and enhanced through the development's design. There are no material considerations that would outweigh the resultant harm.

### Links

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[Policies and guidance for this application](#)

LDPP, LDES01, LDES03, LDES04, LDES05, LEN12, LEN16, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, NSG, NSGD02,

# Report

## **Application for Planning Permission 21/00526/FUL at 24 Parkgrove Avenue, Edinburgh, EH4 7QJ. Erection of dwelling.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is part of the side garden belonging to 24 Parkgrove Avenue which is the upper villa of a two storey, four-in-a-block stone building. The site is located on a corner at the crossroad with Parkgrove Gardens. A single storey flat roofed garage is located within the garden. The site, excluding the garden area left for No. 24, measures approximately 280sqm. It currently has mature trees and hedging.

The immediate area is characterised by similar style flatted residential properties dating from the 1940s and 60s along with some more modern blocks further to the south. St Kentigern church is opposite the site. Along Parkgrove Gardens are detached, one and a half storey bungalows with gardens to the front and rear.

#### **2.2 Site History**

17 July 2020 - Planning permission refused for the erection of a proposed dwelling within curtilage of 24 Parkgrove Avenue (Application Number: 20/01818/FUL).

### **Main report**

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

The application is for planning permission for the erection of a one and half storey, detached dwelling within the curtilage of 24 Parkgrove Avenue which is to be accessed from Parkgrove Gardens. The new dwelling is to comprise three bedrooms with accommodation within the roof. It is to include a pitched roof with a flat timber cladded dormer on the north facing roof plane. A number of rooflights are proposed. The east elevation is to include a flat roof side addition that will lead onto an east facing private garden space, with a timber fence enclosure.

The external walls are to be finished in smooth white render with new cupa pizarras heavy 3 natural slate for the roof. Anthracite grey UPVC doors and windows are proposed.

It is proposed to remove the trees within the site.

### 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 housing on this site is acceptable;
- b) the proposal is of appropriate scale, form and design, having regards to the spatial characteristics of the surrounding area;
- c) future occupiers will have acceptable levels of amenity;
- d) the proposal will impact on neighbouring amenity;
- e) there are any other material considerations and
- f) representations received 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 dwelling houses. The proposed dwelling would provide further accommodation within the area for families and complies with LDP policy Hou 2.

However, the proposal is not compatible with other policies in the plan and therefore the principle of housing development is not acceptable in this instance.

The proposal does not comply with LDP Policy Hou 1.

## b) Development Scale, Form and Design

LDP Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. Permission will not be granted for proposals that are inappropriate in design or for proposals that would be damaging to the character or appearance of the area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

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

Paragraph 154 of the LDP states *"Where the built environment is of high quality and has a settled townscape character, new development proposals will be expected to have similar characteristics to the surrounding buildings and urban grain"*

LDP Policy Hou 4 (Housing Density) states that the density of a development on a site will be dependent on its characteristics and those of the surrounding area; the need to create an attractive residential environment within the development; the accessibility of the site to public transport; and the need to encourage and support the provision of local facilities necessary to high quality urban living. It goes on to explain that in established residential areas, proposals will not be permitted which would result in unacceptable damage to local character, environmental quality or residential amenity.

Chapter 1.5 of the Edinburgh Design Guidance states that *"The appropriateness of high density housing to a particular site will depend on site context and on the way in which the development addresses the issues of open space (including impacts on landscape character and trees), unit mix, daylight, sunlight, privacy, outlook, house type, car parking requirements, waste management and the design and site layout of the development itself. Density should be a product of design, rather than a determinant of design"*.

The application site lies within an established residential neighbourhood where there is a largely consistent pattern in terms of the size of house plots and layout for detached dwellings in terms of them having smaller gardens to the front and elongated gardens to the rear. The four in a block properties along Parkgrove Avenue also largely follow this pattern. However, some of these flats within these four in a block properties, such as the application site, instead have large side gardens.

It is proposed that a bungalow property be constructed within the side garden of No. 24. The design of buildings in the wider surrounding area is varied. However, the proposed one and a half storey, long and narrow dwelling, will appear incongruous right next to the existing two storey buildings which are directly to the north and west of the site. It is also apparent that the siting and layout of the development fails to respect the development pattern in this area in terms of distance between buildings and boundaries. The footprint of the dwelling and the layout of the garden reads as an overdevelopment of the site and is not consistent with the established ratio of plots in this area.

The proposed north facing elevation of the proposal would be positioned approximately 1.3 metres from the garden boundary to the rear of the site belonging to No. 22 Parkgrove Avenue. The overdevelopment of the plot will be apparent not only to the directly surrounding neighbours but also to those passing the site from public elevations along Parkgrove Avenue. Even with a good degree of screening, it will still be clear to those passing the site that the development does not respect the established spaces between buildings within the area and will appear shoehorned in.

In order to ensure that the privacy of neighbouring dwellings is adequately maintained, all of the rear windows and the rear dormer window proposed will have to be fitted with opaque glazing and provide light to only non habitable spaces within the property. This again clearly highlights that the proposed building will be sited far too close to mutual boundaries and that the proposal is overdevelopment of the site.

There would be a need to remove permitted development rights for this development should it be granted. This is due to the proximity of the development to the neighbouring boundary and the range of permitted development rights available that would result in additional adverse harm to neighbouring amenity at a later date.

The size of the current garden belonging to No. 24 is approximately 360 square metres. This is similar in size to the other flats within the four in a block properties which have side gardens, and the rear gardens of some nearby detached dwellings. Whilst No. 24 does currently have a corner side garden, a degree of privacy is maintained due to its overall size and the element of tree and shrubbery cover that is present.

Chapter 3.3 of the Edinburgh Design Guidance states *"The size of gardens can contribute to the character and attractiveness of an area. Gardens of a similar size to neighbouring gardens are likely to be required in order to preserve the character of the area"*.

Unlike the vast majority of detached properties directly nearby, which have good sized front and rear garden spaces, the proposed property would have a small front garden area, which will likely remain quite open and a side garden of only 73 square metres. This more private side garden area is smaller than the rear gardens of nearby detached dwellings. The layout and orientation of the proposed private garden space is also uncharacteristic for a detached property in this vicinity. Overall, the proposed garden would not provide the same level of privacy, space and utility that is expected from detached dwellings within the area.

The side garden of the proposal would be enclosed by the existing garden wall, fencing and a line of proposed conifer trees. Whilst these trees may in time provide a good degree of privacy to the front garden and principal rooms of the property, they do risk severely impacting upon the levels of sunlight/daylight that the garden and these main rooms will receive.

If the application was approved and the garden subdivided, the existing property, No. 24, would only be left with a side garden of 77 square metres, compared to the approximately 360 square metres of garden ground that the property was originally designed with. It would also be right on the corner/junction of the streets. It should also be noted that a good proportion of this garden will be taken up by the existing access path. The proposed subdivision would leave only approximately 50 square metres of green garden space for the occupiers at No. 24 Parkgrove Avenue which is significantly smaller than that belonging to other neighbouring properties.

This relatively small element of garden ground is also shown to be lined with conifers. Again, whilst this might provide the amenity space with a suitable level of privacy, it is likely to severely limit the amount of sunlight to this area, significantly intrude into the garden space and limit how usable this retained garden area would actually be.

The large corner/side gardens were designed as a feature of these four in a block properties and despite the introduction of development within some of these gardens, like single storey low lying garages and hardstandings, the majority of these gardens have remained relatively undeveloped and they contribute significantly to the character of the surrounding area and its sense of place.

The existing detached garage on the site is relatively small. It is noted that the existing site plan submitted shows that the area to the front and large areas to the side of the garage are entirely hard standing. However, it is apparent from visiting the site that there are actually quite large areas of plants/shrubbery to the front and side areas of the existing garage. Also, whilst an area of the site near the garage has been slabbed, much of the area directly around the garage is only lightly covered in gravel/chippings much of which has begun to return to grass. Overall, the proposal will result in much more of the site being developed and being covered in hardstanding.

The four in a block properties, which have large side facing gardens, are set back from the intersections of Parkgrove Gardens and Parkgrove Drive and even with some structures present within them, still contribute greatly to the sense of openness along these streets and provide an opportunity for quite large trees to grow and biodiversity to flourish.

The properties along Parkgrove Gardens are positioned closer to the road than the four in a block flats and have quite small front gardens which appear increasingly dominated by hardstanding for the off-street parking provision for cars. The fact that the four in a block properties are set further back and have large side gardens help reduce the level of density in the directly surrounding area and helps to break up the increasing dominance of hardstanding with an area of valuable green space.

The proposed dwelling will be constructed much nearer to the front boundary of the site and will be far larger and taller than the existing low lying garage. The plans submitted also indicate that there will be conifer trees planted all the way around the boundary of the site, in order to try and provide a greater degree of privacy to the proposed garden areas. Whilst this will maintain an element of greenery to the site, a long line of conifer trees will result in further enclosure of this relatively open space and will not contribute to the amenity of the area to the same degree as a relatively open plot which has a number of different trees, plants and shrubs present. The openness and greenspace of the site are features worthy of retention.

The plans submitted indicate that there is currently a high wall and some fencing around the boundary of the site. However, the existing boundary wall is actually quite low lying and combined with fencing rises to a height of around 1.5 metres (approximately). It is clear that new areas of fencing around the boundary of the site and within the site have recently been constructed. The site cannot be seen as brownfield land given that it currently forms part of a garden which has a garage on it which is much smaller than the scale of the development proposed.

Whilst currently a side garden, the layout and orientation of the proposed private garden space is uncharacteristic for a detached property in this vicinity and the proposed subdivision would leave No. 24 with a garden that is substantially smaller than that of the other four in a block properties.

The proposed form and design of the development are restricted by the site constraints of the corner plot that forms part of the established design setting for the existing four-in-a-block villas in this area. The proposal fails to draw on the positive characteristics of the area and fails to respect the development layout of the site and the established spaces between buildings. It is clearly overdevelopment of the site.

The proposal is contrary to policies Des 1 and Des 4 of the adopted LDP and the Edinburgh Design Guidance.

### c) Residential Amenity

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

The Edinburgh Design Guidance states that the minimum internal floor area for a three-bedroom unit should not fall below 81 sqm. The proposal exceeds the minimum floorspace standards.

The proposal will provide easy access to the ground floor level and to the master bedroom on the ground floor.

The building will have large south facing windows. Adequate levels of sunlight/daylight should be received, although in the future the proposed conifer trees will have to be adequately pruned to ensure that they will not impact upon light levels to the property. Immediate outlook from the rear of the building will be restricted but these are windows that provide light to non habitable rooms. All habitable rooms shall receive an adequate outlook and will have satisfactory privacy.

The proposal complies with LDP policy Des 5 in terms of providing an adequate level of amenity in terms of noise, sunlight, daylight, privacy and outlook.

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

LDP Policy Hou 3 does not define what the adequate provision of greenspace for future residents of a single new house is. The size of the proposed gardens for the proposed property and size of the garden ground which will remain for No. 24 have been assessed in detail in part (b) of this report.

The proposed new house will have an element of garden ground. It complies with LDP policy Hou 3.

#### d) Neighbouring Amenity

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

In terms of privacy, the proposed north facing dormer is shown to provide light to a shower room and have opaque glazing installed. To the rear of the proposed building, there will also be a window which will provide daylight to a bathroom and another to provide light to a utility room. These windows and doors will also have opaque glazing.

There is an existing boundary hedge that may provide some privacy screening from the proposed windows, but planning cannot condition/control the growth rate or the maintenance of this hedge on the north boundary.

The sectional drawing submitted show that the roof lights proposed to the rear will be set approximately 1.8 metres off the floor level. This should ensure no material loss of privacy from these rooflights.

The windows on the proposed development will not face directly onto opposing windows and this is acceptable.

The height and positioning of the development will not result in loss of daylight to neighbouring windows.

The proposal will result in 6.2 sqm of potential overshadowing to the neighbouring gardens at 22 Parkgrove Avenue. This is a minor infringement in relation to the location of the affected area and the overall size of the neighbouring garden.

The proposal generally complies with LDP policy Des 5.



## e) Other Material Considerations

### *Car and Cycle parking and accessibility*

LPD Policies Tra 2 (Private Car Parking), Tra 3 (Private Cycle Parking) and Tra 4 (Design of Off-Street Car and Cycle Parking) sets out the requirement for private car and cycle parking. The Council's Parking Standards for developments are contained in the Edinburgh Design Guidance.

The application form states that the proposal includes one off-street car parking space and the proposed site plan show that the existing opening from Parkgrove Avenue is to be retained with mono blocked pavers to the front. This would accommodate one off-street car parking space and this complies with the Council's car parking standards.

The site is located quite near to local transport links and has easy access to nearby facilities.

As the proposal includes a private garden space, there is no requirement to provide dedicated cycle parking.

The scale of the development would not increase traffic congestion at the Queensferry Road junction.

The Roads Authority has raised no concerns to the application but if the Development Management Sub Committee were to grant the application, the applicant will be required to contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions on the Parkgrove Gardens approach to the Parkgrove Gardens/Parkgrove Avenue junction as necessary for the development.

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

### *Flooding*

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

The applicant has submitted a Surface Water Management Plan. This was assessed by Flood Planning. It has confirmed that it has no objections to the proposal.

The proposal complies with LDP policy Env 21.

### *Waste*

The drawings show the location of the bin stores within the site and this would be an acceptable arrangement for kerbside collection.

### *Bats*

LDP Policy Env 16 (Species Protection) seeks to safeguard species protected under European or UK law from the effects of development proposals.

The applicant has submitted a bat survey with the application. This was assessed by the Council's biodiversity officer. No objections have been raised.

The proposal complies with policy Env 16 in the LDP.

### *Trees*

LDP Policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order (TPO) or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons.

There are currently a number of trees and established shrubbery within the site. These will be removed. The trees within the site are not protected by a TPO and the site does not lie within a conservation area. Although the trees contribute to the amenity of the area, it is acknowledged that the trees can be removed at any time without the consent of the planning authority.

### *Developer Contributions*

LDP policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision where relevant and where commensurate to the scale of the proposed development.

Due to the size of the development there is no requirement for funds to be provided with regards to school infrastructure.

The proposal does, however, lie within healthcare zone 13 (Parkgrove) as identified within the Developer Contributions and Infrastructure Delivery Guidance. As such a contribution of £105 per dwelling will be required if the application is granted. This could be delivered through a section 69 agreement or an exchange of letters in this instance.

As long as a payment of £105 is received, the proposal complies with LDP policy Del 1.

### g) Representations

#### **Material - objection:**

- Overdevelopment of the site - Addressed in Section 3.3 (b).
- Inappropriate development design and will harm the character of the area - Addressed in Section 3.3 (b).
- Impact on neighbouring amenity in terms of privacy, daylighting and overshadowing - Addressed in Section 3.3 (d).
- Loss of garden space - Addressed in Section 3.3 (b).
- Level of off street parking provided, and parking is under pressure due to existing church activities - Addressed in Section 3.3 (e).
- Impact on road safety - Addressed in Section 3.3 (e).
- Impact on bats/No bat survey provided - Addressed in Section 3.3 (e).
- Contrary to the Council's guidance on amenity - Addressed in Section 3.3 (d).
- Removal of existing tree and planting on the site - Addressed in Section 3.3 (e).
- Flood risk - Addressed in Section 3.3 (e).

- Neighbour notification incorrect - The neighbour notification has been carried out correctly.

### **Non-material - objection**

- Impact on on-street car parking - planning does not control or condition the allocation of on-street parking.
- Health and safety concerns relating potential asbestos in the existing garage - this does not fall within the legislative remit of planning to resolve/address.
- Loss of view as a result of feeling hemmed in - there is no right to a particular view.
- Impact on the value of neighbouring properties - planning does not control/condition fluctuations in the property market.
- Construction of the site may impact on the structural integrity of nearby properties - this is a building control issue and does not fall within the legislative remit of planning.
- Noise and disturbance arising from the demolition and construction works - this does not preclude assessment of the proposal or prevent developments from happening.
- Unwise to plant conifer trees as they can grow 60 feet - The site is an existing garden space where there are already large trees on the site. Planning cannot control/condition how existing domestic gardens are planted as part of this proposal.

### **Material - Support**

- Will improve the visual amenity of the site - Addressed in section 3.3 (b) and (d)
- Appropriate scale, form and design, the surrounding area has a very mixed design and layout - Addressed in section 3.3 (b)
- Will not impact upon neighbouring properties existing levels of sunlight/daylight or privacy - Addressed in section 3.3 (d)
- Will provide a good level of amenity for future residents, south facing private garden, internal space and sunlight/daylight levels - Addressed in section 3.3 (c)
- The development is sustainable and will provide good levels of accessibility - Addressed in section 3.3 (b) and (e)
- It is reuse of a brownfield site - Addressed in section 3.3 (b)
- The site has many of the required facilities very close to it and benefits from good transport links - Addressed in section 3.3 (e)
- The existing garden is too big for a flat, this is a better use- Addressed in section 3.3 (b)

## **Conclusion**

The proposal is contrary to the policies contained in the Edinburgh Local Development Plan. The proposal would constitute an overdevelopment of the site and will adversely undermine the established residential character and the amenity value of the area. The existing characteristics and features worthy of retention on the site and in the surrounding area have not been identified, incorporated and enhanced through the development's design. There are no material considerations that would outweigh the resultant harm.

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

### **3.4 Conditions/reasons**

#### **Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Hou 1 in respect of Housing Development, as the proposals do not comply with the other policies in the Adopted Edinburgh Local Development Plan
2. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the proposals fail to draw on the positive characteristics of the area and would damage its character
3. The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, as the proposed scale, form, design and positioning of the proposal fails to have regards to the character of the area.
4. The proposal is contrary to the Edinburgh Design Guidance as the proposal is overdevelopment of the site and No. 24 Parkgrove Avenue would not be left with garden ground which is a comparable size to that of other nearby properties.

## **Financial impact**

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

There are no financial implications. A legal agreement is required if the Committee is minded to grant consent.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

The application received 35 support comments and 40 objection comments. The comments raised are addressed in the assessment section of the report.

## **Background reading / external references**

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

## **Statutory Development**

### **Plan Provision**

**Date registered** 2 February 2021

**Drawing numbers/Scheme** 01,02a.03.04.05a.06.07.08,

Scheme 1

**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**

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### **Relevant Policies:**

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

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

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

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

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

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

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

# Appendix 1

## **Application for Planning Permission 21/00526/FUL At 24 Parkgrove Avenue, Edinburgh, EH4 7QJ Erection of dwelling**

### **Consultations**

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#### Edinburgh Airport

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal, however have made the following observation:

#### Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

#### Environmental Protection

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

The application site is an existing residential property garden on the corner of Parkgrove Avenue and Parkgrove Gardens. Residential properties are situated to the north, west and east. Church premises are situated across Parkgrove Gardens to the south.

Therefore, Environmental Protection offers no objections to the application.

#### Roads Authority

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



1.The applicant will be required to contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions on Parkgrove Gardens approach to the Parkgrove Gardens/Parkgrove Avenue junction as necessary for the development.

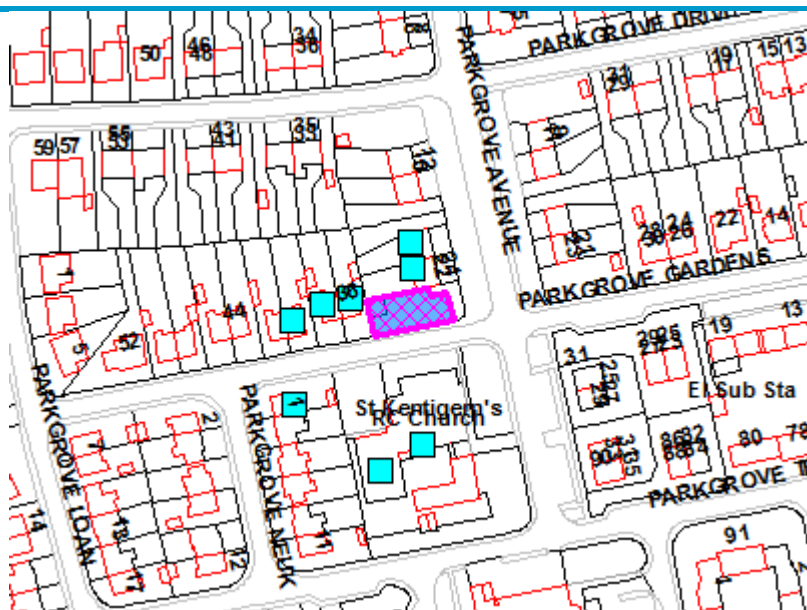
#### Full Response

The applicant proposes 1 car parking space and complies with the Council parking standards for the proposed development in Zone 3;  
Cycle parking will be provided within the curtilage of the house.

#### Flood Planning

Thank you for sending through the additional information. This application can proceed to determination, with no further comments from CEC Flood Prevention.

#### Location Plan



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## Development Management Sub Committee

**Wednesday 19 May 2021**

**Application for Listed Building Consent 21/00331/LBC  
at Royal Hospital for Sick Children, 9 Sciennes Road,  
Edinburgh.  
External alterations to Category A listed Mortuary Chapel  
building.**

**Item number**

**Report number**

**Wards**

B15 - Southside/Newington

### Summary

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The proposed development accords with the guidance set out within Historic Environment Scotland's document "Managing Change in the Historic Environment" and the non-statutory guidance. The works proposed to the mortuary chapel building are external only and will enable the approved redevelopment of the wider hospital site. They will allow for the continued protection of the Traquair murals by securing the building fabric of the chapel building and allow public realm improvements to take place around the building. There will be no adverse impacts on the character or setting of the listed building or the character and appearance of the Conservation Area.

The application provides due regard for the need to ensure that appropriate care and preservation methods are followed to conserve the Traquair murals, which will be delivered through conditions seven and eight attached to the extant planning permission (application reference 18/02719/FUL).

There are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LEN03, LEN04, LEN05, LEN06, NSG, NSLBCA, CRPMAR, HES, HESUSE, HESSET,

# Report

## **Application for Listed Building Consent 21/00331/LBC at Royal Hospital for Sick Children, 9 Sciennes Road, Edinburgh. External alterations to Category A listed Mortuary Chapel building.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application refers to the Royal Hospital for Sick Children, Sciennes Road. This listed building consent application concerns the mortuary chapel building, which is located to the immediate north of the main hospital building and was built at the same time as the main hospital building (1895). Both buildings were designed by George Washington Browne.

The mortuary chapel building is Category A listed (reference LB52347, listing date 26 May 2015) and contains the first complete mural scheme by Phoebe Traquair, one of only three in Scotland. The mortuary chapel building was extended in footprint (1904) and height by an additional storey (1931). The building has been heavily altered since its initial construction.

The building is designed in a Jacobean style and is constructed from red Corsehill sandstone as part of Washington Browne's design for the main hospital building. It is a small, rectangular, four-bay building. At the left of the principal elevation at ground floor level is a pair of stone doorways, in a slightly advanced double bay. To the right is a mullioned, tripartite window. The rear elevation is a plainer brick construction. The west elevation is largely obscured by later development that abuts the chapel building, and the eastern elevation contains gable fenestration in the form of a leaded quad-partite window and ground floor level and a c1931 tripartite window above.

The building has an irregular mansard roof to the front elevation, within which three box dormers (two of which are double dormers) are positioned. This roof extension is not original to the building, dating from the 1930s.

The western most bay creates an intimate lobby into the chapel which has, as described in the list entry description, an *"outstanding decorative scheme with richly symbolic Arts and Craft murals by the artist Phoebe Traquair."* The small chapel room is dominated by the mural panels which sit above a timber dado rail, which depict angels singing the Sanctus on a background of horizontal bands representing the days of creation. The coombed ceiling is also painted with murals.

This application site is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

## **2.2 Site History**

15 February 2019 - Conservation area consent granted for substantial demolition in a Conservation Area (Application reference 18/02720/CON).

15 February 2019 - Listed building consent granted for internal and external alterations of Category B-listed Main Building of the Royal Hospital for Sick Children to convert to residential use including rear extensions, minor alteration, including sensitive reinstatement and repair of the building (Application reference 18/02722/LBC).

15 February 2019 - Listed building consent granted for internal and external alterations of Category C-listed Nos. 11-21 (inclusive) Millerfield Place to convert to residential use including rear extensions; minor alteration, including sensitive reinstatement and repair of garden boundary walls (Application reference 18/02723/LBC).

3 August 2020 - Planning permission granted for mixed use development comprising residential (8 houses and 118 flats), student accommodation 323 beds, communal space, cycle/car parking provision, public realm enhancements, associated works and infrastructure. Development involves partial demolition of existing buildings, erection of new buildings and change of use/conversion of retained buildings (Application reference 18/02719/FUL).

Pending Consideration - Application for listed building consent submitted for internal and external alterations to Category A- listed Mortuary Chapel building to convert to public and residential use; conservation and repair of murals in situ; removal of 20th century hospital extensions with associated fabric repairs and reinstatement. Application pending determination (Application reference 18/02725/LBC).

## **Main report**

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

The proposed alterations relate to the exterior of the Mortuary Chapel only. Planning permission was granted for the development of the wider hospital site on 3 August 2020 (application reference 18/02719/FUL).

The proposals set out in this application include restorative works to the exterior of the Mortuary Chapel building and demolition/ construction works to the building which will enable development of the wider site. These are detailed as follows;

- removal of 20th Century structure on the west elevation of the building (this currently connects the chapel building with the main hospital complex);
- removal of 20th Century single storey lean-to structure on the north elevation of the building;
- Repairing and replacing where necessary on a like-for-like basis all defective rainwater goods, and repainting all on completion;
- Check and rehang all roof slates;

- Check and repair/replace as necessary the finishes to the flat roof sections of the building;
- Check and repair where necessary all flashings at interfaces of low-level structures and roof and dormers;
- Check lead finishes and flashings to projecting masonry;
- Check and repair all pointing where necessary on each elevation of the building, removing modern pointing and replacing this with new pointing that is compatible with the building; and
- Make good any areas of stone masonry where necessary.

In addition, works relating to the demolition and construction works on the wider site that may affect the Mortuary Chapel are noted as follows:

- General demolitions and ground-breaking works within a 20m distance from the building;
- Construction/ groundworks for new buildings to the west of the site.

There are no internal buildings works or alterations proposed, nor a change of use. The future of use of the building itself remains unconfirmed at this stage. The proposed works noted in this application seek to conserve the existing building fabric and enable development of the wider site, whilst allowing for options for use of the building to be considered in future as they come forward.

Internally, the Mortuary Chapel chamber will remain unchanged, beyond works required for the conservation, repair and monitoring for the preservation in situ of the Traquair murals. These conservation works are required under condition eight of extant planning permission for the wider hospital site.

Public access to the murals is controlled by condition seven of the associated extant planning permission for the wider development site and will be managed by the applicant as long term operators of the nearby student accommodation block in the wider site.

### Supporting information

The applicant has submitted the following documents in support of the application which are available to view via the Planning and Building Standards Online Services:

- Method Statement for external downtakings and surrounding demolition and construction works;
- Mortuary Chapel Murals Condition Survey and
- Mortuary Chapel Murals Condition Survey - Addendum Report.

## **3.2 Determining Issues**

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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

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

### 3.3 Assessment

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

- a) the proposals will preserve the character and setting of the listed building and any features of special interest;
- b) the proposals will preserve or enhance the conservation area and
- c) any comments raised have been addressed.

#### a) Character of Listed Building and its Setting

LDP Policy Env 4 permits proposals to alter or extend a listed building where the alterations or extensions are justified; there will be no unnecessary damage to the building's historic structure or diminution of its interest; and any additions are in keeping with other parts of the building.

Historic Environment Scotland's (HES) document "Managing Change in the Historic Environment; Use and Adaptation of Listed Buildings" notes that the majority of listed buildings are adaptable, and that *"change should therefore be managed to protect a building's special interest while enabling it to remain in active use. Each case must be judged on its own merits but in general terms listing rarely prevents adaptation to modern requirements but ensures that work is done in a sensitive and informed manner."*

#### *Character of listed building*

The mortuary chapel building has been significantly altered, including a new roof extension in 1931 which introduced three dormer windows (two of which are double windows) to the first floor level. The building has a network of pipework and ducting on its exterior, which is particularly prevalent on its east elevation. The repair and replacement of the external features of the building including rainwater goods, roof slates, flashing, pointing and stone masonry where deemed necessary will be done using like for like materials. The proposed alterations to the exterior of the chapel building are restorative in nature and will have a positive impact on the exterior of the building.

The removal of the later 20th Century extensions will not impact adversely on the character of the building and will return the building to its original footprint. The removal of these extensions will enable the improvement of the public realm around the mortuary chapel building and the hospital site as a whole.



The works being assessed here do not propose any changes to the interior of the mortuary chapel. Whilst there are no internal alterations proposed as part of this listed building application, there is an evident need to care for and preserve the Traquair murals through the duration of any external works to the building, and to ensure that the murals are given due attention in the context of the external changes proposed in this application, and the wider site changes.

In order to address this concern, the applicant has provided a Method Statement which provides details on care and preservation measures proposed for the Traquair murals during the demolition and construction stages of the development. This considers the works proposed to the exterior of the mortuary chapel building and the wider site and has been prepared by a specialist team including a structural wall painting conservator, conservation accredited building surveyor, conservation engineer and specialist in environmental monitoring for artefact conservation.

The Method Statement notes that the main new-build elements of the wider site proposals are located along the western edge of the site at Sylvan Place and are outwith a 20m distance of the chapel building. It also notes that the works associated with the demolition within a distance of 20m of the chapel building are low key and concludes that these will not present any risk to the structure of the mortuary building.

However, the applicant's Method Statement notes that there may be ground-transmitted vibration from both demolition and piling works for the new build development on the site. It recommends that these works should be done under the stewardship of a specialist Conservator who is familiar with the care of similar murals and provides further advice on the mitigation steps that should be taken to ensure that the murals are protected during the construction phases. These steps are to be in place prior to any demolition taking place. A condition is attached to secure the works being carried out in accordance with the method statement.

In response to this application, comments have been received from amenity groups requesting that the demolition of buildings/ extensions adjoining the Mortuary Chapel should be undertaken by hand. The applicant has advised that they are willing to undertake a hand demolition method for these works, and a condition will be attached to this consent requiring that a demolition method statement is approved prior to the commencement of these works on site.

Public comments have also been received in relation to the proposed sequencing of works identified in the Method Statement, expressing a view that all conservation work should be undertaken prior to the construction works. The sequencing of works set out has been recommended by the conservation specialists who prepared the Method Statement, who advise that any repair, consolidation and conservation work to the murals should take place after construction work is finished in order to avoid unintended damage to the murals and plaster. HES has raised no concerns in this regard and consider the proposed methodology to be acceptable.

In addition to the Method Statement, a Condition Report and Supplementary Addendum Report has been prepared for the mortuary chapel by the Scottish Wall Paintings Conservators and submitted in support of this application.

As internal works to the mortuary chapel building are not the subject of this application, it is not appropriate to condition the delivery of the recommendations set out within the Condition report in relation to this consent. However, these recommendations require to be undertaken in order to discharge condition eight of the associated planning permission (18/02719/FUL).

HES has been consulted on this application and has commented that it has no concerns regarding the removal of the later extensions to the building. It welcomes the early repair and maintenance of the exterior of the building as detailed.

HES also notes the Conditions Survey and Pre, During and Post-Construction Management Plan for the Traquair murals and welcome their findings and recommendations. As noted above, these actions will be delivered through conditions attached to the extant planning permission.

It is approved under the associated planning permission for the site that the applicant will be responsible for the ongoing conservation and maintenance of the mortuary chapel building. This will allow for access from interested members of the public to view the murals at pre-arranged times and during public events such as Doors Open Days. Condition seven of the extant planning permission covers this matter by placing the requirement on the applicant to provide a management agreement to allow access to the mural chambers. The proposals set out within this application for listed building consent does not supersede this condition, and the need for the applicant to purify this part of the full planning permission remains.

With regards to the future use of the interior of the mortuary chapel building, HES notes in its response that it would encourage that thought be given to allowing some ancillary space within the building to facilitate future public access. The applicant has been in discussion with a third party who has shown interest in the future use, management and potential occupancy of the chapel building, but progress has been delayed over the last 24 months for varying reasons, including the delay of the NHS vacating the hospital buildings.

There has been some recent progress made in this regard between the applicant and external party through the submission of a Technical Appraisal for the building. This is currently being reviewed by the applicant. It sets out proposals for the future conservation of the murals and the building together with options for different architectural and management solutions.

The works proposed for this listed building consent do not undermine the potential for the applicant to further pursue discussions with the third party. The applicant has advised that they are currently assessing the Technical Appraisal and are open to further discussions with the external party. The works proposed in this application seek only to restore the external condition of the building, which would benefit any future use or operation of the building by a third party, should this be agreed at a further date.

### *Setting of listed building*

Historic Environment Scotland's document, "Managing Change in the Historic Environment: Setting" defines setting as *"...the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced"*. Contributory factors can include views to, from and across or beyond the historic asset and key vistas that give the historic asset a context.

The mortuary chapel building is ancillary in nature and sits to the north east of the main hospital building. It has a group architectural value with the main hospital building. However, the later additions to the chapel diminish the architectural relationship between the mortuary chapel and the main hospital building.

This listed building consent is required to enable demolition of two adjacent buildings/extensions to the chapel building. The immediate setting of the mortuary chapel will be significantly improved through the removal of these adjoining structures.

The removal of these structures will also enable the creation of the new area of public realm around the mortuary chapel and main hospital building which will improve access to the chapel building and create a stronger and more attractive interface between the chapel, main hospital building and the new public space. The group relationship between the main hospital building and the mortuary chapel will be unaffected by proposals, as these will both remain in situ. The proposals are acceptable and will have no detrimental impact on the setting of the listed buildings.

On balance, it is considered that the nature of the external-only works proposed in this application will have no detrimental impacts on the character or setting of the mortuary chapel. Nor will these compromise the future care and preservation of the Traquair Murals within the listed building. The works proposed to the mortuary chapel will have a beneficial impact on the condition of the building externally.

### b) The proposals will preserve or enhance the conservation area

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal identifies the essential architectural character of the Marchmont area as *"well-proportioned tenements planning in long blocks that take advantage of the gently sloping site. Scots Baronial style is noted as the principal architectural style, and tenemental front gardens provide setting to buildings. The area is characterised by Victorian and Georgian tenemental perimeter blocks that are of uniform height, massing and use of stone and slated roofs. There is a predominance of residential uses within the area, and the mature landscape of the Meadows and Bruntsfield Links with its rich historical background forms the core of the Conservation Area"*.

LDP Policy Env 6 permits development within a conservation area which preserves or enhances the special character or appearance of the area, and existing features which make a positive contribution to the conservation area, as well as demonstrating high standards of design appropriate to the historic environment.

The main hospital building is identified as a focal point within the conservation area. The mortuary chapel building is ancillary to the main hospital building and is largely hidden from the surrounding street network.

Architecturally, the building is already much altered and the proposed further external alterations which are restorative in nature will improve the quality of the listed building in terms of its setting within the conservation area. It will incorporate it into the proposed new public realm and will also allow for easier public access for any visitors to the mortuary chapel. The proposal is acceptable in this regard.

c) Any comments raised have been addressed

***Material comments.***

- Concern over the potential impacts of demolition of adjacent buildings on the conservation of the Traquair murals (addressed in section 3.3(a) above);
- Comments requesting that an independent specialist engineer is appointed to ensure that on site demolitions has no adverse impacts on the Traquair murals (addressed in section 3.3(a) above)
- The sequencing of on-site works should be amended to ensure that full conservation works are undertaken prior to any construction works; (addressed in section 3.3(a) above);
- Failure of this application to fully conserve and repair the exterior of the Mortuary Chapel building; (addressed in section 3.3(a) above);
- Concern that this application is premature in advance of determination of the earlier listed building application for the Mortuary Chapel (application reference 18/02725/LBC). (addressed in section 3.3(a) above);
- Concern that the proposals fail to provide adequate measures to prevent damage from fire/ water to the Traquair murals during and following building work, nor to carry out regular inspections (addressed in section 3.3(a) above).

***Non-material comments.***

- Concern that this application does not specifically allow for the conservation of the Traquair murals and that only short-term protection is considered (outwith the scope of works proposed in this application);
- Failure of this application to provide a management agreement for the care and protection of the Traquair murals (outwith the scope of works proposed in this application);
- Concern that this application seeks to discharge or supersede the requirements of conditions seven and eight of the associated extant planning permission (18/02719/FUL); (outwith the scope of works proposed in this application);
- Failure of this application to propose an appropriate long-term solution for the provision of ancillary space in the Mortuary Chapel building (outwith the scope of works proposed in this application);
- Comments on the requirements of condition seven of the associated extant full planning permission (18/02719/FUL) in relation to use as a residential purpose (outwith the scope of works proposed in this application);
- Concern that this application does not deliver public access to the Traquair murals; (outwith the scope of works proposed in this application).
- Concern that residential development should not be allowed in the mortuary chapel building (this application does not propose residential development).

## Conclusion

The proposed development accords with the guidance set out within Historic Environment Scotland's document "Managing Change in the Historic Environment" and the non-statutory guidance. The works proposed to the mortuary chapel building are external only and will enable the approved redevelopment of the wider hospital site. They will allow for the continued protection of the Traquair murals by securing the building fabric of the chapel building and allow public realm improvements to take place around the building. There will be no adverse impacts on the character or setting of the listed building or the character and appearance of the Conservation Area.

The application provides due regard for the need to ensure that appropriate care and preservation methods are followed to conserve the Traquair murals, which will be delivered through conditions seven and eight attached to the extant planning permission (application reference 18/02719/FUL).

There are no material considerations which outweigh this conclusion.

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

### 3.4 Conditions/reasons/informatives

#### Conditions:-

1. The existing stonework shall be repaired, and missing sections replaced, using natural stone chosen to match to existing stonework.
2. The care and protection of the mural in the RHSC mortuary chapel building, before, during and after building works shall be carried out in accordance with the accompanying Method Statement dated January 2021 and in accordance with the advice provided in the RHSC Mortuary Chapel (Edinburgh) - Phoebe Traquair Murals dated February 2018 and the RHSC Mortuary Chapel (Edinburgh) - Phoebe Traquair Murals supplementary addendum report dated July 27th 2018.
3. Prior to the commencement of works, the applicant must submit for approval by the authority a Demolition Method Statement which provides a strategy for the hand-demolition of structures adjoining the mortuary chapel building and provides details of a strategy to ensure that ongoing monitoring of the construction process is undertaken by a suitably qualified specialist wall painting/ murals conservator.

## **Reasons:-**

1. In order to safeguard the character of the statutorily listed building.
2. In order to safeguard the character of the statutorily listed building.
3. In order to safeguard the character of the statutorily listed building.

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

Comments have been received on this application from 49 members of the public and amenity groups. Of these, one comment is neutral, and 48 comments are objections.

## Background reading/external references

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

**Statutory Development  
Plan Provision**

The Edinburgh Local Development Plan identifies the Royal Hospital for Sick Children site as lying within the Urban Area. The site is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

**Date registered**

27 January 2021

**Drawing numbers/Scheme**

01, 02,

**David Givan**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Julie Ross, Planning Officer

E-mail: [julie.ross@edinburgh.gov.uk](mailto:julie.ross@edinburgh.gov.uk)

**Links - Policies**

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

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

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

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

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

**Relevant Non-Statutory Guidelines**



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

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well-proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

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

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

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.

# Appendix 1

## **Application for Listed Building Consent 21/00331/LBC At Royal Hospital For Sick Children, 9 Sciennes Road, Edinburgh External alterations to Category A listed Mortuary Chapel building.**

### **Consultations**

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#### **Archaeology**

*Further to your consultation request I would like to make the following comments and recommendations concerning the above application for external alterations to Category A listed Mortuary Chapel building.*

*This application concerns the A-listed 1895 Mortuary Chapel for The Royal Hospital for Sick Kids containing the internationally important murals by Phoebe Traquair. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV4 & ENV9.*

*The proposals seek to remove latter additions to this building, and it has been concluded that this will not have a significant archaeological impact upon the understanding of this structure. However, it is essential that the important Traquair murals are protected during these works and future development. As such I recommend that consent is granted subject to undertaking the programme of conservation mitigation (protection and environmental monitoring) as outlined in the applications accompanying Method Statement produced by Turley (outlined in Tables 1 & 2 and para 19 & 20).*

#### **Historic Environment Scotland (HES)**

##### **Our Advice**

*The Category A Listed Mortuary Chapel at the Royal Hospital for Sick Children contains the first, of only three complete interior mural schemes in Scotland by the internationally renowned Scottish Arts and Crafts artist, Phoebe Anna Traquair. The chapel was designed in 1895 by George Washington Browne as an ancillary building to the main hospital, and it is understood that he designed the chapel to accommodate the murals which were to be installed.*

*The exceptional quality of Traquair's mural scheme gives the building its special interest and cultural significance.*

*Externally, the structure has modest architectural form and the other interior spaces within the building are of much lesser significance.*

*It is proposed in this application to remove to later lean-to addition at lower ground floor level. We would have no concerns with this alteration. We welcome the early repair and maintenance of the building including clearing blocked gutters, removing vegetation and repointing works.*

*We also note the Condition Survey and a Pre, During and Post Construction Management Plan, and welcome their findings and recommendations. We are particularly concerned that the mural room is properly protected during construction works elsewhere, along with the proposed conversion of the remainder of the building it is located in.*

*With the above in mind it would be useful to have a set timescale for the building's conversion and for the mural restoration work. This could form a condition.*

*In our previous response to the internal alterations proposed for this building we asked that thought could be given to allowing some ancillary spaces to the mural room e.g a toilet, small kitchen and storage facilities. This could help facilitate and support ongoing community and other potential uses for the exceptional chapel interior. Otherwise, the mural room risks being mothballed.*

*We would repeat this advice, and also, that to protect the chapel, any proposal must ensure that the bedroom space above it is kept free of water supply pipes, drainage or wet central heating pipework.*

*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*

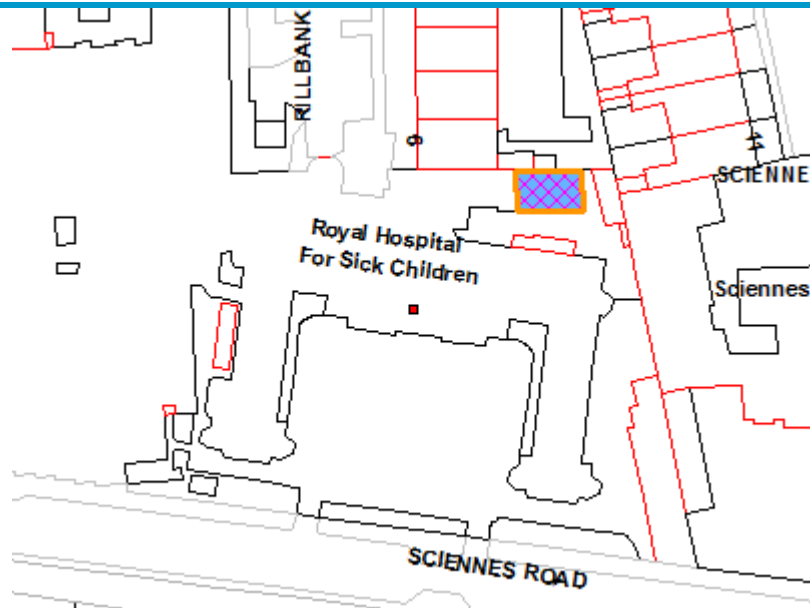
*This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

*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/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).*

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

## Location Plan

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**END**

## Development Management Sub Committee

**Wednesday 19 May 2021**

**Application for Planning Permission 20/05023/FUL  
at land bounded by M90, Springfield Lea, Place, Terrace and  
Bo'ness Road, Echline, South Queensferry.  
Residential development and associated works including  
formation of vehicular and pedestrian access, suds,  
infrastructure provision and hard and soft landscaping.**

**Item number**

**Report number**

**Wards**

B01 - Almond

### Summary

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The proposed development substantially relates to the south eastern extents of the Edinburgh Local Development Plan (LDP) Housing allocation, HSG 1, Springfield, Queensferry and principle of housing development is acceptable.

The proposed design concept has been developed to take account of site characteristics including topography, key views and addresses objectives for the site as outlined in the LDP. The design proposals are acceptable in terms of their layout, scale, architectural form, materials and housing mix. A landscape framework has defined a landscape structure for the site featuring a hierarchy of open spaces. The proposed layout and network of pedestrian/cycle routes would enhance the connectivity through the site.

Subject to conditions, the proposals would accord with the Edinburgh Local Development Plan (LDP) and Edinburgh Design Guidance.

Planning obligations, as defined through the LDP Action Programme require contributions secured in through a Section 75 agreement in respect of affordable housing, educational provision, transport and healthcare

There are no material considerations which outweigh this conclusion.

## Links

### Policies and guidance for this application

LDPP, LDEL01, LDES01, LDES04, LDES05, LDES06, LDES07, LDES09, LEN09, LEN12, LEN16, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA01, LTRA02, LTRA03, LTRA04, LTRA09, NSG, NSGD02, NSHAFF, SGDC,

# Report

## **Application for Planning Permission 20/05023/FUL at land bounded by M90, Springfield Lea, Place, Terrace and Bo'ness Road, Echline, South Queensferry. Residential development and associated works including formation of vehicular and pedestrian access, suds, infrastructure provision and hard and soft landscaping.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site (7.6 hectares) lies on the western edge of Queensferry, between existing housing at Springfield and the new approach road to Queensferry Crossing (M90). The B924 Bo'ness Road and A904 Builyleon Road are situated to the south, these connect with a new road junction to the M90 and the Queensferry Crossing. Society Road, Port Edgar and the Firth of Forth are situated to the north.

The site is mainly grassland with hedgerows defining the western and southern perimeters of the site, the latter forming the site frontage to Bo'ness Road. A number of informal paths currently intersect the site, these used frequently by locals for walking. With the exception of a small brick bunker to the south west corner which is proposed for demolition as part of the site clearance, there are no other structures within the site.

The application boundary embraces the extents of Bo'ness Road lying adjacent to the site. A narrow 2 metre wide spur is also included, this to provide a footpath link from the north eastern part of the site with Society Road, a distance of approximately 210 metres.

A steep embankment defines the western edge of the site, thus providing visual separation from the M90 motorway. The areas to the north and west of the site include various landscaping measures, a balancing pond with new off-road pedestrian and cycle access routes recently implemented by Transport Scotland as part of the Queensferry Crossing.

The site topography generally falls from south to north, sloping sharply at the northern end of the site towards the Firth of Forth. Ground levels range from +50 metres AOD in the south western part of the site, these falling to +27 metres AOD at the north east corner. Large parts of the site afford views to the new Queensferry Crossing, the Forth Road Bridge and Forth Bridge World Heritage site. The area to the north of the site is designated as Countryside. A small part of this area to the north is also a Local Nature Conservation Site and designated Open Space, outwith the red line boundary.

The existing housing to the east and south east mainly comprises two storey suburban housing developed from 1970s-1990s. Queensferry town centre is located around 1km to the north east, with Dalmeny Station and Queensferry High School lying around 2km to the east.

## **2.2 Site History**

12 November 2013 - Planning Permission granted for construction of an access track, footway and cycle links between the A904 and the South Abutment of the Queensferry Crossing (revision to principal work items under the Forth Crossing Act 2011) (application reference: 13/03538/FUL).

19 February 2020 - Proposal of Application Notice agreed for residential development and associated works including formation of vehicular and pedestrian access, SUDS, infrastructure provision and hard and soft landscaping (application reference: 19/06079/PAN).

23 November 2020 - Planning application lodged for temporary site access from Bo'ness Road to the south west corner of the site. Application pending decision (application reference: 20/05024/FUL).

### Neighbouring Sites

17 February 2021 - Development Management Sub-committee minded to grant planning permission for residential (700-980 units), primary school and Class 4 business uses for land at Builyeon Road to the south east (LDP Housing Proposal HSG32) (application reference: 16/01797/PPP).

## **Main report**

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

Full Planning Permission is sought for residential development and associated works including formation of vehicular and pedestrian access, SUDS, infrastructure provision and hard and soft landscaping

The development proposes 176 residential units, these including 89 houses and 87 flats across all tenures. This would incorporate 25% affordable housing provision to be delivered on-site, this comprising 44 units (14 x houses, 30 x flats).

A range of housing types and sizes are proposed which would include the following: -

- 1 bedroom - 33 unit (19%) (12 x Affordable)
- 2 bedroom - 54 units (54%) (18 x Affordable)
- 3 bedroom - 18 units (10%) (14 x Affordable)
- 4 bedroom - 49 units (27%)
- 5 bedroom - 22 units (13%)



Parking provision has now been revised to 194 private car parking spaces with 4 Enterprise Car Club spaces.

The development would be predominantly 2 storeys in height, with 2.5 and 3 storey flatted blocks. The layout would feature a mix of detached, semi-detached and short terraces with seven flatted blocks located towards corners of the site. These would include a series of split-level apartments overlooking the open space to the northern edge of the site.

The proposed form and architectural treatments are based upon standard unit typologies in the housebuilders current range. Material finishes for all unit types are based around the use of cream, white, buff and terracotta dry dash renders, reconstituted stone (buff sandstone), dark grey concrete roof tiles with white uPVC windows. Boundary treatments would feature timber fencing to define rear property boundaries. Rear boundary treatments which front the street and public areas have also been amended to a masonry treatment with landscape buffer (in lieu of wall/ timber fencing). A close boarded timber fence (1800mm) would define property boundaries along the western edge of the site to provide noise attenuation from the motorway.

Vehicular access to the site would be via a single point of access to Bo'ness Road at the south eastern corner of the site. Access through the site would be based around a primary north-south route, this oriented to the Queensferry Crossing. Secondary east-west linkages would be formed across the site, with residential 'courts' featuring shared space to the site peripheries. These would connect to a range of open spaces, including a central open space. The SUDS basin would be positioned at the lowest point of the site to the north.

A revised landscape framework has identified a series of landscape character areas, this forming the basis for a hierarchy of open spaces across the site and detailed landscape design proposals.

A series of pedestrian and active travel connections would be formed as part of the development, providing connections to the existing foot and cycle path network at various points around the site. These would include: -

- Link to Springfield Place to the east.
- Links (x 3) to the western edge providing access to the existing Transport Scotland cycle route.
- Link to Bo'ness Road to the south providing direct access from the western part of the development to the bus stop.
- Pedestrian link to the north onto Society Road (approximately 210 metres length)

A revised Design and Access Statement has also been supplied by the agent to reflect the various design amendments. Due to reporting deadlines, there was insufficient time to assess this information, although agreed details are adequately reflected through the approved plans.

## Previous Scheme

As above, prior to amendments being supplied in relation to car parking levels, cycle parking, detailed landscape and street design, boundary treatments to street frontages, internal floorspace to affordable housing types, levels of private amenity space and external finishes to flatted blocks.

Parking levels originally identified 313 spaces (garaging and open parking) which exceeded the Council's Parking Standards 2020.

Revisions were also requested to the Landscape Framework and detailed landscape proposals. These have addressed issues relating to the strategic landscape context, landscape details relating to the Bo'ness Road frontage, the main South-North Avenue, the western landscape buffer at the M90 corridor and the central open space and play area.

## Supporting Documents

The applicant has submitted the following information in support of the application:

- Air Quality Impact Assessment.
- Design and Access Statement, October 2020 (Landscape Strategy superseded);
- Revised Design and Access Statement, May 2021.
- Ecology Assessment.
- Flood Risk Assessment and Surface Water Management Plan.
- Landscape and Visual Impact Assessment.
- Landscape Framework Report (Updated).
- Noise Assessment.
- Pre-Application Consultation Report.
- Site Investigation Report and Appendices.
- Sustainability Statement and
- Transport Assessment (Updated).

All supporting documentation 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 proposed is acceptable.
- b) The proposed design and layout are acceptable.
- c) The proposed density and housing mix are acceptable.
- d) That transport issues have been satisfactorily addressed.
- e) The strategic landscape impacts are acceptable.
- f) Flooding and drainage issues have been addressed.
- g) The impact on local air quality is acceptable.
- h) The proposal would preserve the amenity of neighbours of that the amenity of the future occupants.
- i) There is no adverse impact to trees or ecology.
- j) There will be no impact on archaeology
- k) That infrastructure contributions will be required.
- l) The proposal meets sustainability criteria and
- m) Issues raised in representations have been addressed.

#### **a) Principle of Development**

The application site is identified in the Edinburgh Local Development Plan as part of HSG1 Springfield. Table 3 in LDP (page 24) indicates the 13-hectare site has an estimated capacity of 150 units.

This application proposal (7.6 hectares) largely relates to the south western extents of the allocated LDP site. Following the construction of the Queensferry Crossing, Transport Scotland have retained control of the residual parts of the LDP allocation to the north and west, including the balancing pond, off-road cycle route and embankment situated to the east of the M90. These works have reduced the developable extents of the LDP allocation, and the applicant has agreed the extents of the site with Transport Scotland. Furthermore, the precise extents of land available for development had not been confirmed when the current LDP was finalised in 2016.

The proposed footpath extending from the north eastern part of the site to Society Road, forms part of the LDP allocation.

The application boundary extends outwith the LDP allocated site at south west corner, this designated as Urban Area. The inclusion of this area would be in accordance with Policy Hou 1 1d), in that housing development would form a small extension to the LDP allocation and would form a coherent development site. This aspect of the proposal would also be compatible with other policies in plan.

The extents of Bo'ness Road are similarly designated as Urban Area. It is logical to include this area given its relationship to the development and the need to form suitable access.

The LDP states that proposals should include playing fields, changing facilities, amenity open space and a link road from Bo'ness Road to Society Road should be explored. However, since the adoption of the current LDP playing fields and changing facilities are no longer required as part of this development. These requirements are historic and date from the previous allocation of the site in the Rural West Edinburgh Local Plan; there is no identified need for them.

LDP Policy Hou1 states that priority will be given to the delivery of housing and relevant infrastructure through sites allocated in the plan. The application relates to the HSG1 Springfield allocation, as identified in the LDP Table 3, Existing Housing Proposals and the principle of housing development is therefore acceptable.

## b) Design and Layout

### *Design Concept and Layout*

Initial proposals for the site were presented by the applicant to the Edinburgh Urban Design Panel in October 2019. The Panel offered a range of advice including:-

- Prepare a robust landscape assessment and strategy that takes account of opportunities and constraints of both the wider landscape setting and the development site;
- Use the landscape strategy to achieve a more bespoke response to design and layout, in particular topography, orientation and views;
- Reconsider the location, function and connectivity of public open space, including pocket parks;
- Prioritise safe, well-designed walking and cycling links to existing and future neighbourhoods and schools;
- Ensure adequate screening from the noise and visual impact of bridge and motorway traffic and infrastructure;
- Re-consider residential density.

The proposals have generally responded positively to the Panel's comments. A landscape strategy has been prepared, informing a more bespoke design response to the site and layout, particularly in relation to topography and key views. This has also considered the location and function of public open space.

The formation of walking and cycle links both within the site and its vicinity, particularly to link with existing neighbourhoods to the east and link with Society Road to the north have been further considered, to provide a permeable and well-connected development.

The site is visually contained by an embankment to its western edge, providing effective screening from the motorway and mitigation in relation to traffic noise. However, further noise attenuation fencing is proposed along the western edge of the site, to address findings of the Noise Impact Assessment.

A Design and Access Statement has been submitted in support of the application, this supported by a comprehensive analysis of the site and context.

This outlines the design concept for the site. The layout would be based around a single vehicle access from Bo'ness Road, with homes fronting the main southern aspect to the site, these bookended by apartment blocks at the site corners. Access through the site would be based around a primary north-south route, oriented to the Queensferry Crossing. Secondary east-west linkages would be formed across the site, with residential 'courts' featuring shared space to the site peripheries. These would connect to a range of open spaces, including a central open space. The SUDS basin would be positioned at the lowest point of the site to the north.

LDP Policy Des 1 - Design Quality and Context, states that proposals should demonstrate how they will create or contribute towards a sense of place. Designs should be based upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality design or for inappropriate design or for proposals that would be damaging to the character or appearance around it, particularly where it has special importance.

The proposed design concept has sought to respond to the positive characteristics of the site and surrounding area, acknowledging the general scale and character of the suburban development to the south and east, also consolidating the western edge of Queensferry.

Whilst the proposal is based upon standard unit typologies, the sloping topography of the site and views to the Forth bridges, particularly the Queensferry Crossing have been a major driver for the development layout, both in the orientation of the streets and the positioning of individual dwellings. These elements will provide the development with a unique and distinctive sense of place.

This has been underpinned by comprehensive and integrated approach to the layout of built form, streets, footpaths, cycle paths, public and private open spaces and SUDS features, which will promote pedestrian permeability through the site. The proposals have sought to create a new landscape structure for the site, with a hierarchy of open spaces, streets network of pedestrian and cycle routes running across the site. Design principles relating to landscape and streetscape design are further discussed below.

The design concept and layout has been developed to take account of relevant LDP policy requirements including LDP Policies Des 1, Des 7 - Layout Design, parts a) and b), the Edinburgh Design Guidance and comments provided by the Edinburgh Design Panel.

### *Architectural Design*

LDP Policy Des 4 - Development Design - Impact on Setting, states that development should demonstrate that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape and impact on existing views:- a) Height and form, b) Scale and proportions, including spaces between buildings, c) position of buildings and other features on the site, d) materials and detailing.

The Edinburgh Design Guidance further establishes key aims for new development to: have a positive impact on the immediate surroundings; wider environment; landscape and views; through its height and form; scale and proportions; materials and detailing; position of the buildings on the site and the health and amenity of occupiers.

The proposed development would comprise a mix of detached, linked semi-detached (separated by garaging), short terraces and flatted blocks. Their proposed form and architectural treatment are based upon standard unit typologies in the housebuilders current range.

The development would be primarily 2 storey in height, with 2.5 and 3 storey flatted blocks. The house types would feature predominantly end gables, with smaller gablets oriented towards the street. The flatted blocks would comprise mostly hipped roof forms, with the affordable blocks featuring flat roof sections to the block centres.

The architectural aesthetic for all unit types is based around the use of cream, white, buff and terracotta dry dash renders, reconstituted stone (buff sandstone) and dark grey concrete roof tiles.

Following discussions with the design team, the design of the flatted blocks to the front of the site has also been revised to include a consistent finish of render. Rear boundary treatments which front the street and public areas been amended to a masonry treatment with landscape buffer (in lieu of a timber fencing).

The urban context of the site is primarily low rise, featuring a range of post war suburban housing featuring a range of architectural styles and material finishes including render and brick. Although architectural aesthetic of the proposed development has been based upon standard housebuilder typologies, these have been arranged as part of a coherent and well-ordered layout, which responds to the characteristics of the site and surroundings.

Whilst the flatted blocks would be greater in height than the prevailing scale of development, these have been positioned to respond to site topography, also being placed in an appropriate landscape setting to avoid dominating neighbouring properties. The proposed development heights across the site are considered appropriate.

The proposed materials palette has sought to relate to the aesthetic of built form in the immediate locality and would be acceptable.

Following the construction of the Queensferry Crossing, the resulting nature of this site has presented an opportunity to sensitively infill and consolidate the urban edge of Queensferry. The proposed architectural and urban design response would allow this objective to be realised.

The proposed development would satisfactorily address relevant requirements of LDP Policy Des 4, Development Design - Impact on Setting and the Edinburgh Design Guidance.

## *Landscape and Streetscape Design*

The Edinburgh Urban Design Panel highlighted the need to prepare a robust landscape assessment and strategy that takes account of opportunities and constraints of both the wider landscape setting and the development site. A landscape strategy should also seek to achieve a more bespoke response to design and layout, in particular topography, orientation and views.

A Landscape Framework Report has identified the main opportunities and constraints of the site as per the Panel comments.

In terms of landscape opportunities for the site, the unique outward views towards the Firth of Forth & the bridges, the existing surrounding green infrastructure, possibility of connections with the wider road and active travel networks and site topography which allows for open space in the northern part of the site, where conservation of views will be key.

For constraints, the proximity of the motorway to the west, the integration with the Transport Scotland balancing pond and wider landscape features to the north of the site and achieving a delicate balance between screening and interconnecting with the wider urban/rural setting were identified as important issues.

The update landscape framework has identified the following design character areas:-

- 1) Bo'ness Road frontage
- 2) The main South- North Avenue;
- 3) The landscape buffer at the M90 corridor;
- 4) The central green open space and play area;
- 5) The SUDS landscape;
- 6) The street level design.

The southern edge of the development fronting Bo'ness Road, and most visible aspect of the site, would be defined by an area of landscape and open space, forming a buffer between the road and proposed housing and establishing a landscaped setting for the development. The development plots would be defined by boundary hedging with areas being planted as grass/wildflower meadow, also including semi-mature trees to provide immediate landscape impact.

The main North-South Avenue would form the principal access through the site. The design proposals have been revised to incorporate linear planting and street trees, these framing the main outward vista towards the Queensferry Crossing. This route would terminate as a viewing terrace to the northern end, this affording views to the bridges. Bench seating has now been incorporated to the terrace, to allow people to dwell and passively enjoy the space.

The western edge of the site is currently defined by hedgerow and the Transport Scotland cycle route. Following discussion, the landscape proposals have been subject to further design development, with additional tree planting now being incorporated along the western boundary, to provide a stronger landscape setting for the development.

This planting will also seek to provide visual containment to the noise attenuation fence and adjacent property boundaries. The revised landscape treatment is now considered acceptable.

The principal area of usable open space would be positioned broadly to the centre of the site. This would include playground provision, amenity grassland and seating, being overlooked by adjacent properties to form a central focal point for the development.

The SUDS pond serving the development would be positioned to the lower part of the site. For operational reasons, this infrastructure will need to remain distinct from the existing Transport Scotland balancing pond lying adjacent. However, landscaped open space including grass/wildflower meadow will be formed around the peripheries, this also providing an outlook and setting for the adjacent flatted blocks. The gradients of the SUDS basin have been reduced to minimum to negate the requirement for fencing, thus emphasising the role of the area as usable space.

Other than the recent woodland and hedge planting implemented by Transport Scotland in relation to the Queensferry Crossing, few trees are present within the site. Although the hedgerow to the front of the site along Bo'ness Road would need to be removed, the mature trees along the eastern boundary of the site other hedge boundaries to the peripheries of the site would mostly be retained. The landscape proposals have sought to integrate the Transport Scotland planting into the site layout particularly to the northern end of the site, where the new route will be formed to Society Road.

The landscape framework has been supplemented by detailed landscape design proposals. Planting would include street trees, planting & garden trees, ornamental shrubs, grasses, fern and bulb planting and grassland both for amenity use and wildflower meadow.

For streetscape, a hard treatments plan has been prepared. Most of the street surfaces are based around the use of asphalt, concrete block paved finishes with grasscrete to the access around the SUDS pond. Subject to a number of details being resolved, this approach is considered broadly acceptable given the nature and location of the scheme. However, the surface treatments for the parking to the affordable flatted blocks comprise only asphalt in contrast to the block paving proposed for the private tenures. This detail fails to reinforce a tenure-blind design approach and would result in large expanses of asphalt. The use of red brindle paving is also contrary to the principles contained in the Edinburgh Design Guidance which outlines that such finishes should generally be grey in tone and this would relate better to the character of the development. It is therefore recommended that hard treatments plan is not approved at this stage, with finalised details being agreed through condition.

LDP Policy Des 8 - Public Realm and Landscape Design states that all external spaces, and features, including streets, footpaths, green spaces and boundary treatments have been design as an integral part of a scheme as whole. Part c) - particular consideration has been given, if appropriate, to the planting of trees to provide a setting for buildings, boundaries and road sides to create a robust landscape structure



LDP Policy Des 7 - Layout Design, part a) also states that a comprehensive and integrated approach to the layout of buildings, streets, cycle paths, public and private open spaces and SUDS should be taken.

Landscape design has been key to the overall design approach, promoting a strong landscape structure for the development, this contributing to the strategic landscape setting of the site. The landscape design proposal has sought to provide a unifying visual language, integrate soft and hard environments as well as softening boundaries and interactions with the existing green infrastructure elements.

The revised landscape framework and detailed landscaping proposals are considered acceptable. These would offer a range and hierarchy of spaces through the development of contrasting landscape character. The use of heavy standard tree planting is also identified across much of the site, which would help achieve early landscape impact.

The proposed landscape design would address requirements of LDP Policies Des 7 and Des 8, the Edinburgh Design Guidance and Open Space 2021, Edinburgh's Open Space Strategy.

Given the importance of landscape structure to these proposals, it is also recommended that a condition be attached in relation to landscape establishment. Open spaces would need to be subject to a private factoring arrangement.

### c) Density and Housing Mix

#### *Density*

LDP Policy Hou 4 - Housing Density, states that the Council will seek an appropriate density of development having regard to:- a) its characteristics and those of the surrounding area, b) the need to create an attractive residential environment and safeguard conditions within the development, c) the accessibility of the site includes access to public transport.

The Edinburgh Design Guidance further outlines that new development should achieve a density that is appropriate to the immediate site conditions and to the neighbourhood. In new suburban developments, the Council encourages the efficient use of land and a mix of housing types.

On the basis of the application boundary (7.6 hectares), the proposal for 176 units would realise a density of 23 units per hectare. The general assumption for densities on a greenfield site would be 25-35 dwellings per hectare. The relative lower density can be explained by the inclusion of Bo'ness Road within the application boundary, extents of open space and SUDS infrastructure.

Notwithstanding aspirations to increase densities on greenfield land, the context of the site is low rise suburban and edge of settlement. The nature of the development has sought to respond to the characteristics of the surrounding area and has included flatted and terraced typologies to increase overall densities. Whilst the site is adequately served by bus services, the service frequency is lower than more urban parts of Edinburgh which limits aspirations for higher densities.

The proposed 176 units would exceed expectations in terms of the estimated capacity of the HSG1 site (LDP identifies 150 units for a larger allocation).

The proposal would be characteristic of a medium density suburban development and would address requirements of LDP Policy Hou 4, parts a) b) and c) and the Edinburgh Design Guidance.

### *Housing Mix*

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

The proposals would offer a diversity of tenure, including private, mid-market and social rent. House types would comprise flatted, terraced, semi-detached detached housing, these ranging from 1-5 bedrooms.

The proposed housing mix is considered appropriate to the character of Queensferry, also reflecting the general accessibility of the site located at the edge of settlement. A proportion of flatted units will also offer diversity to the locality, where housing stock is predominantly low-rise suburban housing.

Following amendment, the sizes of all units would now achieve minimum internal floorspace standards, as per the Edinburgh Design Guidance.

### *Affordable Housing*

The applicant is proposing to deliver 44 (25%) on-site affordable homes as required by LDP Policy Hou 6. This would include 14 terraced houses and 30 flats, comprising a mix of one, two and three bedroom affordable homes.

Affordable tenures are grouped in two separate locations to the south east and south west corners of the site, these representing the most accessible part of the site in relation to public transport. However, the external appearance of the affordable units would be tenure blind in relation to the rest of the development.

Following discussion with the Council's Housing Management and Development Team, various amendments have been made to the affordable housing provision. A revised Affordable Housing Statement has now been prepared to reflect these changes.

The number of 3-bedroom affordable houses that will be delivered by an RSL has increased from five to nine. The proportion of affordable homes to be delivered by an RSL has increased from 35 units (80%) to 39 units (89%). This means that a high proportion of the affordable homes will be delivered as social or mid-market rent, the two highest priority tenures.

The applicant has made significant improvements to the affordable housing provision. 39 units will be delivered as either social or mid-market rent by an RSL with 5 units being delivered as Golden Share.

The amended scheme still does not comply with all aspects of the Council's guidance on 'Affordable Housing' as a representative mix of affordable housing sizes will not be provided. The applicant has also not confirmed that at least 70% of the affordable homes are to be delivered for social rent. This matter will require further consideration prior to works commencing on site.

However, a high proportion (89%) of the affordable homes will be delivered by an RSL as either social or mid-market rent. The proposal will deliver a good range of different affordable housing size and types and RSL is supportive of the proposed mix.

Internal floorspace standards to the affordable flatted units have now been subject to amendment and all now meet the minimum internal space standards set out in the Edinburgh Design Guidance.

#### d) Transport, including road safety and active travel

LDP Policy Tra 1, Location of Major Travel Generating Development, states that the applicants should demonstrate that the location proposed is suitable with regard to access by walking, cycling and public transport and that measures will be taken to mitigate adverse effects on networks and bring accessibility by and use of non-car modes up to acceptable levels if necessary.

A Transport Assessment has been submitted as part of the application. The Roads Authority agree with the conclusions regarding traffic generated by the development and of the traffic on the surrounding road network and this would not result in undue impact.

The application proposal would be supported by a range of measures to improve the accessibility of the site including enhancements to walking and cycling routes and public transport. Parking provision across the development has also been reduced in line with the latest Council Parking Standards. These measures will provide alternatives and disincentives to private car use.

#### *Site Access, Connectivity and Layout*

Vehicular access to the site would be via a single point of access to Bo'ness Road at the south eastern corner of the site.

The proposal would include a new junction with changes to the layout of Bo'ness Road proposed as part of the application. This would include a toucan crossing to the east of the proposed junction with further un-signalised crossing with pedestrian island to the south west. Transport have also recommended that Bo'ness Road is subject to localised narrowing to reduce vehicles.

A shared 4 metre wide pedestrian/cycle route would be implemented on the north side of Bo'ness Road. The site is served by an existing bus route (Service 43/43X) which is routed via Bo'ness and Builyleon Road. It is recommended that the existing eastbound bus shelter be upgraded as part of the development, with new shelter to the westbound, to meet increased levels of demand arising from the development.

The proposed site access proposals are acceptable in principle, but it is recommended that a finalised design of the various changes, including any measure to narrow Bo'ness Road are agreed through condition. Transport Scotland have commented on the application given the sites proximity to the Trunk Road Network. They are identified various issues relating to the adjacent junctions and design of Builyeon Road and these will be stipulated through condition.

The Design and Access Statement has established a movement strategy. This is based around a primary north-south route leading from Bo'ness Road through the eastern part of the site, with a series of Secondary Routes and East-West Access Links. Designated footways are identified through much of the development, with smaller 'courts' comprising shared space would be located to the site peripheries.

The design concept is based around a rectilinear layout - this is in response to the character of the site, particularly the key views towards the Queensferry Crossing and the Firth of Forth. Given the linearity of the streets, various calming measures including raised tables and chicanes have been introduced, in order to reduce vehicle speeds.

A Waste Servicing Strategy has been outlined in the Design and Access Statement. This would be based around a largely continuous loop serving the majority of the site (negating the requirement for waste and delivery vehicles to reverse) although a single turning head would be required to the northern corner of the site. No comments were from Waste Planning, although it would be expected that the developer would enter into a Waste Servicing Agreement with the Council.

In terms of pedestrian and cycle linkages, the site is currently well connected to Queensferry Town Centre and Echline Primary School via Bo'ness Road. The site also lies in close proximity to the Builyeon Road (LDP Site HSG32) where significant housing with primary school and commercial development is proposed.

The western edge of the site is currently served by an off-road cycle route, this implemented by Transport Scotland as part of the Queensferry Crossing. This also includes a spur to the northern edge of the site although this currently truncates at the north east corner and remains unconnected to adjacent routes. National Cycle Route NCR76 follows and Council designated 'Quiet Route' follows Society Road to the north.

A range of pedestrian and active travel connections would be formed as part of the development. The LDP identifies opportunity to create link road from Bo'ness Road to Society Road should be investigated. The nature of such a route was discussed at pre-application stage and road link through the site was not considered necessary for the development of the site, also potentially resulting in additional traffic generation and trips on the local road network.

A through link has therefore been promoted as a pedestrian route linking the north eastern corner of the development with Society Road. This will provide enhanced connectivity towards the Firth of Forth with links to Queensferry Town Centre. Given the steeply sloping topography to the south of Society Road, this was not considered well suited to the provision of an active travel route and steps will therefore be required to the northern end of the route to provide suitable access.

It would also be expected that this route would connect with the northern spur of the Transport Scotland cycle route, which is currently truncated. This detail could be secured through condition.

The formation of an active travel route was also considered via Clufflat Brae, a residential cul-de-sac lying to the east. However, further land acquisition would be required to develop such a link. Informal access also exists between the proposed route and the public open space situated between Clufflat Brae and Springfield Lea.

A range of measures would be required to provide safe and effective pedestrian access, where the proposed routes joins Society Road. This would include a dropped kerb crossing and additional footway to the south. It is recommended that the detailed design for the layout of the area could be agreed through condition. This should also stipulate that the proposed steps should include wheeling ramps for cycles.

LDP Policy Tra 9 - Cycle and Footpath Network states that proposals should seek to develop the local cycle and pedestrian network and not be prejudicial to the continuity of the off-road network, nor prevent the implementation of proposed cycle paths/footpaths contained in the LDP

The proposal has sought to develop, extend and would not be prejudicial to the continuity of the off-road network including a link to Society Road identified in the LDP.

Overall, the application proposal would enhance connectivity for pedestrians and cyclists through the site. A comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths has been taken and the layout will encourage walking and cycling, incorporating design features which will restrict traffic speeds to an appropriate level and minimise potential conflict between pedestrians, cyclists and motorised traffic. New streets within development are direct and connected with other networks to ensure ease of access to local centres and public transport.

Informal access through the site currently enjoyed by local residents and the proposed development layout and range of connections would allow public access through the site to be maintained.

The proposal would address relevant requirements of LDP Policy Des 7 - Layout Design, parts a) b) and c) and the Edinburgh Design Guidance.

### *Car Parking*

LDP Policy Tra 2 - Private Car Parking, states that proposed parking provision should comply with and not exceed the parking level set out in the Council guidance. Queensferry is situated within Council Parking Standards, Zone 3, which do housing development identifies a maximum of one space per residential unit.

Following discussions with the applicant, the overall parking provision has been significantly reduced from 313 spaces. A total of 194 car parking spaces and four Enterprise Car Club spaces are now proposed across the development. This would exceed the Council's parking standards by 17 spaces and as such, the proposed parking provision would fail to meet requirements of LDP Policy Tra 2. However, the additional 17 spaces relate to houses with double garages.

This is a commercial decision for the developer and it would be unreasonable to refuse planning permission on this basis and proposed parking provision is acceptable.

LDP Policy Tra 4, Design of Off-Street Car Parking and the Edinburgh Design Guidance set out various requirements in respect of the location, design of and integration car parking, including the need for parking within new development being design-led and reflect the positive characteristics of the place. Car parking within new developments should not visually dominate the street scene.

The proposed design has sought to minimise on-street and front curtilage parking on the main north-south routes to improve the quality of the street scene along the principle viewing corridors through the site. Hedge planting would also seek to visually contain front curtilage parking where this is proposed.

Parking for the flatted units has mostly been positioned to the rear or side of the blocks, and following revision, linear parking has been broken down with landscaping.

The proposed design of parking arrangements is acceptable.

#### *Cycle Parking*

LDP Policy Tra 3 - Private Cycle Parking - states that proposed cycle parking provision should comply with standards set out in Council Guidance. LDP Policy Tra 4 - Design of Off-Cycle Parking and the Edinburgh Design Guidance set out various requirements for the design of cycle storage.

The design of cycle stores for the flatted blocks has evolved in response to comments from Planning and Transport. Whilst fully integral stores to each of the blocks would have been preferable, all cycle stores have now been placed closer to the entrances and would be designed as a secure external structure. It would be expected that adequate cycle storage provision be provided within the curtilage of all the houses and this would be achievable. In view of the amendments made, the proposed cycle storage provision now broadly addresses the requirements of Edinburgh Design Guidance.

However, details of finalised cycle storage provision were not been agreed by the Roads Authority prior to a recommendation being finalised and it is therefore recommended that details be confirmed through condition.

#### e) Strategic Landscape Impacts

LDP Policy Des 9 - Urban Edge Development, identifies that permission will only be granted for development on sites at the green belt boundary where it: a) conserves and enhances the landscape setting of the city, b) promotes access to the countryside if appropriate.

The application site the edge of the urban area, with the site lying in close proximity to both designated Green Belt and Countryside Policy Area. Although the site lacks any strong landscape features it does occupy a relatively exposed position overlooking the Forth from the south.

The development proposals would contribute to the gateway of Queensferry and would be a main feature of the view when existing the M90 onto Bo'ness Road. The Edinburgh Urban Design Panel also made comments regarding the need to consider a strategic landscape approach for the development. In view of the characteristics of the site, a Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application.

The LVIA has been prepared in accordance with industry guidance for impact assessment methodology and the Edinburgh Design Guidance. This has identified key landscape receptors and landscape character areas. A series of 10 viewpoints have been prepared to illustrate the localised and strategic visual effects of the proposal:-

VP 1 Bo'ness Road West to the south

VP 2 Clufflat Brae to the north east

VP 3 Forth Road Bridge to the north east (location identified where inward views are relatively unrestricted)

VP 4 Builyeon Road to the south east

VP 5 Near the A904 to the west

VP 6 North Queensferry Pier

VP 7 Bo'ness Road to the south west

VP 8 Port Edgar

VP 9 North Queensferry - Hilton Car Park

VP 10 Newton Viewpoint

The assessment has demonstrated that the site is visually enclosed to the east and south by existing areas of housing, and to the west by the embankments of the M90. These factors will limit significant landscape and visual effects and any impacts are likely to be highly localised, limited to the landscape of the site and its immediate surrounds. Owing to the likely limited impact of the proposal on the landscape and visual resource, the requirement for landscape and visual mitigation is therefore low.

The LVIA has noted a moderate to substantial adverse effect (for residents and motorists) in relation to VP 1, Bo'ness Road West, located to the south of the site. The Queensferry Crossing and Forth Road Bridge currently form the main features of this view. The proposed development would notably change the nature of this view, replacing open outward views to the bridges and Fife. However, the development layout and alignment of the north-south streets have been strongly influenced by the views to the bridges. Although development of the site will restrict the existing view from Bo'ness Road, framed views to the bridges will form a unique feature of the development.

In relation to wider views from the south west, the tree planting implemented by Transport Scotland along the embankment to the south west of the site will further screen views of the proposed development and the bridges from the M90/A90 Builyeon Road junction once this begins to mature.

Although the proposals will be visible from the north, it is considered desirable to maintain outward views as a positive aspect of the development, albeit existing young woodland may eventually restrict outward visibility.

The proposed development would result in little appreciable change to view to the Forth Bridge from the recognised Forth Bridge World Heritage Site Key Viewpoints.

The proposals would address requirements of LDP Policy Des 9, part a) in that they would conserve and enhance the landscape setting of the city. The visual impacts arising from the development will be very limited in nature with a new landscape structure proposed as part of the development.

In relation to LDP Policy Des 9, part b) the cycle link previously implemented to the western edge of the site, will serve to enhance countryside access with a series of linkages due to be formed to this route as part of the development.

#### f) Flooding and Drainage

A Flood Risk Assessment and Surface Water Management Plan have been provided as part of the application. These have been subject to independent review, in line with the Council's self- certification scheme. SEPA were consulted as part of the application, but had no comments to make, deferring to the Council as Flooding Authority in respect of surface water flooding.

The proposals would address the requirements of LDP Policy Env 21, Flood Protection, part a) in that the development would not increase flood risk or be at risk of flooding itself.

An adoption plan has also been submitted by the applicants and it anticipated that Scottish Water will adopt the SUDS Pond within the northern part of the site and related SUDS infrastructure. However, it is recommended that a Landscape and SUDS Management Plan be prepared once a permission is in place, this outlining arrangements for the handover of drainage and landscape infrastructure to Scottish Water, future factor and the Council as applicable. This would be stipulated through condition.

#### g) Air Quality

LDP Policy Env 22 aims to ensure that no development will result in significant adverse effects for health, environment or air quality and appropriate mitigation measures can be provided to minimise adverse impacts.

The Air Quality Impact Assessment submitted in support of the application concludes that the impact from the proposed development traffic is predicted to be of negligible significance at all existing receptors within the study area in terms of statutory Limit Values and Scottish Government air quality objectives and that no specific air quality mitigation measures are required.

Nonetheless reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the LDP. Environmental Protection insist that the developer installs electric vehicle charging points as mitigation in accordance with the Edinburgh Design Guidance. A Green Travel Plan should also be produced to assist in minimising traffic related air quality impacts.



The submitted S1 Sustainability Statement Form also indicates that the applicant will be installing roof fixed Photo Voltaic Panels to properties, with the location to be agreed.

It is therefore considered that the proposals are in accordance with LDP Policy Env 22.

#### h) Neighbour and Future Occupier Amenity

##### *Open Space*

LDP Policy Des 5 states that development will be permitted where the amenity of neighbouring development is not adversely affected.

In terms of daylight, sunlight, privacy and outlook, the Edinburgh Design Guidance sets out criteria to ensure that these amenity factors are protected when new developments are proposed. Concerns have been raised in respect to overlooking and privacy on the eastern edge of the site where the boundary meets with existing housing.

An assessment of overshadowing has been prepared by the applicant and submitted in support of this application. The assessment specifically looks at the impact of the flatted block on the north-eastern corner and its relation to the existing property at Springfield Lea. The flatted block is some 32 metres away, and the modelling shows that the existing garden will not be overshadowed until late afternoon, and in June-July the back face of the house and area of garden nearest to the house would not be in shadow.

LDP Policy Hou 3 - Private Green Space in Housing Development, requires that all new developments provide adequate private green space for the amenity of residents, For flatted blocks a standard of 10 square metres per flat should be provided. A minimum 20% of the total site area should also form useable greenspace.

The applicant has provided design amendments in relation to private green space for the flatted units, and these would now achieve 10 square metres per flat. The ground floor flatted units will also include French doors to provide direct access to adjacent open space, with balconies proposed for the split-level units to the north of the site

For the wider site, 0.98 hectares of public open space with 0.25 hectares amenity space would be provided in addition to private garden space. Once residual areas of open space around the site including the Transport Scotland areas to the west and north are taken into consideration, and Bo'ness Road is excluded from the site area, the proposed public open space would exceed the 20% requirement.

##### *Noise*

Given the sites proximity to the M90, Environmental Protection raised concerns regarding the possible impact noise may have on the amenity of the newly proposed residential properties. The applicant has submitted a Noise Impact Assessment in support of the application which demonstrates the high levels of traffic noise can be mitigated by the inclusion of an earth bund and/ or acoustic barrier.

An acoustic bund and close boarded 2 metre timber fence are already in place as part of Transport Scotland's work which already significantly reduces noise levels.

However at the northern end of the site the bund is lower and therefore the flatted blocks in this location will have less noise protection.

Should the application be approved, Environmental Protection have suggested a condition be applied to ensure a 1.8m close boarded acoustic barrier is installed on the western boundary to protect external residential amenity for the properties along the western boundary.

### *Contaminated Land*

The applicant has submitted a Ground Investigation Report with the application which will be assessed by Environmental Protection throughout the development phase. A condition has also been suggested to ensure that contaminated land is fully addressed.

### i) Trees and Biodiversity

LDP Policy Env 12 ensures there is no unnecessary damage to any trees or woodland worthy of retention. The submitted Tree Survey identifies that only two established trees were recorded within the site, in addition to three large blocks of new woodland planting (carried out by Transport Scotland) and an established Hawthorn hedgerow along the Bo'ness Road boundary. There are a number of mature trees to the east of the site, outwith the site boundary which remain in situ.

The Tree Survey states that the hedgerow to Bo'ness Road is of satisfactory condition and could be retained if feasible. However, it will be necessary to remove this hedgerow to facilitate access to the development site. New native hedge planting is proposed to the front of the site to contain the various building plots and this is considered acceptable.

A new footpath leading to Society Road would be routed through areas of new woodland planting to the north east of the site but would have minimal impact on this planting.

LDP Policy Env 16 requires that development has no adverse impact on species protected under European or UK Law unless there is no alternative and suitable mitigation is proposed. The applicant has submitted a Preliminary Ecological Appraisal Report which confirmed limited potential for bat roosts on the site. However, the small brick bunker to the south west of the site was identified as having limited potential for bat roosts and it is recommended that this is subject to further survey (undertaken between May-September) prior to demolition. Given that the timescales for the development are not currently confirmed, it is recommended this information is secured through condition.

### j) Archaeology

LDP Policy Env 9 aims to protect and enhance archaeological remains, where possible by preservation in situ in an appropriate setting.

The City Archaeological Officer has commented that this site has been identified as occurring within an area being of archaeological and historic significance and given the scale of ground breaking works proposed, it is considered essential that a programme of archaeological work is undertaken prior to/ during development. It is recommended that should the application be approved. This work should be secured through condition.

#### k) Infrastructure Contributions

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

##### *Affordable Housing*

LDP Policy Hou 6 states that residential developments consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units. As the application is for 176 homes, an Affordable Housing Statement has been submitted which confirms that 44 affordable homes will be provided on-site.

The applicant has confirmed the intention that 35 (80%) of the homes will be delivered by a Registered Social Landlord (RSL) either as social rent or mid-market rent, and nine (20%) of the affordable homes will be delivered as Golden Share.

A Section 75 Agreement will be required to secure 25% affordable housing on the site.

##### *Transport*

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

Contribution of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary.

Contribution of £2,000 to promote a suitable order to introduce a 20pmh speed limit on Bo'ness Road, Society Road (20mph on Society Road to be extended west to under the M90 bridge) and within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed.

Contribution of £23,500 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area, as per Council Transport Policy.

The developer will be required to install 91 Electric Vehicle (EV) charging bays across the development, these including 16 EV spaces for the 87 flats.

The developer will be required to design and install a toucan crossing and un-signalised crossing on Builyeon Road and a further un-signalised crossing on Society Road with associated changes to footways and roads layout. These measures will be implemented at no cost to the Council.

The developer will be required to install new/upgraded bus shelters/stops fronting the site (both north and south bound) to provide for inclusive use (hardstanding design should cater for disabled and wheelchair users). These measures to be implemented at no cost to the Council.

### *Education*

The Council's Supplementary Guidance on Developer Contributions and Infrastructure Delivery identifies the education infrastructure actions for the Queensferry Education Contribution Zone as below:

- Additional Secondary capacity (Queensferry High);
- New 14 class Primary School and 80 nursery (New Primary School at Builyeon Road to the south east of the site);
- RC Primary School classes (St Margaret's RC PS).

The Council's Communities and Families section have assessed the proposals in terms of the impact of education infrastructure. This site falls within Sub-Area Q-1 of the Queensferry Education Contribution Zone and would be required to contribute towards the education infrastructure actions that are identified to mitigate the cumulative impact of development.

The assessment has been made on the basis of 143 units with 33 one bed flats discounted from any education appraisal. The total infrastructure contribution for education required has been calculated as £1,896,229. The total land contribution required is £231,826.

### *Healthcare*

An expansion to medical practice to mitigate the impact of development in Queensferry is identified within the Supplementary Guidance. The guidance provides a contributions level of £210 per dwelling which equates to £36,960 for this application.

These various contributions towards local infrastructure will need to be secured through a Section 75 legal agreement.

### I) Sustainability

LDP Policy Des 6 aims to tackle the causes and impacts of climate change, reduce resource use and moderate the impact of development on the environment. The applicant has submitted an S1 Sustainability Statement Form which demonstrates that the proposal meets the essential criteria set out.

The proposal accords with LDP Policy Des 6.

## m) Representations

### **Community Council Comments:**

Queensferry and District Community Council (QDCC) were consulted in relation to this application and have expressed their support for the proposals to deliver a mix of homes. They support the traffic calming measures proposed on Bo'Ness Road and extension of the shared use path. QDCC seek that the new pavement on Bo'Ness Road has sufficient width to support a new enclosed bus shelter, compliant with the Equality Act 2010 - addressed in section d).

### **Public Comment - Objections:**

- Welcome expansion of Queensferry community; addressed in section a)
- Site used widely for public amenity; addressed in sections b) and d)
- Further new development dilutes character of Queensferry; addressed in section a) and c)
- Architecture and design is not in keeping with local character or urban setting; addressed in section b)
- Proposed materials not appropriate; addressed in section b)
- New homes should be designed in a progressive way and relate to our modern needs; addressed in section b)
- Query whether houses could be built in place of flatted blocks; addressed in section b) and h)
- Landscape design could better support needs of the wider community, e.g. wooded walks, public open space, play area, orchards and cycle paths; addressed in section b) Percentage and type of affordable homes too low; addressed in section c) and k) Insufficient amenity provision; addressed in section h)
- Health and education provision have no additional capacity; addressed in section k) Little consideration for impact on local infrastructure; addressed in section k)
- Layout is car dominated and does not have walking, cycling and public transport at its heart - therefore it does not comply with local or national policy; addressed in section b) and d)
- Proposal should be re-designed to be car free; addressed in section d)
- Local road network cannot accommodate additional traffic; addressed in section d)
- Potential for traffic congestion on Bo'ness Road in the event of an accident on Queensferry Crossing, resulting in difficulty leaving the site; addressed in section d)
- Additional traffic movements will result in increased noise and raises issues in relation to road safety; addressed in section d) and h)
- Pedestrian access to site should be reconsidered; addressed in section c) and d)
- No provision for visitor cycle parking; addressed in section d)
- No safe routes to schools identified; addressed in section d)
- Pedestrian link to Society Road is too close to houses which will raise issues of noise, security, privacy and overlooking; addressed in section d)

- A detailed investigation will be required to establish the feasibility of the proposed footpath and stepped access linking Society Road; addressed in section d)
- Development will result in increased emissions and traffic pollution; addressed in section g)
- Site supports range of plant species, particularly grasses and nesting for skylarks; addressed in section i)
- Concern regarding position of apartment block to the north east corner of the site, and potential overshadowing could result to a property situated immediately to the east; addressed in section h)
- Object to blocks of flats that will result in overlooking to existing gardens; addressed in section h)
- Comment re. presence of an underground power cable, transformer and twin line sewer to the north eastern corner of the site. This may be impacted by the construction of the proposed footway to Society Road; addressed in section d)

### **Non-material comments**

- Development will result in construction noise and environmental disruption, and disturbance will be detrimental to the mental wellbeing of local residents;
- Query re. confirmation of land ownership for proposed footpath into Springfield Place;

### **Conclusion**

The proposed development substantially relates to the south eastern extents of the LDP Housing allocation, HSG 1, Springfield, Queensferry and principle of housing development is acceptable.

The proposed design concept has been developed to take account of site characteristics including topography, key views and addresses objectives for the site as outlined in the LDP. The design proposals are acceptable in terms of their layout, scale, architectural form, materials and housing mix. A landscape framework has defined a landscape structure for the site featuring a hierarchy of open spaces. The proposed layout and network of pedestrian/cycle routes would enhance the connectivity through the site.

Subject to conditions, the proposals would accord with the Edinburgh Local Development Plan (LDP) and Edinburgh Design Guidance.

Planning obligations, as defined through the LDP Action Programme require contributions secured in through a Section 75 agreement in respect of affordable housing, educational provision, transport and healthcare

It is therefore recommended that the application be granted, subject to the applicant entering into a suitable legal agreement.

There are no material considerations which outweigh this conclusion.

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

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

#### **Conditions :-**

1. Prior to the commencement of development details of photo-voltaic panels, their location and extents for all properties shall be submitted to and agreed in writing by the Planning Authority.
2. Prior to the commencement of development, a finalised hard surface treatments plan shall be submitted to and agreed in writing by the Planning Authority.
3. Prior to the commencement of development, finalised details of cycle storage provision to the apartment blocks shall be submitted to and agreed in writing by the Planning Authority, these being in accordance with the Council's Parking Standards 2020. A minimum of 60 spaces (2 spaces x 30 1&2 bed flats) secure cycle parking spaces will be required for affordable apartments 137-151 and 162-176. A minimum of 114 (2 spaces x 1&2 bed flats) secure cycle parking will be required for the 57 private apartments 13-24, 14-58, 59-69, 70-80, 81-91).
4. Prior to the commencement of development, finalised details for the northern access path to Society Road shall be submitted to and agreed in writing by the Planning Authority. These must confirm the proposed changes to the street layout at Society Road, including extents of new footway, the position of dropped kerb crossing and cycle wheeling ramps to the steps which are required to form suitable access for pedestrians and cycle users. The design should be developed in accordance with finalised Transport consultation comments, dated 27 April 2021. Details should also be provided of the connection between the path and the cycle route previously implemented by Transport Scotland (situated between Clufflat Brae and Springfield Lea).
5. Prior to the commencement of development, finalised details of proposed transport infrastructure and changes to the layout of Bo'ness Road shall be submitted to and agreed in writing by the Planning Authority. This will include details of the proposed toucan crossing, uncontrolled crossing with refuge island and new/upgraded bus shelters.
6. Prior to the demolition of the brick bunker to the south west corner of the site, the structure shall be subject to further ecological survey to confirm the presence of bat roosts. Survey to be conducted between May and September. Survey findings shall be submitted to the Planning Authority in writing prior to the commencement of any site clearance works and any agreed measures shall be implemented thereafter.

7. The approved landscaping scheme shall be fully implemented within six months of the completion of the development. Please note that in the event of planting failing to establish, replacement planting may be required
8. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, analysis & reporting, publication and engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
9. Prior to the commencement of construction works on the site:
  - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Council's Place Directorate 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 risks to an acceptable level in relation to the development
  - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

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

10. Prior to the occupation of any part of the consented development hereby approved, 'Keep Clear' road markings on the circulatory carriageway, opposite the arm of the exit for the M90 southbound off-slip of the M90 / A904 Queensferry Junction, shall be implemented, after consultation with Transport Scotland.
11. There shall be no drainage connections to the trunk road drainage system.
12. Prior to occupation of any part of the development hereby approved, any footpath link approved by the Planning Authority, in conjunction with Transport Scotland, must be constructed and completed.

**Reasons:-**

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



6. In order to safeguard the interests of nature conservation.
7. In order to ensure that the approved landscaping works are properly established on site.
8. In order to safeguard the interests of archaeological heritage.
9. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
10. To ensure that the safety and free flow of traffic on the trunk road is not diminished.
11. To ensure that the efficiency of the existing trunk road drainage network is not affected.
12. To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road

## **Informatives**

It should be noted that:

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

These matters are:

### *Affordable Housing*

25% on site provision secured through suitable legal agreement (44 homes). 35 (80%) of the homes will be delivered by a Registered Social Landlord (RSL) either as social rent or mid-market rent, and nine (20%) of the affordable homes will be delivered as Golden Share. Further consideration to be given to mix of units and amount of social housing.

### *Transport*

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

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

The applicant will be required to contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit on Bo'ness Road, Society Road (20mph on Society Road to be extended west to under the M90 bridge) and within the development, and subsequently install all necessary signs and markings at no cost to the Council.

The applicant will be required to contribute the sum of £23,500 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area, as per Council Transport Policy.

The applicant will be required to provide 91 Electric Vehicle (EV) charging bays across the development, these including 16 EV spaces for the 87 flats.

The applicant will be required to design and install a toucan crossing and un-signalised crossing on Builyeon Road and a further un-signalised crossing on Society Road with associated changes to footways and roads layout.

The applicant will be required to provide new/upgraded bus shelters/stops fronting the site (both north and south bound) to provide for inclusive use,

### *Education*

#### Queensferry Education Contribution Zone - Sub-Area Q-1

Total infrastructure contribution for education required has been calculated as £1,896,229. The total land contribution required is £231,826.

### *Healthcare*

An expansion to medical practice to mitigate the impact of development in Queensferry is identified within the Supplementary Guidance. The applicant will be required to make a contribution level of £210 per dwelling which equates to £36,960 for this application.

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

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

procedure for adoption and maintenance responsibility of SUDS infrastructure. The developer must submit a maintenance schedule for the approval of the Planning Authority. The applicant should note that the Council will not accept maintenance responsibility for underground water storage/attenuation.

5. The applicant must fully consider the heat and energy demands for the site. Ground/Air sourced heat pumps with PV/Solar Panels linked to energy storage
6. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be subject of applications for Road Construction Consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.

The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.

7. Any parking space adjacent to the carriageway will normally be expected to form part of any Road Construction Consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to any individual properties, nor can they be subject of sale or rent. The spaces will only form part of the road and as such will be available to all road users. Private enforcement is illegal and only the roads authority has a legal right to control on-street spaces, whether the road is adopted or not. The developer is expected to make this clear to prospective residents as part of sale or property.
8. All disabled parking spaces should comply with the Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on a local authority to promote use of parking places for disabled person's vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
9. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including the provision of a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetable for local public transport.
10. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.

11. The following noise protection measures to the proposed residential development, as defined in the Charlie Fleming Associates, ' Report on Road Traffic Sound' report, dated 20 October 2020:

Glazing units with a minimum insulation value of 4/10/4mm double glazing shall be installed for the external windows with trickle vents providing 30dB D n,e,w reduction for all habitable rooms.

A 1.8m close boarded acoustic barrier with a minimum thickness of 25mm shall be located to protect Western end of the gardens for plots 37 to 69, 35, 34, 33, 31, 28, 27, 152, 161 and the flats 162 to 176.

12. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

## **Financial impact**

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

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

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

In addition, initial proposals were presented to the Edinburgh Urban Design Panel on 30 October 2019.

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

The proposal received 18 comments which included 17 objections and one neutral comment.

Queensferry and District Community Council (QDCC) were consulted in relation to this application and have expressed their support for the proposals to deliver a mix of homes.

### **Background reading/external references**

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

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

The primary extents of the site are allocated as Housing Proposal HSG1 in the adopted Edinburgh Local Plan 2016. The south western corner of the site is identified as Urban Area.

**Date registered**

23 November 2020

**Drawing numbers/Scheme**

01, 02E, 04B, 05B, 07A, 08B, 09A, 10-33, 35-36,, 37A, 38-42, 43A, 44A, 45.,

Scheme 2

**David Givan**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Francis Newton, Senior Planning Officer

E-mail: francis.newton@edinburgh.gov.uk

**Links - Policies**

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

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

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

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

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

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

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

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

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

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

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

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

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

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

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

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

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

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

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

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

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

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

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

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

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

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

Draft Developer Contributions and Infrastructure Delivery SG sets out the approach to infrastructure provision and improvements associated with development.



# Appendix 1

## **Application for Planning Permission 20/05023/FUL At Land Bounded By M90, Springfield Lea, Place And Terrace And Bo'Ness Road, Echline, South Queensferry Residential development and associated works including formation of vehicular and pedestrian access, suds, infrastructure provision and hard and soft landscaping.**

### **Consultations**

---

#### **Edinburgh Airport comment**

*The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal, however have made the following observation:*

##### *Cranes*

*Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).*

*It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.*

#### **Communities+Families comment**

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

*In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (February 2020).*

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

#### *Assessment and Contribution Requirements*

*Assessment based on:*

*54 Flats (33 one bedroom flats excluded)*

*89 Houses*

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

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

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

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

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

*Total infrastructure contribution required:*

*£1,896,229*

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

*Total land contribution required:*

*£231,826*

*Note - no indexation to be applied to land contribution.*

*Per unit infrastructure contribution requirement:*

*Per Flat - £3,878*

*Per House - £18,953*

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

*Per unit land contribution requirement:*

*Per Flat - £532*

*Per House - £2,282*

*Note - no indexation to be applied to land contribution.*

### **Queensferry and District Community Council comment**

*When this development site came back to the market for housing development then Cala Homes made contact with QDCC. After carefully considering our comments lodged with LDP1 and preparing a draft plan, sought our views about the said plan that had been prepared. This plan went out for public consultation and QDCC were given the opportunity to be involved in the public consultation and councillors were present to hear the views first hand from those attending. Cala then worked closely with QDCC revising the plan where possible around the comments received. The plan lodged with CEC Planning is the outcome from this process.*

*The following points relate to appendix B (Access Strategy) of the Transport Assessment, covering changes to Bo'ness Road between Echline Corner and its eastern junction with Echline Avenue:*

- 1. QDCC supports the plan to narrow Bo'ness Road's carriageway to 6.5 metres, install a toucan crossing, gateway and vehicle activated speed sign for traffic calming purposes. These features help address some public concerns associated with traffic generated by development in the area.*
- 2. QDCC supports the plan for a shared use path extension on the north side but highlight that the shared path terminates at the toucan crossing. From this point eastwards to the primary school cyclists must use the carriageway where segregation from vehicles is using a painted line.*
- 3. QDCC seeks that the new pavement has sufficient width to support an enclosed bus shelter, compliant to the Equality Act 2010. As this will remain an exposed location, constructing an open shelter here and claiming it as an 'improvement' simply on accessibility grounds would be a bitter disappointment. From experience we know this can happen due to space constraints later discovered. We ask that a deliverable design for an enclosed shelter at this location is identified prior to approving the path width*

*QDCC is broadly content with what is being proposed by Cala Homes and is confident that working together this development will deliver a mix of homes both private and affordable that complements this landmark site.*

### **Affordable Housing comment**

#### **1. Introduction**

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

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

- o Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.*
- o 25% of the total number of units proposed should be affordable housing.*
- o The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:*

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

## *2. Affordable Housing Provision*

*The Housing Management and Development service is not able to support the current proposal for the provision of affordable housing for the reasons set out below. We would welcome the opportunity to work with the applicant to so that an appropriate scheme can be progressed.*

*This application is for a development of 176 homes. There is an AHP requirement for the development to include provision for affordable housing amounting to 25% of the total number of units proposed (44 units).*

*The applicant has submitted an 'Affordable Housing Statement' which confirms that 44 affordable homes will be provided on-site.*

*The applicant has confirmed the intention that 35 (80%) of the homes will be delivered by a Registered Social Landlord (RSL) either as social rent or mid-market rent, and nine (20%) of the affordable homes will be delivered as 'Golden Share' (unsubsidised low-cost home ownership with a purchase price set at 80% of market value in perpetuity).*

*Although some aspects of the proposed affordable housing provision are acceptable, overall the Housing Management and Development service is not supportive of the current proposal as the proposed mix of affordable home types and sizes is not appropriate. This is explained below.*

### *Housing Mix*

*There is a need and demand for all sizes and types of affordable housing. The Council's planning guidance on 'Affordable Housing' states that 'the proportion of housing suitable for families with children included within the affordable element should match the proportion of such housing on the wider site and a representative mix of house types and sizes should be provided'.*

*With regards to house types, 14 (32%) of the affordable homes are houses with gardens, compared with 75 (57%) of the market homes.*

*There will be a mix of one, two and three-bedroom affordable homes. However, only 14 (32%) have three-bedroom homes in comparison to 75 (57%) of the market homes.*

*It is particularly disappointing that only five of the 14 three-bedroom affordable houses are proposed to be delivered by a RSL, with nine to be delivered as Golden Share.*

*The Affordable Housing Statement suggests that the proposed mix is acceptable as it would not be practical to provide an entirely representative mix of affordable house types and sizes. However, it is not clear that a RSL could not deliver more affordable homes suitable for larger families if they were given the opportunity to do so.*

*The proposed mix of affordable housing types and sizes scheme does not therefore comply with the Council's planning guidance on 'Affordable Housing'. Housing Management and Development would welcome the opportunity to work with the applicant to enable more three-bedroom homes to be delivered by a RSL.*

### *Types of Tenure*

*The Council's expectation is that a minimum of 70% (30) of the affordable homes should be available for social rent. Social rent is the Council's highest priority tenure. Although the applicant has identified a RSL to deliver 35 of the homes, the number of units expected to be delivered as social rent has not been confirmed.*

*It is important that the expected affordable tenure type is agreed at an early stage so that the design of the scheme is aligned. The applicant should confirm that 70% of the affordable homes are expected to be delivered as social rent and identify these on a plan. If the applicant expects to deliver fewer affordable homes as social rent then this should be explained and justified within the Affordable Housing Statement.*

### *3. Summary*

*The Housing Management and Development service is not able to support the current proposal for the provision of affordable housing.*

*The applicant should increase the number of larger family homes to be delivered by a RSL and clarify the number of homes expected to be delivered for social rent.*

## **Affordable Housing comment updated**

### *1. Introduction*

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

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

- o *Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.*
- o *25% of the total number of units proposed should be affordable housing.*
- o *The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:*

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

## *2. Affordable Housing Provision*

*This application is for a development of 176 homes. There is an AHP requirement for the development to include provision for affordable housing amounting to 25% of the total number of units proposed (44 units).*

*This consultation response relates to the amended scheme which has been submitted. The applicant has submitted a revised 'Affordable Housing Statement' which confirms that 44 affordable homes will still be provided on-site. The mix of one, two and three-bedroom affordable homes remains unchanged. 14 will be houses and 30 will be flats.*

*Housing Management and Development could not support the original scheme on the basis that it did not comply with the Council's planning guidance on 'Affordable Housing' as a representative mix of house types and sizes would not be delivered. It was also unclear how many of the affordable homes would be delivered for social rent, the highest priority tenure.*

*In response to these concerns, the applicant has worked with Housing Management and Development and an RSL to make the following improvements to the affordable housing provision:*

- *The number of three-bedroom affordable houses that will be delivered by an RSL has increased from five to nine. There has been a corresponding reduction in the number of affordable homes to be delivered as 'Golden Share' from nine to five. The proportion of affordable homes expected to be delivered by an RSL has therefore increased from 35 units (80%) to 39 units (89%). This means that a high proportion of the affordable homes will be delivered as either social or mid-market rent, the two highest priority tenures;*
- *The range of affordable housing now includes a larger house type, with four larger three-bedroom houses to be delivered by an RSL;*
- *All affordable homes now meet the minimum internal space standards set out in the Edinburgh Design Guidance.*

*Despite these improvements, the amended scheme still does not fully comply with all aspects of the Council's guidance on 'Affordable Housing'. A representative mix of affordable housing sizes and types will still not be provided.*

*However, the RSL is supportive of the revised mix and has identified a large demand for the full range of properties. The RSL has welcomed the opportunity to deliver four additional houses, bringing the total number of three-bedroom houses to be delivered as either social or mid-market rent to nine. The proportion of three bedroomed family affordable houses that will be delivered by an RSL compares favourably with other developments of a similar nature.*

*On balance, the provision of affordable housing proposed in the amended scheme is acceptable to Housing Management and Development.*

*It should be noted that the applicant has not confirmed that at least 70% of the affordable homes will be delivered for social rent. This expectation is set out in the Council's affordable housing guidance and reflects housing need and demand. Housing Management and Development has raised this issue with the applicant, but the response has been that the exact mix of social and mid-market rented homes will be determined at a later stage. Although the exact tenure mix can be agreed prior to commencement of development under the terms of the standard legal agreement, it is disappointing that the applicant has chosen not to provide more information at this time. To avoid any unnecessary delays in delivery, the applicant should identify the proposed mix of tenures at the earliest opportunity. If 70% social rent is not to be achieved, then clear justification will have to be provided.*

### **3. Summary**

*The applicant is proposing to deliver 44 (25%) on-site affordable homes as required by LDP Policy Hou 6, to be secured through a S75 legal agreement.*

*The applicant has made significant improvements to the affordable housing provision. 39 will be delivered as either social or mid-market rent by an RSL. Five will be delivered as Golden Share.*

*The amended scheme still does not comply with all aspects of the Council's guidance on 'Affordable Housing' as a representative mix of affordable housing sizes will not be provided. The applicant has also not confirmed that at least 70% of the affordable homes are to be delivered for social rent. This matter will require further consideration prior to works commencing on site.*

*However, a high proportion (89%) of the affordable homes will be delivered by an RSL as either social or mid-market rent, the two highest priority tenures. The proposal will deliver a good range of different affordable housing sizes and types. The RSL is supportive of the proposed mix.*

*On balance, the provision of affordable housing proposed in the amended scheme is acceptable to Housing Management and Development.*

### **Archeology comment**

*The application site occupies the edge of high ground overlooking the Firth of Forth. Archaeological evidence has shown that similar locations in and around have been the focus for prehistoric occupation and burial dating from the 9th Millennium BC onwards.*

*Excavations in advance of the construction of the new Forth Crossing adjacent to this site (see Robertson et al PSAS Vol 143 (2013) p1-64) unearthed on of only a handful of early Mesolithic house sites dating to the 9th Millennium BC excavated in Scotland along with evidence for later Neolithic and Bronze age structures and occupation. More recently AOC in 2020, AOC Archaeology excavated two long cists (undated but thought to be latter prehistoric/early Christian) to the south of Echline Farm, adding to the evidence of isolated cist burials located across Echline. Possible Roman occupation in the form of a fortlet associated with the outer defences of the Antonine Wall has also be suggested for the nearby Inchgarvie House, based upon antiquaries 19th century discoveries of Roman artifacts.*

*As such the site has been identified as occurring within an area being of archaeological and historic significance. Accordingly, this application must be considered under terms of Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

#### *Buried Archaeology*

*Although evaluation of the site by Headland in 2011 as part of the Forth Crossing development appears to have found no major sites, the archaeological evidence from adjacent sites has demonstrated that significant often small sites and features including burials do occur frequently across this area. Accordingly, the site is still regarded as being of archaeological significance, primarily in terms of containing such isolated evidence and remains of prehistoric occupation and burials (often of national importance) potentially dating back to the 9th Millennium BC.*

*Given the scale of groundbreaking works associated with this development it is considered essential that a programme of archaeological work is undertaken prior to /during development, in order to fully excavate, analyse and record any archaeological remains that may be affected. This will require the undertaking of a phased programme of archaeological investigation, the first phase of which will be the undertaking of a metal detecting survey, followed by a programme of strip, map and excavation.*

#### *Public engagement*

*The archaeological investigations have the potential for unearthing important archaeological remains potentially dating back to the early Mesolithic period of the 9th Millennium BC. Accordingly, it is essential that the archaeological mitigation strategy contain provision for public/community engagement (e.g. site open days, viewing points, temporary interpretation boards), the scope of which will be agreed with CECAS.*

*It is essential therefore that a condition be applied to any consent granted to secure this programme of archaeological works based upon the following CEC condition;*

*'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, analysis & reporting, publication and public engagement) in accordance with a written scheme of*



*investigation which has been submitted by the applicant and approved by the Planning Authority.'*

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

## **Transport Scotland comment**

### **1. Cycleway**

*Transport Scotland Area Managers etc. are currently unable to conduct site visits due to the COV-19 restrictions. However, we are fairly confident that the cycle path is now open and has been for a while. We are seeking confirmation from the Forth Bridge Operating Company and if there is any change to that I'll advise.*

*The track will remain Transport Scotland's responsibility and there have been no discussions about transferring it to CEC.*

### **2. Embankment**

*The grass banks alongside the cycle path have been sown with a wildflower mix which has a low maintenance regime, requiring cutting once every two years. No further landscaping is intended for this area.*

## **Transport Scotland comment updated**

*The Director advises that the conditions be attached to any permission the council may give.*

*CONDITIONS to be attached to any permission the council may give:-*

- 1. Prior to the occupation of any part of the consented development hereby permitted, 'Keep Clear' road markings on the circulatory carriageway, opposite the arm of the exit for the M90 southbound off-slip of the M90 / A904 Queensferry Junction, shall be provided to the satisfaction of the Planning Authority, after consultation with Transport Scotland.*
- 2. There shall be no drainage connections to the trunk road drainage system.*
- 3. Prior to occupation of any part of the development hereby permitted, any footpath link approved by the Planning Authority, in conjunction with Transport Scotland, must be constructed and completed to the satisfaction of the Planning Authority, in consultation with Transport Scotland.*

*REASON(S) for Conditions (numbered as above):-*

- 1. To ensure that the safety and free flow of traffic on the trunk road is not diminished.*

2. To ensure that the efficiency of the existing trunk road drainage network is not affected.
3. To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.

## **Environmental Assessment comment**

*The proposed development site is located beyond South Queensferry and west of the site is the M90, close to the connection with the Queensferry Crossing. There are existing residential properties running along the east and south boundaries. As part of the recently completed Forth Replacement Crossing southern road network this site has now become accessible and viable for residential use as had been identified in the Local Development Plan albeit this is a slightly higher density proposal.*

*The applicant proposes developing 176 residential units with 313 car parking spaces many of which will be driveways. This does seem to be an excessive provision. It is noted that the proposed level of development is beyond the level set out in the Local Development Plan and associated Transport Appraisal.*

*Environmental Protection had raised concerns regarding this development including the impacts the development may have on local air quality and noise impacts from adjacent roads on the proposed sensitive receptors.*

### **Local Air Quality**

*The proposed level of car parking is excessive, and we would encourage the applicant to reduce this. The applicant had been asked to provide details on where the electric vehicle charging points will be located. The applicant must provide 52 charging point as per the Edinburgh Design Standards. These will need to be 7Kw type two sockets (32amp) chargers as a minimum. However Environmental Protection would advise that the applicant installs an external 3 pin-plugs (13AMP) socket on all units that have a driveway. The applicant should also provide an option for tenants to upgrade this to a 7KW type two socket (32AMP). Environmental Protection shall recommend a condition is attached regarding this.*

*It is noted that in the sustainability report that the applicant will be installing Photo Voltaic Panels which is welcomed. The applicant will now need to fully consider the site has all its energy and heat demand met by onsite renewables. This may need to include the use of ground/air source heat pumps and solar panels linked to energy storage. The applicant will be aware of the Climate Emergency and Zero Carbon targets of Edinburgh. The only way that these targets can be met is with sustainable development which will also reduce the impacts on local air quality.*

### **Contaminated Land**

*The applicant had submitted a Ground Investigation Report with the application this will be assessed by Environmental Protection throughout the development phase we recommend that a condition is attached to ensure that contaminated land is fully addressed.*

## Noise

*Environmental Protection raised concerns regarding the possible impact noise may have on the amenity of the newly proposed residential properties. The applicant has submitted a supporting noise impact assessment. The development site is exposed to high levels of traffic noise, the noise impact assessment has highlighted that noise can be mitigated by the inclusion of an earth bund and/or acoustic barrier that will break the line of site between the proposed residential properties and the road. Environmental Protection is satisfied that noise can be mitigated subject to acoustic fencing conditioned.*

*The main source of the noise impacting the site is traffic from the M90, the most effective method of mitigation is to place an acoustic barrier and bund close to the road. An acoustic bund and close boarded 2m timber fence are erected between the road and the development site already. This bund was estimated to be some 8m high and the fence 2m high. The bund and fence will act as an acoustical barrier to the sound reducing it on the development site. At the northern end of the development site the bund is not as tall as it is elsewhere and so the protection where the flats are proposed will be less.*

*The applicant has correctly identified the noise criteria that we require to be met for garden/outdoor amenity areas 55dB(A). When the houses are built, the sound of the traffic will be reflected off their western elevations back towards the M90. The reflected sound waves will interfere with the ones travelling directly from the road to increase the sound. This means that in the gardens of houses on the western boundary, the sound will be greater than the 55dB(A) limit. The sound can be reduced by making the fences at the bottom, western end, of the gardens from 25mm thick timber with overlapping boards. They must be a minimum of 1.8m high and be built at the western end of the gardens of all houses along the western site boundary.*

*Therefore, on balance Environmental Protection offers no objection subject to the following conditions;*

*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 development, as defined in the Charlie Fleming Associates, ' Report on Road Traffic Sound' report, dated 20 October 2020:

- Glazing units with a minimum insulation value of 4/10/4mm double glazing shall be installed for the external windows with trickle vents providing 30dB D n,e,w reduction for all habitable rooms.
- A 1.8m close boarded acoustic barrier with a minimum thickness of 25mm shall be located to protect Western end of the gardens for plots 37 to 69, 35, 34, 33, 31, 28, 27, 152, 161 and the flats 162 to 176.

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

3. Prior to occupation 52 electric vehicle charging points, capable of 7 Kw type 2 plugs (32AMP) shall be installed and operational.

4. Prior to the use being taken up, an external 3KW 3 pin-plug electric vehicle charging point, shall be installed in the private driveways with an option upgrade it to (32AMP) for all residential properties with driveways.

#### *Informative*

1. The applicant must fully consider the heat and energy demands for the site. Ground/Air sourced heat pumps with PV/Solar Panels linked to energy storage.

#### **Flood Prevention comment**

*Is this application considered a major application? If so, we would also require an independent consultant to check the FRA and SWMP. They should then provide a signed copy of the self-certification declaration certificate B1.*

*I have the following comments relating to the SWMP report.*

1. The drainage calculations use a 30% uplift to account for climate change. Could the applicant please confirm whether the drainage proposals can also accommodate the 1:200-year storm event including a 40% climate change uplift, as required by our current guidance.
2. Please confirm who will adopt and maintain the drainage infrastructure, including SUDS basin.

#### **Flood Prevention comment**

*Is the applicant able to provide written confirmation that Scottish Water agree to maintain the SUDS basin? The independent check certificate B1 covers the Flood Risk Assessment. Has an independent consultant also checked the surface water management proposals? A signed certificate B1 would also be required for the SWMP.*

## **Flood Prevention comment**

*The additional information satisfies our previous comments. This application can proceed to determination, with no further comments from Flood Prevention.*

## **Roads Authority Issues**

*The application should be continued.*

*Reasons:*

*I. The vehicular access arrangement on the north part of the site should be designed to ensure that refuse vehicle can service the site without reverse gear. The current design is contrary to the principles of Designing Street Guidance and LDP policy Des 7;*

*II. Controlled/pelican crossing will be required on Society Road and should be designed as part of the application to enable cyclist and pedestrian access NCN 76 on the north side of Society Road;*

*III. All the 17 houses with double driveways breaches the Council Parking standards which allows a maximum of 1 car parking spaces per dwelling; this will be highlighted in the transport response even if there is no objection from transport.*

*IV. A minimum of 15 EV parking spaces are required for the 87 flats (13-24, 47-58, 59-69, 70-80, 81-91, 137-151, 162-176) 11 EV spaces proposed;*

*V. A minimum of 7 disabled bays are required for the 87 flats as in item V above (1 disabled parking space proposed);*

*VI. Footway connection required (see marked area on the plan);*

*VII. Cycle stores have been provided for the apartment buildings; 13-24, 47-58, 59-69, 70-80, 81-91, 137-151, 162-176. However, to comply with LDP policy Tra 4 and EDG, the applicant should demonstrate by design;*

*i. the minimum cycle parking spaces requirement can be achieved for each of the flatted accommodations;*

*ii. Secure and vandal proof - good designs can encourage cyclists to use parking stands, and the opposite can be the case;*

*iii. Located in a well-lit area - essential for personal security when parking at night;*

*iv. Easy to use - there should be adequate space in the parking area to facilitate easy manoeuvring without catching other bicycles as well as adequate provision of locking points in order to accommodate different types of bicycle;*

*v. Accessible - prominently located near entrances so as to encourage the maximum number of users; and Cycle Parking Cycling by Design 2010 (Revision 2, July 2020) 112 Cycling by Design 2010 (Revision 2, July 2020) o*

*vi. Durable - a robust design will minimise the whole life cost of cycle parking provision*

VIII. *It is recommended that the proposed 4 car club bays be positioned in 2 locations of 2 spaces in a highly visible location to promote its use;*

IX. *Clarification will be required on modelling of the Queensferry Gyratory;*

X. *The applicant should provide designer's response reflecting on the layout/design to the following safety issues identified in the Road Safety Audit 3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.1.5, 3.2.1, 3.3.1, some of 3.4.1. The stage 1 road safety issues can not be deferred to RCC stage where further stage 2 safety audit will be required. The applicant is required to update the design to eliminate the safety issues identified;*

XI. *Quality Audit is required at this stage;*

XII. *Clarification required on note A (location of yellow box/transport Scotland have agreed to this) and note B (location of sign)*

*Should you be minded to grant the application the following should as conditions or informatives as appropriate;*

1. *The applicant will be required to:*

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

b. *Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*

c. *Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit on Bo'ness Road, Society Road ( 20mph on Society Road to be extended west to under the M90 bridge) and within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;*

d. *In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £23,500 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area;*

2. *Contribution will be sought to extend the cycle route on the north side of Bo'ness Road to Echline Primary and to Boness Road/A904 Builyleon Road junction;*

3. *The two bus shelters/stops fronting the site (both north and south bound) is required to be upgraded to larger bus shelters which provides for inclusive use (hardstanding design should cater for disabled and wheelchair users);*

4. *The applicant will be required to design and install toucan crossing on Bo'ness Road to the north side of the site access to the satisfaction and at no cost to the Council;*

5. *The applicant will be required to design and install toucan crossing on Society Road to provide safe crossing from the proposed footway to the footway on north side of Society Road to the satisfaction and at no cost to the Council;*

6. *The applicant will be required to design and install footway on the south side of Society Road from Clufflat junction to the existing access west of the proposed footway link on Society Road to the satisfaction and at no cost to the Council;*
7. *The applicant will be required to provide uncontrolled crossing (crossing with refuge island) as close as possible to the bus stops on Bo'ness Road to the satisfaction and at no cost to the Council;*
8. *The applicant will be required to narrow sections of Bo'ness Road to promote safety;*
9. *Contribution will be sought to provide footway linkage from Clufflat to the proposed footway from the site to Society Road;*
10. *All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
11. *The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*
12. *A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*
13. *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;*
14. *The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;*
15. *Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;*
16. *Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway*

and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;

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

18. The works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

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

20. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Note:

a. A transport assessment has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The development is predicted to generate a total two-way peak hour vehicle trips of 101 and 119 respectively during the morning and evening peak hours. Network weekday peak hours was identified as 07:30 - 08:30; and 17:00 - 18:00 based on traffic data collected on 18th February 2020. Two junctions (Builyeon Road / Bo'ness Road signalised junction; and Queensferry Gyratory) were further assessed because threshold analysis shows that they are expected to experience an increase in traffic of more than 5% as a result of the development. M90(T) Off-Slip (Northbound); and M90(T) On-Slip (Southbound) slip road were further assessed based on 5% threshold analysis.

Traffic modelling based on using traffic data for 2022 base, committed development and the development traffic shows that the site access junction, Builyeon Road/Bo'ness Road signalised Junction and Queensferry Gyratory will all operate within capacity' Proposed site access junction is predicted to have maximum RFC of 0.18 on the site access approach which is well within acceptable RFC of 0.85 and with a mean maximum queue 0.2.

Queensferry Gyratory / Builyeon Road signalised junction which are linked in operation has practical reserve capacity of 1.4% and 16.7% for the morning and evening peak hours respectively. Queueing is predicted on the Queensferry gyratory which could be mitigated by introducing a yellow box where the southbound off slip enters the gyratory. The submitted document is generally in line with the published guidelines on transport assessments.



- b. Vehicle activated speed sign to be provided on northbound approach to the site junction;
- c. A total of 193 car parking spaces have been proposed which exceeds the maximum allowed for the proposed development by 17 spaces;
- d. Site access and internal road have been designed to slow down vehicular traffic;
- e. Segregated walking and cycling route through the site to connect to NCN 76 and 3m wide footway connection linking the site to existing development in the east and cycle route to the west;
- f. Bus services on Bo'ness Road (43/X43 - 20mins service frequency, 63 - 40 mins service frequency)
- g. The applicant to provide 4m wide shared route on the north side of Bo'ness Road fronting the proposed development;

## **Roads Authority Issues updated**

*The application should be continued.*

*Reasons:*

*I. A minimum of 60(2spaces x 30 1&2 bed flat) secure cycle parking spaces required for affordable apartments 137-151 and 162-176. The proposed 32 spaces fall short by 28 cycle spaces. A a minimum of 114(2paces x 30 1&2 bed flat) secure cycle parking spaces required for the 57private flats (plots 13-24, 47-58, 59-69, 70-80, 81-91)*

*II. Justification for dropped kerb crossing on Society Road as opposed to controlled crossing required; In the absence of traffic volume and accident data on Society Road; level of pedestrian flow on proposed footway and proximity to 30mph on the west of Society Road, proposal for dropped kerb is not justified. However, compromise could be reached if the applicant could provide further information outlined above to justify dropped kerb as oppose to toucan crossing (item 5 below);*

*Should you be minded to grant the application the following should as conditions or informatives as appropriate;*

- 1. *The applicant will be required to:*
  - a. *Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
  - b. *Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
  - c. *Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit on Bo'ness Road, Society Road ( 20mph on Society Road to be extended west to under the M90 bridge) and within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;*
  - d. *In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £23,500 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area;*

2. *The two bus shelters/stops fronting the site (both north and south bound) is required to be upgraded to larger bus shelters which provides for inclusive use (hardstanding design should cater for disabled and wheelchair users);*
3. *The applicant will be required to design and install toucan crossing on Bo'ness Road to the north of the site access to the satisfaction and at no cost to the Council;*
4. *The applicant will be required to design and dropped kerb crossing on Society Road from the proposed footway to the footway on north side of Society Road to the satisfaction and at no cost to the Council;*
5. *The applicant will be required to design and install footway on south side of Society Road from Clufflat junction to the existing access west of the proposed footway link on Society Road to the satisfaction and at no cost to the Council;*
6. *The applicant will be required to provide uncontrolled crossing (crossing with refuge island) as close as possible to the bus stops on Bo'ness Road to the satisfaction and at no cost to the Council;*
7. *The applicant will be required to narrow sections of Bo'ness Road to promote safety;*
8. *All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
9. *The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*
10. *A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*
11. *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;*
12. *The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;*
13. *Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such*

*will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;*

*14. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;*

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

*16. The works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>*

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

*18. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.*

*Note:*

*a. A transport assessment has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The development is predicted to generate a total two-way peak hour vehicle trips of 101 and 119 respectively during the morning and evening peak hours. Network weekday peak hours was identified as 07:30 - 08:30; and 17:00 - 18:00 based on traffic data collected on 18th February 2020. Two junctions (Builyeon Road / Bo'ness Road signalised junction; and Queensferry Gyratory) were further assessed because threshold analysis shows that they are expected to experience an increase in traffic of more than 5% as a result of the development.*

*M90(T) Off-Slip (Northbound); and M90(T) On-Slip (Southbound) slip road were further assessed based on 5% threshold analysis.*

*Traffic modelling based on using traffic data for 2022 base, committed development and the development traffic shows that the site access junction, Builyeon Road/Bo'ness Road signalised Junction and Queensferry Gyratory will all operate within capacity'*

*Proposed site access junction is predicted to have maximum RFC of 0.18 on the site access approach which is well within acceptable RFC of 0.85 and with a mean maximum queue 0.2.*

*Queensferry Gyratory / Builyeon Road signalised junction which are linked in operation has practical reserve capacity of 1.4% and 16.7% for the morning and evening peak hours respectively. Queueing is predicted on the Queensferry gyratory which could be mitigated by introducing a yellow box where the southbound off slip enters the gyratory. The submitted document is generally in line with the published guidelines on transport assessments.*

*b. Vehicle activated speed sign to be provided on Bo'ness Road northbound approach to the site junction;*

*c. A total of 193 car parking spaces have been proposed which exceeds the maximum allowed for the proposed development by 17 spaces (17 houses with double garages) contrary to LDP policy Tra 2. The proposed is considered acceptable given the site location to the city centre and public transport accessibility. The proposed 7 disabled bays and 16 EV charging spaces for the 87 flats complies with the Council's parking standards. A total of 91 EV charging bays proposed for the site.*

*d. Cycle parking to be provided within the curtilage for all the houses. Cycle parking spaces for the apartments to be provided as follows; 16 spaces for each of 137-151 and 162-176; 12 spaces for each of plots 13-24, 47-58, 59-69, 70-80, 81-91.*

*e. Site access and internal road have been designed to slow down vehicular traffic;*

*f. Segregated walking and cycling route along the site access and footway connection to NCN 76; and 3m wide footway connection linking the site to existing development in the east and cycle route to the west;*

*g. Bus services on Bo'ness Road (43/X43 - 20mins service frequency, 63 - 40 mins service frequency)*

*h. The applicant to provide 4m wide shared route on the north side of Bo'ness Road fronting the proposed development;*

*i. Road safety Audit recommendations for problems identified in the report for items 3.1.1 to 3.1.5; 3.2.1; 3.3.1 to 3.3.3 and 3.4.1 have been accepted by the designer and incorporated in the design (3.1.4 not exactly as per recommendation)*

*j. The applicant has demonstrated that refuse collection for the site could be achieved.*

## **Roads Authority Issues updated**

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

*1. The applicant will be required to:*

- a. *Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
  - b. *Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
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  - d. *In support of the Council's LTS Cars1 policy, the applicant should consider the sum of £23,500 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area;*
2. *The applicant will be required to provide a minimum of 60 secure cycle parking spaces for the affordable apartments and 114 cycle spaces required for the 57private flats (see not k below);*
  3. *The two bus shelters/stops fronting the site (both north and south bound) are required to be upgraded to larger bus shelters which provides for inclusive use (hardstanding design should cater for disabled and wheelchair users);*
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11. A Quality Audit, as set out in *Designing Streets*, to be submitted prior to the grant of Road Construction Consent;

12. 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;

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

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

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*c. A total of 193 car parking spaces have been proposed which exceeds the maximum allowed for the proposed development by 17 spaces (17 houses with double garages) contrary to LDP policy Tra 2. The proposed is considered acceptable given the site location to the city centre and public transport accessibility. The proposed 7 disabled bays and 16 EV charging spaces for the 87 flats complies with the Council's parking standards. A total of 91 EV charging bays proposed for the site.*

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*e. Site access and internal road have been designed to slow down vehicular traffic;*

*f. Segregated walking and cycling route along the site access and footway connection to NCN 76; and 3m wide footway connection linking the site to existing development in the east and cycle route to the west;*

*g. Bus services on Bo'ness Road (43/X43 - 20mins service frequency, 63 - 40 mins service frequency)*

*h. The applicant to provide 4m wide shared route on the north side of Bo'ness Road fronting the proposed development;*

*i. Road safety Audit recommendations for problems identified in the report for items 3.1.1 to 3.1.5; 3.2.1; 3.3.1 to 3.3.3 and 3.4.1 have been accepted by the designer and incorporated in the design (3.1.4 not exactly as per recommendation)*

*j. The applicant has demonstrated that refuse collection for the site could be achieved;*

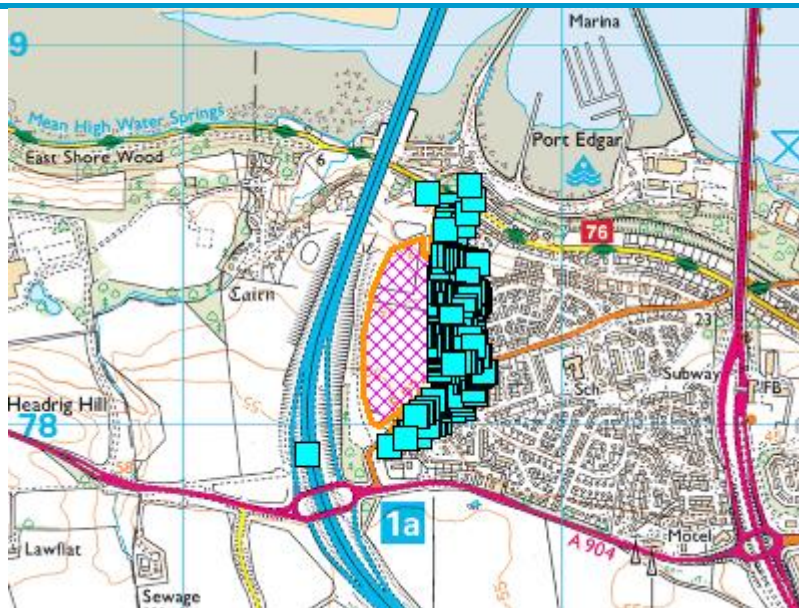
*k. A minimum of 60(2spaces x 30 1&2 bed flat) secure cycle parking spaces required for affordable apartments 137-151 and 162-176. The proposed 32 spaces fall short by 28 cycle spaces. A minimum of 114(2paces x 30 1&2 bed flat) secure cycle*

*parking spaces required for the 57 private flats (plots 13-24, 47-58, 59-69, 70-80, 81-91).  
The cycle parking provision for the private flat fall short by 54 spaces*

### SEPA comment

appears to be only surface water flooding which is a matter solely for the council flood team. The KAYA FRA states that the development site is +15m above the adjacent river. We have no comment on this application.

### Location Plan



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**END**



## Development Management Sub Committee

report returning to Committee - Wednesday 19 May 2021

**Application for Planning Permission 19/04036/FUL  
at Newhouse Farmhouse, Long Dalmahoy Road, Kirknewton.  
Alter an approved residential layout, extend site area, form  
sewage treatment works and erect 8 (eight) houses  
(amendment to 17/02707/FUL) (as amended).**

**Item number**

**Report number**

**Wards**

B02 - Pentland Hills

### Recommendations

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

### Background information

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This application was determined by officers on 18 August 2020, under delegated powers, to grant it subject to the conclusion of a legal agreement within six months of this date to secure the necessary delivery of relevant transport and education contributions.

Under the Scheme of Delegation, the Chief Planning Officer has delegated powers to extend the six-month period for concluding a legal agreement to nine months, provided meaningful progress is being achieved. This delegated power was used to extend the period for concluding the legal agreement in this case. However, the nine-month period expires on 18 May 2021 and, therefore, the matter requires to go to Committee for a decision on extending the period further.

## Main report

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There are no new material planning considerations which affect the original delegated decision on 18 August 2020 to grant this application subject to a legal agreement first being concluded to secure transport and education contributions.

Conclusion of this legal agreement was delayed due to both the effects of the pandemic, and the applicant requesting clarification regarding the means used by the Council to calculate the financial requirements of the development in relation to transport and education infrastructure. Specific concerns were raised regarding a perceived discrepancy between the means of calculation used for this application when compared to previous similar applications for development on this site (references: 17/02707/FUL and 15/05455/FUL).

Having regards to the significant importance of ensuring that all financial contributions are calculated correctly and are of direct relevance to this planning permission; the Council proceeded to undertake a detailed check of the means of calculation. The applicant's legal representatives have now confirmed that they will accept the requirements which the Council has placed in the agreement. As such, meaningful progress has been achieved in moving this forward. It is envisaged a further three month extension would allow the agreement to be concluded. It is recommended that the Committee agrees to extend the deadline for concluding the legal agreement to enable planning permission thereafter to be released

## Links

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### **Policies and guidance for this application**

LDPP, LEN10, LEN09, LEN21, LEN22, LDES01, LDES05, LTRA02, LTRA03, LDEL01, NSG, NSGD02, NSGCGB,

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=PWU3EZEWI3U00>

Or Council Papers online

### **David Givan**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: James Allanson, Planning Officer

E-mail:james.allanson@edinburgh.gov.uk

## Development Management Sub Committee

**Wednesday 19 May 2021**

**Application for Planning Permission 18/04268/FUL  
at 195 Kingsknowe Road North, Edinburgh, EH14 2ED.  
Demolition of existing Public House and construction of 10  
townhouses and one detached dwellinghouse with  
associated gardens and car parking (as amended)**

**Item number**

**Report number**

**Wards**

B07 - Sighthill/Gorgie

### Summary

The proposal is acceptable in principle. It is of an appropriate design, scale, form, massing and density.

The proposal would not have an adverse effect of the amenity of neighbouring residents and future occupiers would benefit from acceptable levels of amenity in relation to noise, daylight, sunlight, privacy and immediate outlook.

The proposal raises no material concerns in respect of transport or pedestrian and road safety. The proposal is in compliance with relevant local development plan policies and non-statutory guidance and is acceptable. No other material considerations outweigh this conclusion.

### Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, LRS06, NSG, NSGD02,

# Report

## **Application for Planning Permission 18/04268/FUL at 195 Kingsknowe Road North, Edinburgh, EH14 2ED. Demolition of existing Public House and construction of 10 townhouses and one detached dwellinghouse with associated gardens and car parking (as amended)**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site extends to 0.2 hectares. It is occupied by a single-storey public house, with a two-storey residential extension to the rear. The public house is situated to the centre of the site and is surrounded by a tarmaced car parking area. Vehicular and pedestrian access is to Kingsknowe Road North, through a low brick wall. The northern, eastern and southern boundaries are formed by a stone rubble wall.

The surrounding land is residential in character and largely comprises single-storey properties. Two storey houses and four storey flatted blocks front Kingsknowe Place and Court to the west. Bus stops are located immediately outwith the application site and Kingsknowe Rail Station sits on the opposite side of the Union Canal.

#### **2.2 Site History**

10 January 2017 - Planning permission for the demolition of existing public house and erection of a residential development of 3 townhouses and 13 flats refused (application reference: 16/05340/FUL)

15 March 2017 - Review against refusal of 16/05340/FUL upheld by the Local Review Body

### **Main report**

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

Planning permission is sought for the erection of ten townhouses and one detached gatehouse.

The three-bed townhouses would be three storeys in height and would sit to the southern side of the access to Kingsknowe Road North. The three-bed gatehouse would be two storeys in height and would be located to the northwest boundary. Finishing materials would be a mixture of brick, terracotta clay tile and dark grey aluminium windows.

All units would benefit from private garden ground to the front and rear. Eleven car parking spaces are proposed, and cycle parking could be provided within the curtilage of each property.

### Previous Scheme

The application has been amended. Scheme 2 removed car parking spaces to accommodate a turning head and clarified the proposed external materials and finishes.

### Supporting Documents

A Design Statement, Daylight and Sunlight Assessment and visualisations were submitted in support of the application. These are available to view on the City of Edinburgh Council (CEC) Planning and Building Standards Online Portal.

## **3.2 Determining Issues**

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

Do the proposals comply with the development plan?

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

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

## **3.3 Assessment**

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

- a) the proposal is acceptable in principle;
- b) the design, scale, density, materials, layout, landscaping and relationship to the character and appearance of the streetscape is acceptable;
- c) it will adversely affect the amenity of neighbouring developments and provide future occupiers with acceptable levels of amenity;
- d) it raises any issues with respect to transport and road and pedestrian safety;
- e) there are any other material planning considerations;
- f) it raises any issues in respect of equalities and human rights;
- g) the report has addressed all material considerations raised by Community Councils and letters of representation.

#### a) Principle of Development

Local Development Plan (LDP) Policy Hou 1 (Housing Development) supports the delivery of housing on suitable Urban Area sites provided this would be compatible with other LDP Policies.

The removal of a building with limited architectural or historic qualities and little relationship with its surroundings would have a positive effect on the visual amenity of the streetscape. A residential use would be compatible with the character of the area, which has good public transport links and easy access to public green spaces.

The existing public house is not subject to any statutory protection preventing its demolition. It is noted that the public house is an important community facility for some. Whilst users of the public house would be impacted, there are other similar facilities within a 15 to 20 minute walking distance of the site. Any loss of local employment would not outweigh the benefits of the proposed housing.

The demolition of the public house and its replacement with residential properties is acceptable in principle provided it is compatible with other LDP Policies.

#### b) Design, Scale and Layout

LDP Policy Des 1 (Design Quality and Context) requires the creation or contribution towards a sense of place.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) seeks the identification, incorporation and enhancement of features worthy of retention.

LDP Policy Des 4 (Development Design - Impact on Setting) ensures that developments have a positive impact on its surroundings and LDP Policy Des 6 (Sustainable Buildings) requires the minimisation of environmental impact.

LDP Policy Des 7 (Layout Design) and LDP Policy Des 8 (Public Realm and Landscape Design) seek integrated developments and high-quality landscaping.

LDP Policy Hou 4 (Housing Density) secures appropriate developmental densities. LDP Policy Hou 2 (Housing Mix) seeks a mix of house types and sizes to meet a range of housing needs.

Low density housing is next to the application site with detached and semi-detached bungalows, with front and rear gardens and an established building line onto the street. However, two storey houses and four storey flatted blocks front Kingsknowe Place and Court on the opposite side of Kingsknowe Road North. There is no prevailing housing style that characterises the area as evidenced by the mix of single, two storey and four storey housing blocks in the immediate vicinity.

The residential units proposed are of a barn style design with rectangular elongated windows on the upper floors that straddle the walls and roof. The three storey townhouses and two storey gatehouses would be finished in buff brick to the ground floor and terracotta clay tile to the upper floors and roof. The proposal is of a contemporary design which will fit well into the surrounding context.

The previous application on the site (16/05340/FUL), was refused on the basis that the height and form of the development was inappropriate, as it was mostly formed of a four-storey block with a mono pitched roof. The current scheme seeks to address this; the positioning of the three-storey terraced row within the application site reduces the impact of differences in height by virtue of a sufficient separation distance.

Although the proposed buildings are of a greater height than the existing dwellings immediately bounding the site, examples of two to four storey houses and flatted blocks exist nearby. In these circumstances, the proposal would not create an over-dominant or incongruous built form. In addition, the height of the buildings would be softened by the introduction of more trees, which would also promote the integration of the proposal into the streetscape.

The proposal is of an acceptable design, scale, and form. The proposal would integrate into the character of the area and would not impact on the established characteristics of the surrounding streetscape. There would be a material increase in the proportion of greenspace and landscaping works, which would assist in the integration of the proposal into the streetscape.

The proposal complies with design policies.

In terms of density, the creation of 11 units on this site would be compatible with the low to medium density of development in the area. It is acknowledged that all the units have three bedrooms and do not provide a mix of units but they will add to the family sized offer in the area.

### c) Amenity

LDP Policy Des 5 (Development Design - Amenity) seeks to safeguard the amenity of neighbouring developments and ensure that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. LDP Policy Hou 3 (Private Green Space in Housing Developments) requires the provision of an adequate level of green space to meet the needs of future residents.

#### *Neighbouring Amenity*

A Daylight Assessment (DA) was submitted in support of the proposal. In relation to the house to the north of the site at Kingsknowe Road North, any overshadowing will be largely confined to the side garden area.

In relation to the houses to the south, these will not be adversely impacted.

In relation to the houses to the east, there may be some loss of sunlight towards the evening. The loss of sunlight would be acceptable in proportion to the back garden area and mostly confined to the boundary area.

The gardens are currently overshadowed by existing boundary treatment and the potential overshadowing would not be beyond what would be expected in a residential area of this nature.

#### *Future Occupier Amenity*

The DA confirms that the 11 properties would benefit from acceptable levels of natural light, and each would be provided with adequate privacy and immediate outlook. All units would comply with the minimum internal floor area and would benefit from at least 45 sq.m. of private rear garden.

The proposal would not have an adverse effect on the amenity of neighbouring residents in relation to noise, daylight, sunlight, privacy or immediate outlook. Future occupiers would benefit from appropriate levels of internal floorspace and an acceptable level of private green space would be provided.

#### d) Transport and Road and Pedestrian Safety

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 proposed cycle parking and storage provision complies with the standards set out in Council guidance.

LDP Tra 4 (Design of Off-Street Car and Cycle Parking) seeks appropriately sited parking of a high-quality design.

Transport initially recommended continuation based on the level of car parking, the lack of cycle parking details and the need for a turning head within the application site. Revised drawings were submitted that addressed these points. The amendment to the proposal reduced the number of car parking spaces from 16 to 11 and a turning head would now be provided. A condition has been attached requiring cycle storage to be provided for each property prior to occupation.

The existing access to Kingsknowe Road North would be retained. The number of vehicles which could access and ingress the application site in its current use has the potential to be similar or exceed the movements anticipated from a residential proposal. A requirement to obtain Road Construction Consent will ensure that the junction and access is suitable to serve the development. The proposal raises no material road and pedestrian safety concerns.

The revised drawings addressed these points.

The level and design of car and cycle parking spaces is acceptable and there are no material transport and pedestrian and road safety concerns for this proposal.



## e) Other Material Planning Considerations

### *Developer Contributions*

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) requires contributions to the provision of infrastructure to mitigate the impact of development.

Communities and Families advise that the application site falls within the Firrhill Education Contribution Zone and is anticipated to generate at least three primary school pupils and two secondary school pupils. A contribution of £71,896 has been identified for the provision of additional secondary school capacity and to mitigate the impact of increased demand on educational infrastructure. No contribution is necessary for additional primary school capacity.

### *Flood Risk and Surface Water*

LDP Policy Env 21 (Flood Protection) seeks to ensure no increased flood risk for the application site or its surroundings. The application site is not located within or adjacent to an area at risk of flooding from any source. However, a surface water management plan is required to ensure water run off is suitably managed.

### *Pollution and Air, Water and Soil Quality*

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) supports development that does not generate significant adverse effects for health and the environment.

The application site does not meet the definition of contaminated land and historic uses do not give rise to any specific concerns. Environmental Protection raises no objection, subject to a site investigation condition.

### *Biodiversity and Wildlife*

The application site has a low biodiversity potential value given its developed nature and lack of greenspace. The proposal would see a material increase in the proportion of landscaping which has the potential to result in the provision of a greater range of habitats. The development would have no impact on the Union Canal Local Nature Conservation Site.

## g) Public Comments

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

- Proposed use is not compatible with the area - this is addressed in paragraph 3.3a).
- Social and economic impacts through the loss of the existing premises - this is addressed in paragraph 3.3a).
- Design and materials are not compatible with the area - this is addressed in paragraph 3.3b).
- Detrimental impact on neighbour amenity - this is addressed in paragraph 3.3c)
- Road and pedestrian safety - this is addressed in paragraph 3.3d).
- Increased demand on school capacity - this is addressed in paragraph 3.3e).

- Flooding and drainage - this is addressed in paragraph 3.3e).
- Detrimental impact on air quality - this is addressed in paragraph 3.3e).
- Detrimental impact on wildlife - this is addressed in paragraph 3.3e).

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

- Construction noise is outwith the control of the Planning Authority.
- Vehicular traffic not adhering to speed limits is outwith the control of the Planning Authority.
- Loss or impediment of private long views are not protected by the planning system.
- Property values are not protected by the planning system.
- Non-specific reasons for objection include, "object", "I do not want this" and others with no detailed comment.

#### **Conclusion**

The proposal is acceptable in principle. It would form an acceptable land use in the area and would be of an appropriate design, scale, form, massing and density.

The proposal would not have an adverse effect of the amenity of neighbouring residents in relation to noise, daylight, sunlight, privacy and immediate outlook. Future occupiers would benefit from acceptable levels of amenity

The proposal raises no material concerns in respect of transport or pedestrian and road safety. The proposal is in compliance with relevant local development plan policies and non-statutory guidance and is acceptable. No other material considerations outweigh this conclusion.

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

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

##### **Conditions :-**

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, will be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Once approved, the landscaping shall be fully implemented within six months of the completion of the development.

3. Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
4. Prior to the commencement of development, a Surface Water Management Plan (SWMP) shall be submitted for the approval of the Planning Authority. This should be submitted in line with the City Of Edinburgh Council's self-certification procedures for the submission of such plans. The approved SWMP shall thereafter be implemented prior to the occupation of the development.
5. A minimum of three 7 Kw (Type 2) electric vehicle charging points shall be installed and operational prior to occupation
6. Prior to the occupation of the first dwelling, cycle storage shall be sited within the curtilage of each dwelling. Details shall be submitted for the written approval of the Council as Planning Authority.

**Reasons:-**

1. In order to enable the planning authority to consider these matters in detail.
2. In order to ensure that a high standard of landscaping is achieved and timeously provided.
3. In order to ensure the most efficient and effective rehabilitation of the site
4. To ensure water run off is suitably managed.
5. To meet the Council's climate change objectives.
6. In order to provide the required cycle storage.

**Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded.

Total infrastructure contribution required is £71,896 towards additional secondary school capacity in the 'Firrhill Education Contribution Zone'.

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

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

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. A minimum of three 7 Kw (Type 2) electric vehicle charging points shall be installed and operational prior to occupation.

## **Financial impact**

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

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

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## Consultation and engagement

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### 8.1 Pre-Application Process

Pre-application discussions took place on this application.

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

Neighbour notification was carried out on the 31 August 2018. The application appeared on the weekly list of the 3 September 2018. The neighbour notification period expired on the 21 September 2018.

148 representations were received, including one from the Longstone Community Council, and all are in objection. Whilst one was submitted to the Planning Authority in support, the comments within clearly indicate objection and has been treated as such. Matters raised are summarised in paragraph 3.3g).

### Background reading/external references

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

**Statutory Development  
Plan Provision**

The application site is located in the Urban Area as identified by the Local Development Plan.

**Date registered**

29 August 2018

**Drawing numbers/Scheme**

01, 02A, 03A, 04A, 05,

Scheme 2

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

Contact: Murray Couston, Planning Officer  
E-mail: [murray.couston@edinburgh.gov.uk](mailto:murray.couston@edinburgh.gov.uk)

**Links - Policies**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# Appendix 1

## **Application for Planning Permission 18/04268/FUL At 195 Kingsknowe Road North, Edinburgh, EH14 2ED Demolition of existing Public House and construction of 10 townhouses and one detached dwellinghouse with associated gardens and car parking (as amended)**

### **Consultations**

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#### **City of Edinburgh Council as Roads Authority**

*The application should be continued for the following reasons:*

- 1. Integral garages are not being provided with properties. Preferred in curtilage cycle storage is proposed in the applicant's design statement. It is not clear from the submitted drawings if suitable storage is being provided. Further details need to be provided by the applicant;*
- 2. As a development of 11 new residential properties, all accesses must be open for use by the public in terms of the statutory definition of 'road' and would require to be the subject of applications for road construction consent including details of lighting, drainage, sustainable urban drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips would be agreed. It is however noted that no footway(s) are proposed in the development, therefore it is assumed that a shared surface is proposed. This is not unacceptable, however the building plots may need to be adjusted in order to provide a service strip adjacent to the road;*
- 3. Kerbside waste collection is proposed, although a communal bin store alternative is also provided for the development. In either case it will be necessary for a refuse collection vehicle (RCV) to enter the development in order to collect the domestic waste and recycling, turn around and then exit. The layout of the road will not permit a RCV to turn in the development. A possible alternative would be to relocate the communal bin store to the vicinity of the access, therefore an RCV would not require to enter the site. It is recommended that the applicant contacts the Council's waste management team in order to discuss a suitable waste collection strategy in order to refine the proposals. It should be noted that the access junction will require to be upgraded if an RCV needs to be able to enter the site, otherwise the development could be served by a footway crossing;*
- 4. Electric vehicle charging outlets should be considered for this development. As a minimum, passive provision will be required including ducting and infrastructure to allow an electric vehicle charging point to be readily accommodated in the future.*

*Note:*



1. *The Edinburgh Design Guidance, Chapter 2.4 provides information on the design, integration and quantity of parking. It is recommended that the applicant carefully considers this guidance. The application has been assessed under the 2017 parking standards contained in this chapter for Zone 3. These permit up to 2 spaces per each property as proposed. The applicant proposes 1 space per unit plus 6 additional spaces. The need for an additional 6 spaces is questionable given the availability of kerbside parking in the general area. In curtilage parking spaces should be suitable for disabled users - minimum dimensions are provided in the Edinburgh Design Guidance.*

2. *A minimum provision of storage for 3 bicycles per property is required.*

Revised plans were submitted to address these points.

**Communities and Families** (20 September 2018) - No objection subject to contributions towards education

*The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (Updated December 2016), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.*

*The Council's assessment has indicated that additional infrastructure will be required to accommodate the cumulative number of additional pupils from development. Education infrastructure 'actions' have been identified and are set out in the Action Programme and current Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.*

*Residential development is required to contribute towards the cost of education infrastructure to ensure that the cumulative impact of development can be mitigated. To ensure that the total cost of delivering the new education infrastructure is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established.*

#### Assessment and Contribution Requirements

*Assessment based on 11 Houses. This site falls within the 'Firrhill Education Contribution Zone'.*

*The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme, as set out in the Action Programme and Supplementary Guidance.*

*The only education infrastructure action that has been identified to accommodate the cumulative number of additional pupils from development anticipated within this Zone is the provision of additional secondary school capacity. Additional primary school infrastructure will not be required as a result of the proposed development. Using the pupil generation rates set out in the Supplementary Guidance, the development is expected to generate at least three primary school pupils and two secondary school pupils.*

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

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

*Total infrastructure contribution required: £71,896.*

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

**Environmental Protection (1 October 2018) - No objection subject to conditions**

*Environmental Protection has commented on a similar proposal for this site before (16/05340/FUL - Demolition of existing public house and erection of a residential development of 3 townhouses and 13 flats). Environmental Protection offered no objections to that application and would continue to raise no objection.*

*However the application must be made aware that since the previous application was assessed the Edinburgh Design Standards have been published which provides a minimum number of electric vehicle charging points being installed which would be a minimum of three 7Kw (type 2) charging outlets being installed and operational prior to occupation. Environmental Protection recommend that the applicant installs electric vehicle charging points for 100% of the parking spaces provided.*

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

*Environmental Protection offers no objection subject to the following condition;*

*i) Prior to the commencement of construction works on site:*

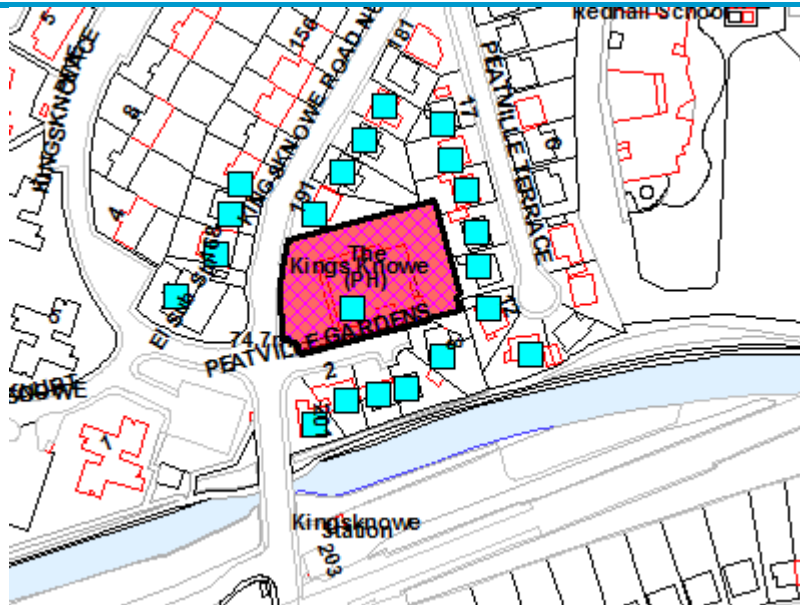
*a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken 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.

A minimum of three 7 Kw (Type 2) electric vehicle charging points shall be installed and operational prior to occupation.

## Location Plan



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## Development Management Sub Committee

**Wednesday 19 May 2021**

**Application for Planning Permission 20/05834/FUL  
at land to the west of, 50 Marine Drive, Edinburgh. Erection  
of changing facilities, storage, retail outlet and café serving  
hot and cold food and drinks to eat in or take away.  
Operational times are 10am to 8pm daily over April to  
September with the structure being dismantled and removed  
for winter storage.**

**Item number**

**Report number**

**Wards**

B01 - Almond

### Summary

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The proposal is acceptable in this location and will not have a detrimental effect on the Green Belt, the special landscape area nor the Firth of Forth Special Protection Area. It is of an appropriate scale, form and design. There are no amenity, transport, archaeology, external lighting, waste, renewable energy, equalities or human rights issues. The proposal complies with the Local Development Plan. There are no other material considerations that outweigh this conclusion.

### Outcome of previous Committee

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This application was previously considered by Committee on 05.05.2021

## Links

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

LDPP, LEN10, LEN11, LEN13, LEN16, LEN18, LEN08, LEN09, LDES01, LDES04, LDES05, LDES10, LTRA03, NSG, LRET06, LRET11, NSG, NSGCGB, NSGD02, NSBUS,

# Report

**Application for Planning Permission 20/05834/FUL at land to the west of, 50 Marine Drive, Edinburgh. Erection of changing facilities, storage, retail outlet and café serving hot and cold food and drinks to eat in or take away. Operational times are 10am to 8pm daily over April to September with the structure being dismantled and removed for winter storage.**

## Recommendations

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

## Background

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### 2.1 Site description

The application site sits between the north of the western part of Marine Drive and Silverknowes Promenade. It is part of a grassed area which slopes downwards to the promenade, beach and Firth of Forth.

To the south of the site, Marine Drive loops around parallel to the promenade and provides on street parking. Opposite to the east is an existing building which houses a café/restaurant. Diagonally opposite, to the south east, is Silverknowes Golf Course.

Although part of the City and near built up areas, the site is in a mainly undeveloped area next to the coast which has a rural character.

The application site is in the Green Belt, is a Notable Habitat Amenity Grassland and a Special Landscape Area. It is next to the Firth of Forth Special Protection Area.

### 2.2 Site History

There is no relevant planning history for this site.

## Main report

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### 3.1 Description of the Proposal

The proposal is for the erection of changing facilities, storage, retail outlet and café. The cafe will serve hot and cold food and drinks to eat in or take away. The proposal will be provided in conjunction with water sports activities, such as windsurfing and wing surfing hire and coaching, and it is also proposed to sell equipment, e.g. spares, and apparel.

As a temporary structure, it will be in the form of four container units which will be laid out as a U shape with an area of interlocking plastic tiles in this space to provide an area of hardstanding. The elevations will be timber clad with metal doors and there will be windows at the retail section. A short ramp, also of interlocking tiles, will be laid to give access from the area of hardstanding onto the existing grassed area.

Information provided with the application advises that the café will be licensed and it is intended that operational times will be 10am to 8pm daily over the months of 1 April to 30 September and that outwith these months, the structure will be dismantled and removed from site for winter storage.

### Supporting information

- Design and Access Statement

The supporting information is available to view on 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 in this location;
- b) The proposal has any impact on nature conservation, natural heritage or ecology
- c) The proposal will be of an appropriate scale, form and design;
- d) The proposal has any impact on neighbouring amenity;
- e) There are any Roads Authority, transport or parking issues;
- f) There are any other material planning considerations;
- g) There are any equalities or human rights issues and
- h) The public comments have been addressed.



a) Principle of development

Local Development Plan policy Env 10 (Development in the Green Belt) sets out criteria where development in the Green Belt will be permitted, provided it does not detract from the landscape quality and/or rural character of the area. Part a) of policy Env 10 is applicable and states that for the purposes of...countryside recreation... any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use.

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

Policy Env 18 (Open Space Protection) states that proposals involving the loss of open space will not be permitted unless it is demonstrated that: a) there will be no significant impact on the quality or character of the local environment and b) the open space is a small part of a larger area of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area; and c) the loss would be detrimental to the wider network including its continuity or biodiversity value and either d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space or e) the development is for a community purpose and the benefits to the local community outweigh the loss.

The proposal is linked to the intention to provide watersports in the Firth of Forth as it will provide changing facilities for those doing water-based recreation. In terms of Policy Env 10 the Green Belt, the proposal will be for countryside, albeit waterside in this case, related recreation. The basic, simple and low-level design of the building is appropriate to the use. The structure will be mainly for changing facilities although there will be other ancillary uses and it will be removed in the winter months. The impact of the landscape quality and rural character of the Green Belt will be minimal and temporary. A condition is recommended in relation to the removal of the temporary structures when the use of the site is not operational.

The proposal complies with policy Env 10.

The proposed location is within the Special Landscape Area (SLA), Southern Forth Coast at Cramond Foreshore. This SLA encompasses an extensive area of undeveloped land, foreshore and islands on Edinburgh's coastal margin and reflects the aspect and scenic quality of the landscape along the coastline.

The landscape is important for recreation, providing connectivity along the shore, and forms a key component in views towards Edinburgh from the Forth Estuary. The landscape towards Lauriston Castle and Cramond is more rural in character due to the combination of open sloping pastures and Silverknowes Golf Course. Although a recreational environment, the character of the area is relatively tranquil.

Potential pressures upon landscape integrity are noted as 'changes in the management of the landscapes for recreation and provision of recreation facilities'. Changes to landscape character should therefore not be permanent.

Views of the Coastal backdrop and Firth of Forth and the Forth Bridge are protected as advised in the Edinburgh Design Guidance. The proposed development will be visible in the forefront of some of the views looking along and into the coast. Due to the land sloping away into the shore, the single storey building will sit under the ridge of the slope and the development will sit comfortably in the landscape. The proposal will not detract from the overall key view from Cramond to the Coastal Backdrop. In terms of the key view looking west towards the Forth Bridge, this is from the Port of Leith and the proposed development site will not be prominent from this viewpoint.

The coastal slope is likely to conceal the proposed temporary structure in views from the south. However, it will be part of the long views along the waterfront promenade, where it would form a recreational hub. The exterior timber cladding and green roofing would assist in reducing any negative visual effects in views along the length of the shoreline where the existing grassed slopes provide an open sweep of landscape and the u-shaped form would contain activity.

There will be no significant impact on the quality or character of the local environment and the proposal complies with policy Env 11 and part a) of Env 18.

The amount of protected public open space to be lost in the summer months has limited leisure value as it slopes down to the coast, which is not ideal for usable space, for example for informal sports. There is also a large amount of open space in the immediate area and there will remain ample open space for amenity or leisure use. Much of the recreational value comes from the promenade and shore. Overall, there is a significant over-provision of open space in the area. The loss of the relatively small amount of existing open space is part of a larger area of open space provision.

In this context, the proposal complies with part b) of policy Env 18.

The application site is on existing grassland and the small area to be lost in the summer months will not detract from the continuity or biodiversity value of the area nor from the existing open space. Therefore, the loss of open space will not be detrimental to the wider network including its continuity or biodiversity value.

The biodiversity value is assessed in more detail below in 3.3b).

The benefit of allowing the development will improve the type of recreation available in the area by introducing an alternative recreational sport, i.e. watersports. By providing changing facilities, this will improve the experience of those participating in watersports recreation. The Design and Access Statement states that it is proposed to offer "assistance to state schools, disabled and disadvantaged groups" and this would be for a community purpose and benefit.

The proposal complies with parts d) and e) of policy Env 18.

The loss of open space at this location is acceptable and the proposal complies with Policy Env 18.

Policy Ret 6 (Out-of-Centre Development) states that proposals for retail development in an out-of-centre location will only be permitted provided it meets certain criteria.

The supporting text clarifies that for small retail units (up to 250 sq m) there is benefit in providing these in locations easily accessible by foot or bicycle.

Policy Ret 11 (Food and Drink Establishments) states that the change of use of a shop unit or other premises to a licensed or unlicensed restaurant, café, pub or shop selling hot food for consumption off the premises (hot food take-away) will not be permitted: a) if likely to lead to an unacceptable increase in noise, disturbance, on-street activity or anti-social behaviour to the detriment of living conditions for nearby residents; or b) in an area where there is considered to be an excessive concentration of such uses to the detriment of living conditions for nearby residents. Although the policy text relates to a change of use the supporting text clarifies that it is to protect residential amenity and to prevent concentrations of such uses.

The size of the retail element of the proposal will be ancillary to the main proposal and does not require to be assessed under the criteria set out in Policy Ret 6. The retail use will be in a location next to the promenade which is accessible by foot and bicycle.

Whilst policy Ret 11 relates to change of use of existing shop units to food and drink establishments, it is useful in considering the impact of introducing a food and drink establishment as its aim is to protect residential amenity and to prevent concentrations of such uses. The applicant has advised that the hot food unit will be a commercially constructed 20ft kitchen container, lined in stainless steel, with hot and cold water, handwashing sinks, refrigerators and forced air extraction that vents out of a stack on ceiling at a height of 3m from the ground and that the unit complies with Environment Protection's requirements.

The proposed café use, including hot and cold food to take away, is not near residential uses and will not result in a concentration of such uses. Cooking odours will not cause a nuisance as there are no residential neighbours nearby. The proposed café element is acceptable.

The proposal is acceptable and complies with policies Env 10, Env 18, Env 11, Ret 6 and Ret 11.

b) Nature conservation, natural heritage and ecology

Policy Env 13 (Sites of International Importance) sets out criteria which would make development on such sites acceptable. It states that development likely to have a significant effect on a "Natura 2000 site" will be permitted only if either: a) the development will not adversely affect the integrity of the area; b) it has been demonstrated that: c) there are no alternative solutions and d) there are imperative reasons of overriding public interest for permitting the development, including reasons of a social or economic nature. e) compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

Policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law, unless: a) there is an overriding public need for the development and it is demonstrated that there is no alternative; b) a full survey has been carried out of the current status of the species and its use of the site;

c) there would be no detriment to the maintenance of the species at "favourable conservation status"; and d) suitable mitigation is proposed.

Nature Scot (Scottish Natural Heritage) has advised that there are natural heritage interests of international importance adjacent to the site, but in its view, these will not be adversely affected by the proposal.

A Habitat Regulations Appraisal (HRA) has been undertaken as the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") are relevant due to the Firth of Forth Special Protection Area (SPA) being designated for its wintering bird interest. The HRA concluded that there are "no adverse effects upon site integrity".

The proposal will not result in a detrimental impact on the Firth of Forth Special Protection Area Sites of International Importance nor on species protection. Therefore, the proposal complies with policies Env 13 and Env 16.

c) Scale, form and design

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

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

LDP Policy Des 10 (Waterside Development) states that planning permission will only be granted for development on sites on the coastal edge or adjoining a watercourse where the proposals: a) provides an attractive frontage to the water in question; b) where appropriate, maintains, provides or improves public access to and along the water's edge; c) maintains and enhances the water environment, its nature conservation or landscape interest including its margins and river valleys; and d) if appropriate promotes recreational use of the water.

The proposal will contribute to the sense of place at the promenade and promote recreational use of the water. It will provide a destination for those doing watersports and those wishing to use the café or retail facilities.

The proposed building will sit below the level of Marine Drive and slightly above the level of the Promenade. The positioning will enable it to use the change in levels and sloping site to reduce the impact of the building on an otherwise open landscaped/grassed area. The simple and basic design of the containers and the timber cladding will sit comfortably within the surroundings. The green roof will soften the proposed development and a condition is recommended, should planning permission be granted requiring a landscape plan. This is to ensure that the proposed landscaping and planting is appropriate for the location.

The proposed structure will be just under a metre to the promenade and the area of hardstanding will sit slightly further back at about 2.3-2.8 metres from the promenade. Therefore, it will not encroach onto the promenade. The levels shown in the drawings reflect those on site and the levels slope up 400mm from the front of the structure to the back. The proposed hardstanding of interlocking tiles will give a flat surface and a short ramp will give access onto the existing grass. The proposal will maintain public access to and along the water's edge. It will not detract from the importance and dominance of the promenade or shoreline.

The surface outside the WC and service area is to remain as grass. Whilst it may become muddy in certain circumstances, the retention of the grass surface will help keep the extent of the proposed development as tight as possible and reduce the amount of area required for the proposal. It is noted that the details of the lease will ensure that the grass is made good after the close of each season.

The proposed development will provide some active use to the waterfront with a subtle frontage and maintain nature conservation and landscape interest of the area. The structure will maintain the water environment.

The proposal will contribute to a sense of place and respects the positive characteristics of the area. It's simple and low level design will reduce its impact on the current open and mainly undeveloped area. The proposed development will provide an appropriate waterside development.

The proposal complies with policies Des 1, Des 4 and Des 10.

d) Amenity

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

There are no residential neighbours near the application site and, therefore, there will be no impact in terms of noise, daylight, sunlight, privacy or immediate outlook. Cooking odours will not cause a nuisance as there are no residential neighbours nearby. The closest neighbour is a restaurant/café which is a similar use to the proposal and will not be unreasonably affected regarding its amenity.

There are no amenity issues and the proposal complies with policy Des 5.

e) Roads Authority issues

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

The Roads Authority has advised that it has no objections to the application subject to conditions or informatives relating to cycle parking and the rights and authority to access and service the site via Silverknowes Promenade.

There is no opportunity to provide private car parking on the application site. Public parking is available on Marine Drive and a minimum of two cycle parking spaces are required to comply with the parking standards in the Edinburgh Design Guidance. Therefore, a condition is recommended requiring a minimum of two cycle parking spaces, should planning permission be granted. In this context, there are no parking issues.

There are no roads authority, transport or parking issues with the use of a condition relating to cycle parking.

f) Other Material Planning Considerations

*Drainage and flood protection*

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

Flood Planning has no major concerns.

*Archaeology*

LDP Policies Env 8 and Env 9 outline the requirements for developing sites of potential archaeological interest.

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 Archaeologists has advised that it is unlikely that this development will have a significant archaeological impact and that there are no known archaeological implications.

There are no archaeology issues and the proposal complies with policies Env 8 and 9.

*Waste*

The Design and Access Statement advises that bins will be stored on street next to those of the existing restaurant/café. As this is outwith the application site, the applicant is advised to ensure that the necessary authority is secured from the Council as Roads Authority to store bins on the public road. It is acknowledged that the proposed development is not adjacent to the proposed location of the bins and in practice it is likely that some waste storage will occur on site. There will also be items capable of being recycled and water waste.

The Design and Access Statement also states that waste water will be stored under units and pumped out by way of waste handler contractor. The developer will need to comply with the relevant legislation and regulations relating to waste water disposal.

It is the responsibility of the developer to ensure that the waste strategy proposed is appropriate for the development and practicable.

### *External Lighting*

There will be four 100w LED uplighters outside. The electricity is to be generated and taken from batteries and, therefore, it is not expected that the lights will be so bright that they will dominate the vicinity. The amount of lighting is not excessive and as such will not detract from the views of the landscape and coast at, for example, late evening or night time.

The proposed external lighting is acceptable.

### *Renewable Energy*

It is not proposed to use renewable energy at the moment. The energy will be provided by generated electrical and battery power and LPG from tanks. However, it is recognised that renewable energy possibly can be used and the agent has advised that a small solar panel could charge the battery.

This is a small scale development to be in place for six months of the year and the current energy generation proposals are acceptable.

### *Watersports*

The associated water sports activity is not development and, therefore, cannot be taken into account in the consideration of the application.

### g) Equalities and human rights

Scottish public authorities are required to have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. The Council as planning authority must also have "due regard" to equalities and human rights matters.

A short ramp will enable access from the tiled flat area at the building onto the existing grass for those using wheelchairs. The agent has advised that the ramp could be extended down to the promenade and made flush with the surface of the promenade. In order to make the proposal inclusive and accessible, it is recommended that a condition be attached to the planning permission, should permission be granted, to require a ramp to be provided.

The proposed toilet does not comply with the relevant standards for an accessible WC facility. Whilst this would generally be a Building Standards matter, it requires to be taken into consideration by the planning authority for this planning application. Therefore, it is recommended that an appropriate condition be attached to the planning permission, should permission be granted, requiring an accessible toilet. As such, the toilet is not part of the approval.

The Design and Access Statement states that it is the intention of the operators to offer "assistance to state schools, disabled and disadvantaged groups". Those wishing to use the building and/or participate in the associated watersports would be able to do so without being excluded or discriminated.

There are no identified equalities or human rights issues, with the use of appropriate conditions.

#### h) Public Comments

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

- development of promenade. Addressed in 3.3a).
- protect landscape designations; preserve qualities of continuous greenspace of extensive landscape; special place. Addressed in 3.3a).
- greenspace recreational facility must not be compromised. Addressed in 3.3a).
- operation of facility on existing environment. Addressed in 3.3a) and 3.3b).
- no community or commercial benefit. Addressed in 3.3a).
- easily accessed on foot, by bike, on the bus or only a short drive across the city. Addressed in 3.3a).
- detrimental impact on the view westwards towards Cramond. Addressed in 3.3a)
- impact on wildlife/birds. Addressed in 3.3b).
- damage to grassland (due to access). Addressed in 3.3b).
- levels - decking and ramp to promenade. Addressed in 3.3c).
- lack of parking - addressed in 3.3e).
- increased traffic. Addressed in 3.3e)
- external lighting impact on natural, darkening shoreline environment. Addressed in 3.3f).



- access to promenade/paths for servicing. Addressed in 3.3e).
- renewable energy. Addressed in 3.3f).
- waste water. Addressed in 3.3f).
- toilets, accessible/disabled access to toilet. Addressed in 3.3g).

#### **Material Comments - Support:**

- water sport recreation/activity opportunity/asset/encourage/provision;
- more variety of facilities and creation of a hub;
- good/benefit for community, community groups, community soul; community purpose;
- create much needed facilities and jobs;
- proposed building would fit well;
- encourage being active and active travel;
- car free access; cycle, bus and pedestrian access;
- Edinburgh's Open Space strategy 2021 seeks to protect and enhance open space to encourage sports and recreation - area forms part of the Edinburgh North West Open Space Action Plan and (Waterfront Promenade).

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

- road closures, closure of/re-open Silverknowes Road, traffic route to Marine Drive and road safety. These matters are the responsibility of the Roads Authority.
- insufficient access to beach - outwith application site boundary; will use existing promenade and beach accesses. Not a material planning consideration.
- vehicular access to promenade and paths should be restricted - outwith application site boundary; the applicant should ensure that they have the necessary rights and authority to access and service the site via Silverknowes Promenade. Not a material planning consideration.
- no bus service - provision of bus services is not a responsibility of the planning authority.
- congestion on the promenade and paths; narrowing walkway - this is outwith the application site boundary. Not a material planning consideration.

- increase in visitor numbers - planning has no control over visitor numbers. Not a material planning consideration.
- impact on and disturbance to marine life. Outwith application site boundary. Not a material planning consideration.
- hazard of additional water sports activities in River Almond and Firth of Forth - Not a material planning consideration
- water quality and safety. Not a material planning consideration
- use of beach and conflict with other beach users - beach outwith site boundary of application site and not a material planning consideration.
- no consultation - consultation not required for this type of planning application; Neighbour Notification undertaken according to regulations and application advertised on 22 January 2021 in Edinburgh Evening News
- relocate proposed development - only the planning application presented in front of the planning authority can be considered.
- future development - only the planning application presented in front of the planning authority can be considered.
- advertisements and other features - advertisement consent may be required; some objects may be ancillary or not development, e.g. plant pots. Only the application presented in front of the planning authority can be considered.
- toilets (except accessible toilets) and showers. Not material planning considerations.
- maintenance of grass (cutting). Not a material planning consideration.
- litter. Not a material planning consideration.
- energy use of building. Not a material planning consideration.
- setting a precedent. Not a material planning consideration.
- ground lease. Not a material planning consideration.

## CONCLUSION

The proposal is acceptable in this location and will not have a detrimental effect on the Green Belt, the special landscape area nor the Firth of Forth Special Protection Area. It is of an appropriate scale, form and design. There are no amenity, transport, archaeology, external lighting, waste, renewable energy, equalities or human rights issues. The proposal complies with the Local Development Plan. There are no other material considerations that outweigh this conclusion.

## **Addendum to Assessment**

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

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

#### **Conditions :-**

1. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
2. A minimum of 2 cycle parking spaces to be provided. The details to be submitted to and approved in writing by the Planning Authority and implemented before the use is taken up.
3. Details of the ramp from the hardstanding to the promenade to be submitted to and approved in writing by the planning authority. The ramp shall not be more than 1:20 gradient and be no less than 1.5 metres wide. The ramp shall be available for use during the seasonal operational dates and the hours of operation.
4. Notwithstanding what is shown on the approved drawings the WC is not approved. Details of an accessible WC in an appropriate location shall be submitted to and approved in writing by the Planning Authority and implemented before the use is taken up (for the avoidance of doubt, the WC should comply with accessibility standards under the Buildings (Scotland) Regulations 2004 (as amended)).
5. The centre and use hereby approved will be operational between 1 April and 30 September annually only. Outwith this period, the temporary buildings will be dismantled and removed from the site for winter storage.

#### **Reasons:-**

1. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
2. In order to comply with cycle parking standards.
3. In order to be inclusive and accessible and comply with Equalities Act.
4. In order to be inclusive and accessible and comply with Equalities Act.
5. Due to the temporary nature of the proposed development.

## **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. The applicant should ensure that they have the necessary rights and authority to place the waste bins on the public road. The applicant is responsible for the Waste Management Strategy/Plan for the site.
4. The applicant should ensure that they have the necessary rights and authority to access and service the site via Silverknowes Promenade.
5. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## Consultation and engagement

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### 8.1 Pre-Application Process

There is no pre-application process history.

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

The application was advertised on 22 January 2021 and 72 public comments were received, including from Cramond and Barnton Community Council and Davidson's Mains & Silverknowes Association. Of these comments 65 were in support, five objected and two were general comments.

### Background reading/external references

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

## **Statutory Development**

### **Plan Provision**

The application site is identified in the Local Development Plan as being in the Green Belt, a Notable Habitat Amenity Grassland and a Special Landscape Area. It is next to the Firth of Forth Special Protection Area.

### **Date registered**

12 January 2021

### **Drawing numbers/Scheme**

01-05.,

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](mailto:jackie.mcinnnes@edinburgh.gov.uk)

## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

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

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

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

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





# Appendix 1

**Application for Planning Permission 20/05834/FUL  
At Land To The West Of, 50 Marine Drive, Edinburgh  
Erection of changing facilities, storage, retail outlet and café  
serving hot and cold food and drinks to eat in or take away.  
Operational times are 10am to 8pm daily over April to  
September with the structure being dismantled and removed  
for winter storage.**

## Consultations

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### Archaeology

*Further to your consultation request I would like to make the following comments and recommendations concerning this application Erection of changing facilities, storage, retail outlet and café serving hot and cold food and drinks to eat in or take away.*

*The site is located along the historic foreshore to the east of the Roman Fort and settlement at Cramond. In addition to Roma occupation the area is important for early prehistoric occupation and also medieval and latter settlement. Accordingly, the site occurs within a wider area regarded as being of archaeological significance. However, the area proposed for the new building lies on lower ground below the raised beach (a focus for this activity) and the known limits/concentration of Roman activity to the west.*

*Therefore, it has been concluded that it is unlikely that this developed will have a significant archaeological impact, and that there are no known, archaeological implications.*

### Roads Authority

*Summary Response*

*No objections subject to cycle parking provision.*

### Flood Planning

*We have no major concerns over this application. This application can proceed to determination, with no comments from Flood Prevention.*

### Nature Scot (formerly Scottish Natural Heritage)

*Summary*

*There are natural heritage interests of international importance adjacent to the site, but in our view, these will not be adversely affected by the proposal. Advice in relation to this is provided below and in Annex 1.*

#### *NH Advice*

#### *Firth of Forth SPA*

*The proposal lies adjacent to the Firth of Forth Special Protection Area (SPA), designated for its wintering bird interest. A Habitats Regulation Appraisal (HRA) is therefore required.*

*We consider that HRA screening and if necessary appropriate assessment should be able to be undertaken with information already or readily available.*

*In terms of HRA screening, our view is this proposal is likely to have a significant effect on the Firth of Forth SPA and consequently, Edinburgh Council as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.*

*To help you do this we advise that, in our view, based on the information provided in the application and existing information, the proposal will not adversely affect the integrity of the site.*

*Annex 1 contains details and reasoning for all requirements.*

*The advice in this letter is provided by Scottish Natural Heritage, acting under its operating name NatureScot.*

#### *Annex 1*

#### *Firth of Forth SPA and Habitats Regulations Appraisal*

*This proposal could affect the Firth of Forth Special Protection Area (SPA) designated for its wintering bird interest. Further information about this internationally important site, the special features it is designated to protect, and its conservation objectives, can be found on NatureScot's SiteLink website: <https://sitelink.nature.scot/home>*

*The status of these sites means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations"). Consequently, Edinburgh Council is required to consider the effect of the proposal on the site before it can be consented (commonly known as Habitats Regulations Appraisal). Our website has summaries of the legislative requirements and the HRA process: <https://www.nature.scot/professional-advice/protected-areas-and-species/protectedspecies/legal-framework/habitats-directive-and-habitats-regulations> <https://www.nature.scot/professional-advice/planning-and-development/environmentalassessment/habitats-regulations-appraisal-hra>*

*Our advice in relation to the HRA is provided below:*

*HRA Stage 1 - is the proposal connected with conservation management of the European site?*

*No - this proposal is not connected to conservation management of any European site. Hence further consideration is required.*

*HRA Stage 2 - is the proposal 'likely to have significant effects' upon the European site?*

*In plain English this asks whether there is any connectivity between the proposal and the European site.*

*The proposed structure is adjacent to the SPA but will also involve various watersports on the Silverknowes and Cramond coastline as well as River Almond. It is proposed that the centre will be open from the start of April to the end of September, daily 10am-8pm. Given that the SPA birds arrive back to the Firth of Forth in September, then there could be possible disturbance to the bird population and its supporting habitat. We therefore conclude that there's likely significant effects:*

- There is potential for disturbance or displacement of birds using the shoreline habitat or coastal water, with the construction of the temporary unit on the adjacent grassland and water based activities, with associated light, noise and movement.*

*HRA Stage 3 - will the proposal have adverse effects on the integrity of the SPA?*

*An appropriate assessment will be required and should be carried out by Edinburgh Council in view of the site's conservation objectives for its qualifying interests. In our view this assessment can be carried out using likely available information and should include an appraisal of the following:*

- Are there existing water based activities in this location - is this introducing a new activity/disturbance or does it exist already?*
- How many people are expected to use this centre?*
- Level of activity will be dependent on weather, wind direction and tide*
- It is assumed most watersports will be undertaken at high tide, especially around the Drum Sands area, when birds will be roosting inland - would this be right? This would reduce the likelihood of disturbance.*
- Is there existing data to give an indication of how many birds use this stretch of coastline in September? Our Firth of Forth HRA guidance document gives an indication of species arriving back in September but it isn't location specific: <https://www.nature.scot/habitatsregulations-appraisal-hra-firth-forth-guide-developers-and-regulators>*
- Existing recreational use of this part of the coastline, in terms of walkway, people, coastal use - on-going background disturbance.*

*By September, again there is an assumption that there's unlikely to be much use of the centre by the evening, when it's dark, so reducing potential disturbance. Would this be correct?*

- Building to be dismantled at the end of September and operations to cease for the wintering season, avoiding disturbance over the rest of the winter period.*

*A similar reasoning could be used for the end of the wintering period, at the start of April, when some birds might still be present.*

#### **HRA - Conclusion**

*Taking all of the above considerations into account, in our view it should be possible to reach a conclusion of 'no adverse effects upon site integrity'.*

*To note: If the planning authority intends to grant planning permission against this HRA advice, you must notify Scottish Ministers.*

#### **Cramond and Barnton Community Council**

*Cramond and Barnton Community Council (CC) has assessed this application and while the land-based site is outwith the CC's boundaries, the implications for public use of Silverknowes and Cramond Promenade, foreshore and coastal waters, including the River Almond river-mouth, are of concern to the CC. Please treat this submission as from a statutory consultee.*

*In assessing the BoardFast proposals, the CC is aware that the Council is negotiating a lease for the proposed site at Silverknowes and has submitted observations on the draft terms of the lease. It may be that some of the issues identified below would be better dealt with through lease conditions. The CC requests, therefore, that the Council adopts a corporate approach to ensure that the means of resolving the issues identified below are achieved either through planning conditions or lease conditions. Hence, this letter is being copied to the Council's Property and Facilities Management Team.*

*In principle, the CC welcomes new visitor facilities, such as the proposed watersports centre, where these will bring more activity and enjoyment by both participants and spectators visiting Silverknowes foreshore and waters. However, it is vital, in the interests of the environment and visitor experience, that proposed facilities, such as this watersports centre are carefully assessed, not only in terms of implications for the immediate site, but in respect of operational aspects, which may affect users of the Promenade (e.g. parking, vehicular movements between the site and Cramond Harbour) and of the shore and waters (e.g. implications for Cramond Boat Club of use of the river-mouth).*

*The CC is seeking, therefore, full consideration by the Planning Authority and Council's Property and Facilities Management Team of the following matters -*

*a. The proposals include watersports activities on the River Almond river-mouth and coastal waters west of the Causeway during suitable water/weather conditions. This has potential to pose safety issues and limit use of these waters by the long-established Cramond Boat Club, Cramond Sea Scouts, and others. While Scotland's access legislation enables commercial organisations to make active recreational use of the foreshore and coastal and river waters, subject to access rights being exercised responsibly, the Council should keep the recreational use of such areas under review and, if the introduction of BoardFast's activities adversely impact existing activities in/ around Cramond Harbour and the mouth of the River Almond, develop a watersports management plan. This may best be dealt with in the lease conditions.*

- b. *The proposed temporary buildings should be located nearer to the existing sealed surface path/driveway from Marine Drive to the Promenade, to minimise the length of any vehicular access along the Promenade to the proposed facility. Vehicular access should be restricted to essential loading/unloading at defined off-peak periods and only parking of emergency transport (e.g. beach buggy), if required.*
- c. *Due to the often congested use of the Promenade by walkers, dogs and cyclists, and including young children and disabled users, no vehicular access should be permitted on the Promenade between the proposed facility and Cramond Harbour, other than in an emergency.*
- d. *Similarly, siting of the facility nearer to the access route and Boardwalk Beach Club café would reduce the visual intrusion of the seasonal structures on the more natural stretch of land adjoining the Promenade between the access road and Cramond. Also, it would reduce the length of travel and numbers of watersports users moving between the proposed centre and the access ramp to the shore, which lies to the east of the facility. This is already often a heavily congested area, due to the access route from Marine Drive and visitors congregating around the Beach Club Café.*
- e. *Council staff and elected members will be aware of the severe congestion issues associated with access to, and use of, Cramond's Village Car Park. This has been exacerbated by the closure of the Silverknowes Road access to Marine Drive and Silverknowes Foreshore. It is essential, therefore, that Silverknowes Road be re-opened to vehicles to cater for this new facility and other users of Silverknowes Foreshore and to relieve at least some of the pressures on Cramond.*
- f. *The applicants refer in the 'Design Statement' to the uncertain economic and watersports viability of the project and local knowledge suggests that tide times and sea/weather conditions are likely to severely restrict the proposed activities. Hence, it is suggested that the £500 reinstatement bond mentioned in the 'Heads of Terms: Ground Lease' copied in the planning application should be substantially increased.*
- g. *There is only one WC shown in the plans and the space and design of this would appear not to be all-abilities compliant. New visitor facilities such as this should be fully all-abilities compliant. We would also suggest that more than one WC should be provided and that the provision of showers will be essential.*
- h. *As the proposals include a café and take-away outlet, the operators should be required to provide adequate litter receptacles and keep the vicinity of the facility clear of litter at all times.*

*Representatives of the Community Council will be pleased to discuss any aspects of the proposals with members of Council staff.*

### **Community Council - Summary of submission**

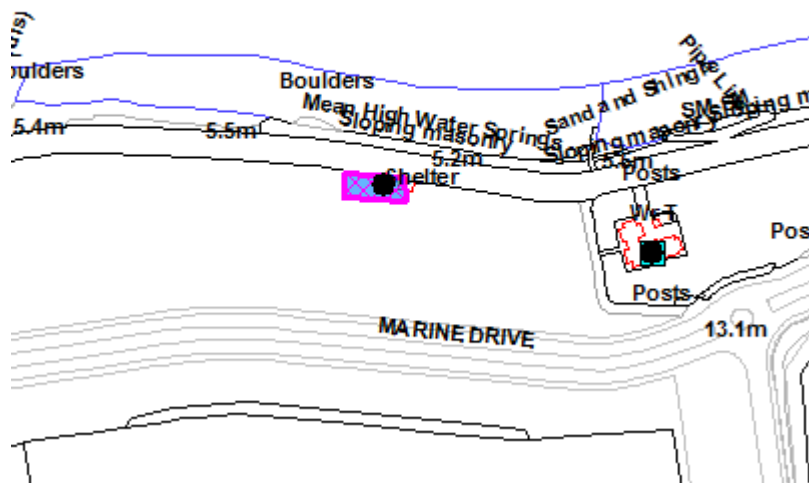
*In principle, the Community Council welcomes visitor facilities at Silverknowes, provided potential impacts on users of the Promenade, foreshore and waters are fully assessed.*

The CC is seeking consideration by the Planning Authority and Estates Team of the following -

- i. Additional watersports activities at the R. Almond mouth and waters west of the Causeway may pose hazards and limit use by Cramond Boat Club, Sea Scouts and others. This should be kept under review and, if required, a watersports management plan be prepared.
- j. The temporary buildings should be located nearer to the access from Marine Drive to minimise vehicular movements on the Promenade. Access should be restricted to essential, off-peak, loading/unloading and parking of emergency transport.
- k. Only emergency vehicular access should be permitted on the Promenade between the facility and Cramond Harbour.
- l. Siting the facility nearer to the Beach Club café would reduce visual intrusion and congestion on the more natural greenspace between the access road and Cramond and reduce movements between the facility and beach access ramp.
- m. Silverknowes Road should be re-opened to vehicles to enable access to this facility and Silverknowes Foreshore and reduce traffic and parking pressures at Cramond.
- n. Due to the uncertain economic and watersports viability of the project, as recognised by the applicants, the proposed £500 reinstatement bond should be substantially increased.
- o. One, non-all-abilities, WC is inadequate. Showers should be provided.
- p. The café/take-away operators should provide adequate litter receptacles and keep the vicinity clear of litter at all times.

## Location Plan

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