

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 16th June, 2021

Virtual Meeting - via Microsoft Teams

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

Contacts

Email: jamie.macrae@edinburgh.gov.uk / blair.ritchie@edinburgh.gov.uk

Tel: 0131 553 8242 / 0131 529 4085

1. Order of business

1.1 Order of Business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.

- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 14 June 2021** (see contact details in the further information section at the end of this agenda).

- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

2.1 Declaration of interests

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

3. Minutes

3.1 Minutes

9 - 12

Minutes of Previous Meeting of Development Management Sub-Committee of 2 June 2021 – submitted for approval as a correct record

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

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

- 4.1** Report for forthcoming application by AMA (New Town) Ltd. for Proposal of Application Notice at 1 Scotstoun House, South Queensferry, EH30 9SE. Redevelopment of Scotstoun House including conversion and extension of existing buildings to residential use, part demolition of office extension, and erection of new build residential development with associated infrastructure, landscaping, access and parking - application no 21/01798/PAN – Report by the Chief Planning Officer 13 - 20
- 4.2** Report for forthcoming application by CCG Scotland LTD. for Proposal of Application Notice at 1 Waterfront Avenue, Edinburgh, EH5 1SG. Mixed use development to include (approximately) 75 residential units and (approximately) 4 no commercial units. The commercial units will be either Class 1 (Shop), Class 2 (Financial, professional and other services), Class 3 (Food and drink), Class 4 (Business) or Class 10 (Non-residential institution). The development will also include limited parking spaces, access road and pavements, internal courtyard, an energy centre (including an air source heat pump station) and drainage infrastructure. To supersede 21/00793/PAN which has been withdrawn - application no 21/02412/PAN – Report by the Chief Planning Officer 21 - 28

- 4.3** 2 Buteland Road ,(At The Mill House), Balerno - Erection of 2 x new dwelling houses - application no 21/01053/FUL – report by the Chief Planning Officer 29 - 46
- It is recommended that this application be **REFUSED**.
- 4.4** 13 Craigleith Road (at Royal Victoria Hospital), Edinburgh - Earthworks and site re-grading and re-profiling (partly in retrospect) (as amended) - application no - 21/00334/FUL – report by the Chief Planning Officer 47 - 62
- It is recommended that this application be **GRANTED**.
- 4.5** 10 Gilmerton Station Road (At Land 292 Metres West Of), Edinburgh - Section 42 application to amend condition 5 of 14/01649/PPP tree protection measures to require prior to each phase a plan outlining the protective barriers to be submitted to, and approved in writing by, the planning authority - application no 21/01304/FUL – report by the Chief Planning Officer 63 - 80
- It is recommended that this application be **GRANTED**.
- 4.6** 48 Howe Street, Edinburgh, EH3 6TH - Proposed change of use of flat to a short term let - application no 21/01591/FUL 81 - 92
- It is recommended that this application be **GRANTED**.
- 4.7** 35 Kekewich Avenue, Edinburgh, EH7 6TY - To erect new dwelling - application no 21/01287/FUL – report by the Chief Planning Officer 93 - 108
- It is recommended that this application be **GRANTED**.
- 4.8** Kirklands Park Street (At Land In The Grounds Of Kirkliston Sports Centre), Kirkliston - Erection of Early Years Nursery and Primary 1&2 School with associated landscaping - application no 109 - 132

20/05679/FUL – report by the Chief Planning Officer

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

- 4.9** 136A Lasswade Road (At Land 10 Metres South West Of), 133 - 152
Edinburgh - Proposed development of x 3, 2 bed terraced houses
(as amended) - application no 21/00067/FUL – report by the
Chief Planning Officer

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

- 4.10** 54 Main Street, Edinburgh, EH4 5AA - Internal and external 153 - 162
alterations for a change of use from Class 1 retail to licenced
restaurant with new flue - application no 20/03527/FUL – report
by the Chief Planning Officer

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

- 4.11** Victoria Street (1 India Buildings), Edinburgh - Construction of a 163 - 174
metal balustrade and introduction of planters to the flat roof at
level 7 to create a roof garden/sanctuary - application no -
21/01323/FUL – report by the Chief Planning Officer

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

5. Returning Applications

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

- 5.1** 1 Lauriston Place (At land 100 Metres South of). Edinburgh - 175 - 178
Application for planning permission proposing the erection of
residential development and ancillary works together with a mix of
class 1, 2 and 3 uses at ground floor level (as amended) -

application no 17/00168/FUL – report by the Chief Planning Officer

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

6. Applications for Hearing

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

6.1 None,

7. Applications for Detailed Presentation

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

- | | | |
|-----|---|-----------|
| 7.1 | 10 Arboretum Road (Edinburgh Academy Prep School), Edinburgh - To erect a temporary outdoor structure to create a concert venue for the Edinburgh International Festival's classical music series on the sports field of Edinburgh Academy Junior School for performances in August 2021. The venue will be a recognised Temporary Structure, regulated under Temporary Demountable Structures V4) - application no 21/02355/FUL – report by the Chief Planning Officer | 179 - 188 |
| | It is recommended that this application be GRANTED . | |
| 7.2 | 108 - 114 Dundas Street (Centrum House), Edinburgh - Proposed demolition of existing office buildings and erection of a mixed-use development comprising 48 flats with 3 commercial units (Class | 189 - 248 |

1, 2 and 3 uses), amenity space, landscaping, basement level car and cycle parking and other associated infrastructure (as amended) - application no 20/05645/FUL – report by the Chief Planning Officer

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

7.3 108 - 114 And 116 Dundas Street (Centrum House), Edinburgh - 249 - 262
Complete demolition of existing buildings - application no 20/05646/CON – report by the Chief Planning Officer

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

8. Returning Applications Following Site Visit

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

8.1 None.

Andrew Kerr

Chief Executive

Committee Members

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

Information about the Development Management Sub-Committee

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

Further information

If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 553 8242 / 0131 529 4085, email jamie.macrae@edinburgh.gov.uk / blair.ritchie@edinburgh.gov.uk .

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

Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

The Council is a Data Controller under current Data Protection legislation. We broadcast Council meetings to fulfil our public task obligation to enable members of the public to observe the democratic process. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, 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).

Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 2 June 2021

Present:

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

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of 19 May 2021 as a correct record

2. General Applications and Miscellaneous Business

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

Requests for Presentations

Councillors Neil Ross and Ward Councillor Lang requested a hearing in respect of Item 4.3 – 84N Barnton Park View, Edinburgh

Declaration of interest

Councillor Neil Ross declared a financial interest in Item 7.2 and 7.3 – 109, 110 and 111 Princes Street and 144-150 Rose Street (Debenhams) as an owner of ordinary shares in Legal and General Investment Management who were the applicants and did not take part in the discussion and decision on these items.

Dissent

Councillor Booth requested that his dissent be recorded in respect of the decision on Item 7.1 – 106 – 162 Leith Walk, Edinburgh, EH6 5DX

Decision

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

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – 2F4 3 Albert Street, Edinburgh EH7 5HL</p>	<p>Change of use from residential to short stay lets use - application no 21/01109/FUL</p>	<p>To REFUSE planning permission for the reasons as set out in section 3 of the report by the Chief Planning Officer</p>
<p>4.2 - 2F1 5 Albert Street, Edinburgh EH7 5HL</p>	<p>Change of use from residential to short stay let use - application no 21/01108/FUL</p>	<p>To REFUSE planning permission for the reasons as set out in section 3 of the report by the Chief Planning Officer</p>
<p>4.3 - 84N Barnton Park View, Edinburgh</p>	<p>Conversion of existing lockup garage (formerly a railway bridge) into a three bedroom dwelling - application no 18/02021/FUL</p>	<p>1) To DEFER the application to a future meeting of the development management sub-committee to allow an Ecological protected species survey to be conducted.</p> <p>2) To AGREE the application would be a presentation item when it is brought back to the development management sub-committee.</p>
<p>4.4 - 1F1 37 and 33 1F Queensferry Street, Edinburgh EH2 4QS</p>	<p>Change of use from offices and workshops to form two short term lease properties and associated alterations - application no 21/00750/FUL</p>	<p>To note that the application had been WITHDRAWN by the applicant.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.5 - 1F1 37 and 1F 33 Queensferry Street, Edinburgh EH2 4QS</p>	<p>Internal alterations to form two properties for short term residential accommodation use - application no 21/00749/LBC</p>	<p>To note that the application had been WITHDRAWN by the applicant.</p>
<p>7.1 - 106 – 162 Leith Walk, Edinburgh EH6 5DX</p>	<p>Retention of and refurbishment of existing sandstone frontage building and change of use of units within it to Class 1 (shops), Class 2 (Financial, Professional and Other Services) , Class 3 (Food and Drink) and Class 4 (Business), demolition of industrial warehouse buildings and erection of two flatted buildings comprising a total of 148 flats, and provision of associated infrastructure, car parking, open space and landscaping – application no 20/05553/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer excluding condition 12 and an additional condition that:</p> <p>Prior to the commencement of works on site, a plan showing a safeguard for a fully accessible route, as per the provisions of the Equality Act 2010, accessing the railway abutment from the western part of the site, shall be submitted for approval by the Planning Authority.</p> <p>Dissent</p> <p>Councillor Booth requested that his dissent be recorded in respect of this item.</p>
<p>7.2 - 109, 110 and 111 Princes Street and 144-150 Rose Street (Debenhams)</p>	<p>Proposed redevelopment + change of use of existing premises to form hotel with rooftop bar/restaurant, active uses at lower floors including restaurant/bar/retail/flexible meeting/event/venue space, health suite/gym, together with ancillary uses, associated works/alterations/demolitions (use classes 1/2/3/4/7/11 and sui generis) – application no 20/05554/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>7.3 - 109, 110 and 111 Princes Street, 112 Princes Street and 144-150 Rose Street (Debenhams)</p>	<p>Application for listed building consent proposing the selective demolition of department store structure (Debenhams) behind retained listed facade, external and internal alterations including extensions, to form hotel and associated uses together with ancillary works – application no 20/05442/LBC</p>	<p>To GRANT listed building consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer</p>

Development Management Sub Committee

Wednesday 16 June 2021

Report for forthcoming application by

AMA (New Town) Ltd. for Proposal of Application Notice

21/01798/PAN

**at 1 Scotstoun House, South Queensferry, EH30 9SE.
Redevelopment of Scotstoun House including conversion
and extension of existing buildings to residential use, part-
demolition of office extension, and erection of new build
residential development with associated infrastructure,
landscaping, access and parking.**

Item number

Report number

Wards

B01 - Almond

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for the redevelopment of Scotstoun House including conversion and extension of existing buildings to residential use, part-demolition of office extension, and erection of new build residential development with associated infrastructure, landscaping, access and parking.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice on 1 April 2021 (planning reference: 21/01798/PAN).

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

Scotstoun House is a Category 'B' Listed Building, located on the outskirts of South Queensferry. LB 50165, 24/10/2005.

It is a single storey, 10 bay square plan modernist office block with central courtyard. The building sits within a mature garden setting adjacent to an early 19th century walled garden and cottage coach house built in connection with the earlier and original Scotstoun House that sat to the north of the site (demolished).

The contemporary, Scotstoun House is located at the eastern edge of what remains of parkland attached to the original Scotstoun House and forms the southern wall of the kitchen garden. It was designed in 1964 by Peter Fogo - founding partner of Arup Associates.

The listed building was originally conceived of as an envelope for flexible working and more crucially, as a pavilion in the park and, internally and by completing and addressing the enclosure of the 19th Century walled garden, as a sequence of courtyards.

The building has been extended and altered in the past under (07/03903/FUL & 07/03903/LBC). It appears that the interior has also been altered with partitions removed in order to provide open plan office space. A cupola has also been installed over the previously open central courtyard area of the building.

The total site area is 2.20 hectares. Around the site are areas allocated for housing within the adopted Local Development Plan and on which housing is now being constructed.

2.2 Site History

09.11.2007- Planning permission granted for extension to existing office building and courtyard. (Application number - 07/03903/FUL)

31.01.2008- Listed Building Consent granted to extend existing office block and re-roof existing and infill courtyard. Replace existing windows and refit interior retaining perimeter features and timber ceiling. (Application number- 07/03903/LBC)

Main report

3.1 Description of the Proposal

An application for detailed planning permission will be submitted for the redevelopment of Scotstoun House including conversion and extension of existing buildings to residential use, part-demolition of office extension and erection of new build residential development with associated infrastructure, landscaping, access and parking.

In total the scheme will provide 25 residential units.

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 defined urban area. The adopted Edinburgh Local Development Plan supports development within the urban area provided proposals are compatible with other policies in the plan. The acceptability of the proposal in terms of the loss of employment sites and premises is a key consideration. As the site is larger than 1 hectare either some measure of floorspace designed for business users will have to be provided or reasons to justify the non-compliance of policy Emp 9 will have to be shown.

The open space to the front of the listed building is an important feature that contributes to the amenity of its surroundings and the setting of the listed building. The layout and design of the proposal will have to ensure that criteria of Env 18 are met or justification for non-compliance is given.

b) The proposed development will not impact upon the special interest or setting of the listed building

Scotstoun House is a Category 'B' listed building. The potential impact of the proposed development on this building and its 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 and associated supplementary guidance including Historic Environment Scotland's Managing Change in the Historic Environment guidance notes.

A Heritage Statement, Heritage Impact Assessment and Access Statement with specific cultural heritage chapter will be required to accompany the application.

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. The proposal will be considered against the provisions of the Edinburgh Local Development Plan and Edinburgh Design Guidance. A Design 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;
- Heritage Statement;
- Heritage Impact Assessment and Access Statement with specific cultural heritage chapter;
- Design Statement;
- Transport Information, including Transport Statement and Quality Audit;
- Sustainability Statement;
- Landscape and Visual Impact Assessment;
- Topographical information;
- Arboricultural tree report and tree constraints plan;
- Archaeological Assessment;
- Surface Water Management Plan which also addresses potential flood risk;

- Noise Impact Assessment;
- Site Investigation Report of building and land for contaminants;
- Ecology report of buildings and directly surrounding area including bat surveys and
- Screening for EIA

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions are taking place on this application.

8.2 Publicity summary of representations and Community Council comments

A dedicated Scotstoun house consultation web page has been utilised to engage stakeholders, share information and collect comments and feedback. The web page explains and introduces the context of the PAN, including a summary of the project. A questionnaire is included, and responders had until 31 May to complete and return the questionnaire online.

An online drop in and online questions event was held on 20 May 2021 between 6pm and 8pm. The event gave an overview of the vision and principles for the development and gave respondents the opportunity to comment, ask questions and receive responses directly from the application project team.

The invite to this event was sent to local residents and stakeholders. The invite made clear when the event was to be held, the website details and contact details for the agent involved.

An advert was placed in the Edinburgh Evening News as well as in the free local Spotlight magazine.

An information board was displayed in a local supermarket and the applicant spoke to the Queensferry District Community Council (QDCC) to provide material for their display cabinet and social media channels.

Background reading / external references

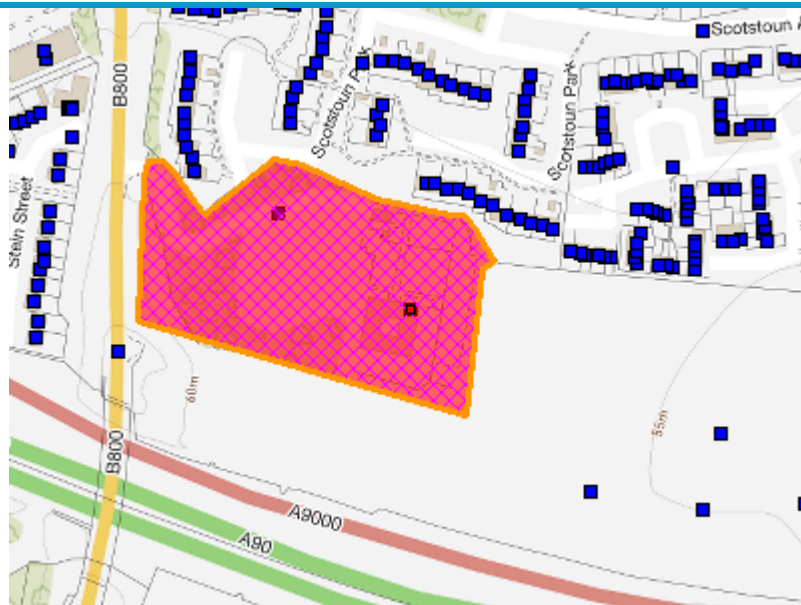
- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

David Givan

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer
E-mail: robert.mcintosh@edinburgh.gov.uk Tel:0131 529 3422

Location Plan



© Crown Copyright and database right 2015. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 16 June 2021

Report for forthcoming application by

CCG Scotland LTD. for Proposal of Application Notice

21/02412/PAN

at 1 Waterfront Avenue, Edinburgh, EH5 1SG.

Mixed use development to include (approximately) 75 residential units and (approximately) 4no commercial units. The commercial units will be either Class 1 (Shop), Class 2 (Financial, professional and other services), Class 3 (Food and drink), Class 4 (Business) or Class 10 (Non-residential institution). The development will also include limited parking spaces, access road and pavements, internal courtyard, an energy centre (including an air source heat pump station) and drainage infrastructure. To supersede 21/00793/PAN which has been withdrawn.

Item number

Report number

Wards

B04 - Forth

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for full planning permission for a mixed use development to include (approximately) 75 residential units and (approximately) 4no commercial units. The commercial units will be either Class 1 (Shop), Class 2 (Financial, professional and other services), Class 3 (Food and drink), Class 4 (Business) or Class 10 (Non-residential institution).

The development will also include limited parking spaces, access road and pavements, internal courtyard, an energy centre (including an air source heat pump station) and drainage infrastructure on land at Waterfront Avenue, Edinburgh, EH5 1SG.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, the applicants submitted a Proposal of Application Notice 21/02412/PAN on 30 April 2021.

This supersedes the previous Proposal of Application Notice on the site (21/00793/PAN) which has been withdrawn.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The proposed site, covering approximately 3 hectares, is located within the Granton Waterfront Development Framework (GWDF) area and forms parts of sites D1, D2 and D4. The main part of the site is currently in use as a car park.

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

The eastern section of the site contains trees and scrubland. Along the eastern boundary is a foot/cycle path. The site extends northwards to cover a section of Waterfront Avenue.

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

2.2 Site History

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

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

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

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

Main report

3.1 Description of the Proposal

An application for full planning permission will be submitted for a mixed use development to include (approximately) 75 residential units and (approximately) 4no commercial units. The commercial units will be either Class 1 (Shop), Class 2 (Financial, professional and other services), Class 3 (Food and drink), Class 4 (Business) or Class 10 (Non-residential institution).

The development will also include limited parking spaces, access road and pavements, internal courtyard, an energy centre (including an air source heat pump station) and drainage infrastructure.

This Proposal of Application Notice supersedes the previous application reference 21/00793/PAN and covers a larger site and now includes commercial units.

3.2 Key Issues

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

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

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

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

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

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

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

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

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

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

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

c) Design, Scale and Layout

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

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

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

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

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

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

e) Other Environmental Factors

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

There are a number of existing trees on the site.

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

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

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

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference: 21/02412/PAN) outlined an online consultation event with presentation and question and answer session to be held on 27 May 2021 between 2pm and 5pm.

The application form indicates that was also sent to the Granton and District Community Council, West Pilton/West Granton Community Council and local ward councillors.

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

Background reading/external references

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

David Givan

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning officer
E-mail: kenneth.bowes@edinburgh.gov.uk Tel:0131 529 6724

Location Plan



© Crown Copyright and database right 2015. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 16 June 2021

Application for Planning Permission 21/01053/FUL At The Mill House, 2 Buteland Road, Balerno Erection of 2x new dwelling houses.

Item number

Report number

Wards

B02 - Pentland Hills

Summary

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed buildings. The proposal is of an appropriate scale, form and design and it will not harm the rural character and appearance of the countryside. The proposal will produce a satisfactory residential environment which will not result in harm to protected species or trees worthy of retention.

However, the proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval. The proposal does not therefore comply with the development plan. It is therefore recommended that the application be refused.

There are no material planning considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDEL01, LDES01, LDES03, LDES04, LDES05, LEN03, LEN09, LEN10, LEN12, LEN16, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, NSG, NSGCGB, NSGD02,

Report

Application for Planning Permission 21/01053/FUL At The Mill House, 2 Buteland Road, Balerno Erection of 2x new dwelling houses.

Recommendations

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

Background

2.1 Site description

The application site relates to garden ground to the west of the Mill House, No. 2 Buteland Road, Balerno.

The grounds are part of a 19th century farm complex with a circa 1840 block and later additions and alterations. The buildings have been converted into dwellings whilst the use of the land changed from agricultural to residential garden ground in the late 1990's.

The garden of No. 2 Buteland Road is largely a well maintained open grassed area. The utilised garden area is, however, separated from the application site, which lies further to the west, by mature hedging and a fence.

The site was previously utilised as a farmers yard. The site is abandoned and currently contains a variety of shrubs and low quality category U and C trees which have mostly self seeded over the last 20 years. Evidence of the sites previous use is still apparent, with areas of hardstanding to be seen and the opening in the wall leading to the yard from the road still present.

The listed buildings are category B listed, 26/10/1994.

2.2 Site History

25 February 1999- Planning permission granted for the change of use from agricultural storage barn to dwelling and work. Application number 98/02525/FUL

17 February 2015- Planning permission granted for alterations to upper level of cartshed to form living accommodation including creation of external staircase. Application number 15/00071/FUL

4 September 2020- Application for planning permission for erection of 2 dwelling houses within land next to Mill House withdrawn. Application number: 20/01161/FUL.

Main report

3.1 Description Of The Proposal

This application is for the erection of two new dwelling houses within the land surrounding the Mill House. The area of land is 1447 square metres.

The new houses would be one and half storeys in height and largely traditional in style and materials.

The proposed dwellings will have a ridge height of approximately 6.7 metres, a width of approximately 13 metres and a depth of approximately 9.6 metres.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- A Supporting Statement which includes:
- Surface Water Drainage Strategy;
- Arboricultural tree report;
- Ecological report;
- Design Statement

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The principle of the development is acceptable;
- b) The proposal preserves the character of the listed buildings and their setting;

- c) The proposed scale, form and design are acceptable;
- d) The proposal will provide a suitable residential environment;
- e) The proposal will have a detrimental impact on the amenity of neighbouring residents;
- f) The proposal will have any impact in terms of trees or protected species;
- g) The proposal raises any concerns in respect of sustainability, parking or road safety;
- h) The proposal raises any concerns in respect of flood prevention;
- i) There are any other material matters;
- j) The public comments received have been addressed.

a) Principle of Development

The site is designated as being within the Countryside in the adopted Edinburgh Local Development Plan (LDP).

LDP Policy Env 10 (Development in the Greenbelt and Countryside), states that within the green belt and countryside shown on the proposals map, development will only be permitted where it is for the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use; and the proposal would not detract from the rural character and landscape quality of the area.

The proposal does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation purposes, and a countryside location is not an essential location for the construction of two dwelling houses. The proposed development of two dwelling houses would create new planning units which are unrelated to any other buildings within the site. In addition, the proposal does not involve the replacement of an existing building with a new building of the same use.

The proposal therefore does not comply with LDP policy Env 10.

The Edinburgh Guidance for Development in the Countryside and Greenbelt clarifies that new houses not associated with countryside use will not be acceptable unless there are exceptional planning reasons for approving them. These reasons include the reuse of brownfield land within existing clusters of dwellings.

The applicant is of the opinion that the site is brownfield land within an existing cluster of dwellings.

The Edinburgh Guidance for Development in the Countryside and Greenbelt does not provide a definition of brownfield land. However, the LDP glossary does. It states that brownfield land is Land which has been previously developed. The term may include derelict land and land occupied by redundant buildings.

The Scottish Governments Scottish Planning Policy (SPP) updated on 18 December 2020 also provides a definition in its glossary. It states that brownfield land is "Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable".

Planning permission was granted at the site under application number 98/02525/FUL for the change of use from agricultural storage barn to dwelling and work at Buteland Farm Balerno, (The Mill House).

The building and other land within the wider site has been subject to a change of use in the past under 98/02525/FUL. However, this is not in itself enough to make the land brownfield. The land is now part of the wider garden ground of the property.

The applicant has provided photographs and testimony from the farmer that previously owned the land that the site was utilised as a yard. The entrance to the yard from the road is still clearly evident. The plans submitted state that the entire area was covered in hardstanding.

Photographs provided also show that there were also a selection of large metal silos and part of a large storage shed previously present within the site. However, this does not mean the site falls within the definition of brownfield land. Whilst there may have been hardstanding placed within the site and some degree of buildings present, this is not sufficient physical development of adequate permanence in order for the site to be reasonably seen as being brownfield. Over time trees and shrubbery have largely self seeded over this area or additional trees have been planted along the boundary to provide shelter to the garden area.

The proposal does not comply with LDP policy Env 10. The Edinburgh Guidance for Development in the Countryside and Greenbelt clarifies that new houses not associated with countryside use will not be acceptable unless there are exceptional planning reasons for approving them. These reasons include the reuse of brownfield land within existing clusters of dwellings. While there has been development of this site previously, given it's current character and use, it cannot be considered brownfield at this time. Therefore, the proposed houses cannot be justified under this guidance.

b) Impact on Setting of Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states: "In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland's 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.

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

The proposed dwellings are quite small compared to the existing house and converted steadings. The proposed dwellings would be located over 20 metres from the listed properties. The approach to the listed buildings shall not be altered when entering the cluster of buildings from the east. The view of the buildings when approaching from the west is currently partially obscured by the trees/shrubs that are present within the unused area of garden ground. The proposed buildings shall be located within this area, with one set back to the rear. The listed buildings are not readily discernible from other nearby roads. The setting of the listed buildings shall be preserved.

The proposal complies with LDP Policy Env 3 and the HES Managing Change in the Historic Environment guidance note on setting.

(c) Scale, Form and Design

LDP policy Des 1 (Design Quality and Context) states that new development should contribute towards a sense of place and design should draw from positive aspects of the surrounding area.

Policy Des 4 (Development Design- Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact 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 proportions, including the spaces between buildings
- c) positioning of buildings and other features on the site
- d) materials and detailing

Policy Hou 4 (Housing Density) states that the Council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area.

Paragraph 185 of the LDP states The key test for all proposals in the green belt and countryside areas will be to ensure that the development does not detract from the landscape quality and/or rural character of the area.

Entering the Mill farm steading from the east, the listed buildings are prominent on the right hand side. To the left are the large agricultural buildings belonging to the farm. As

the steading buildings are passed, the large farm buildings are prevalent on the left hand side and on the right is the application site. Whilst the applicants garden is large and open, the part of the site visible from the road is covered by a number of poor quality trees and shrubs.

The proposed buildings are of a largely traditional form. They are one and half storey in height, as is the existing listed building on the site, with single storey elements. The properties will utilise a suitable palette of materials including stone, timber, brick and slate. They will also utilise an element of zinc, but this is acceptable in an agricultural setting. They will be relatively low lying and will blend into the surrounding area. The original stone wall which lines the front of the site shall largely be retained.

The building line of the proposed dwelling nearest to the road respects the building line of the nearby listed converted properties. While the second proposed property will be located to the rear of the site it will not be enclosed as it will have a full outlook over open agricultural fields. The site slopes downwards, to the north, by approximately 3.4 metres and therefore the second dwelling shall be nestled into the site, which shall reduce the developments physical impact upon the surrounding area.

It is also acknowledged that the converted steading buildings are deep and continue quite far into their plots. Instead of having one large structure that extends into the site, the applicant is proposing two separate smaller units. The applicant has also provided information that shows that historically there were farm buildings which were present to the rear of the existing steading buildings and indeed there was historically much more development within the steading than is currently present.

The applicant has confirmed that the houses will utilise natural and renewable materials, whilst renewable technologies like solar PV and air source heating will also be provided.

The design of the proposed dwellings are sensitive to the rural setting and it will not detract from the landscape quality or rural character of the area. The proposal complies with LDP policy Des 1, Des 4, Hou 4 and the Edinburgh Design Guidance.

(d) Residential Environment for future occupants

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

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

The proposed dwellings will have large windows to their front and rear elevations at ground floor and first floor levels. They will provide adequate levels of sunlight/daylight for any future occupiers and will also provide adequate internal floor space. They would have to comply with the building regulations in terms of adaptability and sustainability and they meet the other criteria of Des 5.

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

LDP policy Hou 3 (Private Green Space in Housing Development) states that planning permission will be granted for development that makes adequate provision for green space to meet the requirements of future residents.

The proposed properties will have good sized front and rear garden grounds. If the application was to be approved it is recommended that a condition relating to the requirement for a ground contamination survey be applied.

The proposal complies with LDP policy Hou 3.

e) Neighbouring amenity

LDP policy Des 5 states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments will not be adversely affected.

The proposed properties are positioned a suitable distance away from other dwellings in order to ensure that there are no concerns in relation to noise, sunlight, privacy and immediate outlook.

The proposal complies with LDP policy Des 5.

g) Impact on Protected species and Trees

Trees

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a tree preservation order or any other tree or woodland worthy of retention. The site does not fall within a conservation area nor are any of the trees surrounding the site covered by a tree preservation order. (TPO)

The arboricultural report submitted indicates that all of the trees within the site are either category C or U, many are of poor quality or are recommended to be removed as they are potentially dangerous. The main group of trees within the site are closely spaced non native Sitka Spruce, the type of tree that is normally harvested.

Several of the trees exhibit defects and have a short life expectancy due to their size, location and species. The report notes that the main group of trees within the site are out of character with the native trees in the surrounding area.

Whilst the trees currently within the site offer some element of greenery to the surrounding area they do not greatly add to the visual amenity of the countryside setting and many will have to be removed within the next ten years.

Many of younger trees which are viable within the site will be retained, whilst the arboricultural report highlights that there is space for replacement planting within the site after the construction of the two houses. The report highlights that any replacement tree planting should be of more suitable species than the existing Sitka

Spruce. The proposed trees will have a longer life expectancy and will actually contribute to rural character of the area, unlike the trees that are currently present. If the application was to be approved a landscape plan which includes full details of the tree planting within the site is recommended to be attached as well as a condition stating the protection measures to the trees which shall be retained within the site.

Natural Environment offered no objections to the proposal.

The proposal complies with LDP policy Env 12.

Ecology

LDP policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law.

An ecological survey of the site was carried out. It states that the proposal will have no impact upon protected species. The Council's Ecologist raised no concerns in this regard.

The proposal complies with LDP policy Env 16.

g) Parking and Road Safety

LDP Policies Tra 2 - (Private Car Parking) and Tra 3 - (Private Cycle Parking) state permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels and cycle parking and storage complies with the standards.

The Roads Authority was consulted as part of the assessment of the application. It raised no objections to the development subject to appropriate conditions or informatives being attached to the consent. There is only one car parking space proposed per property. The applicant has agreed that electric vehicle charging points will also be installed.

Secure cycle parking can be adequately provided within either the houses or the large gardens of the site.

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

Whilst on site visit it was noted that the roads around the plot were very popular with walkers and cyclists. The applicant has stated that they regularly cycle to Balerno which is only a 5-10 minute cycle trip away. Balerno has a wide range of local services which can be accessed quite easily on bike or even on foot.

h) Flooding

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

The SEPA flood maps do not identify this area as being at risk of flooding. However, the applicant has provided a surface water management plan. Flood Planning was consulted as part of the assessment of the application and raised no concerns.

The proposal complies with LDP policy Env 21.

i) Other material matters

Archaeology

LDP policy Env 9 (Development of sites of Archaeological Significance) is to protect and enhance archaeological remains where possible.

The Council's archaeologist has confirmed that the site may contain significant archaeological evidence associated with the development of the farm during the 19th century and potentially earlier from the medieval period. Therefore, given the site's location ground-breaking activities are considered to have an overall low though potentially significant impact.

If the application was to be granted it is recommended that the consent be conditioned that a programme of archaeological works are carried out for the written approval of the Council.

The proposal complies with LDP policy Env 9.

Airport Safety

Due to the proximity of the site to the airport, Edinburgh Airport Safeguarding was consulted. It confirmed that the proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

j) Public Comments.

Material Representations - Support

- Proposal would not detract from the landscape quality/rural character of the area
- This is addressed in section 3.3 a and c.
- Appropriate design, size and materials proposed - This is addressed in section 3.3c.
- No Impact upon listed buildings - This is addressed in section 3.3 b.

- The site is clearly brownfield land and meets policy tests - This is addressed in section 3.3 a
- The site is sustainable, within easy walking/cycling distance of Balerno, its services and buses, will not generate material level of vehicle traffic - This is addressed in section 3.3 g.
- Need more housing in the area that will not result in loss of greenfield or agricultural land - This is addressed in section 3.3 a.

Non Material Representations - Support

- Proposal is intensification of existing use and falls within a cluster of development - This is not a material planning consideration
- Good to see Brownfield development instead of usual greenfield large housing developments -This is not a material planning consideration .
- Covid has increased the demand for rural living - This is not a material planning consideration.
- Proposal will provide for upkeep of listed building - This is not a material planning consideration.

Conclusion

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed buildings. The proposal is of an appropriate scale, form and design and it will not harm the rural character and appearance of the countryside. The proposal will produce a satisfactory residential environment which will not result in harm to protected species or trees worthy of retention.

However, the proposal does not comply with LDP policy Env 10 (Development in the Greenbelt and Countryside) and there are no exceptional planning reasons to justify its approval. The proposal does not therefore comply with the development plan. It is therefore recommended that the application be refused.

There are no material planning considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 10 in respect of Development in the Green Belt and Countryside, as it does not meet any of the required criteria to allow for the erection of 2 new dwellinghouses.

Informatives:-

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

25 letters of support were received, many from directly neighbouring properties and residents of Balerno. The points raised shall be addressed in section 3.3 of this report.

Background reading/external references

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

Statutory Development Plan Provision

Date registered	2 March 2021
Drawing numbers/Scheme	01,02a,03a,04a,05,06,07,08,09, Scheme 1

David Givan

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Elaine Campbell, Team manager
E-mail: elaine.campbell@edinburgh.gov.uk

Links - Policies

Relevant Policies:

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

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

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

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

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

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

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

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

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

LDP Policy Env 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 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.

Appendix 1

Application for Planning Permission 21/01053/FUL At The Mill House, 2 Buteland Road, Balerno Erection of 2x new dwelling houses.

Consultations

Archaeology

Further to your consultation request, I would like to make the following comments and recommendations in respect to this application to erect two new dwelling houses.

The site occupies the western part of the gardens surrounding the B-listed Buteland Mill House, comprising two main phases; a mid-19th century cart-shed and a late-19th century farm building and horse gin. However, a farm at Buteland has been recorded as far back as 1280, in the hands of the Templars. The site is therefore considered to occur within an area of archaeological potential.

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies ENV4, 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.

As such the site may contain significant archaeological evidence associated with the development of the farm during the 19th century and potentially earlier from the medieval period. Therefore, given the site's location ground-breaking activities are considered to have an overall low though potentially significant impact.

It is recommended therefore that a programme of archaeological works is undertaken during / prior to development to fully excavate, record and analyse any significant remains affected and that the following condition be applied to ensure that the above programmes of archaeological work is carried out;

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

The work 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.

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.

Flood Planning

Thank you for the consultation request. I have reviewed the documents on the portal and have no major concerns with this application. This application can proceed to determination, with no further comments from flood prevention.

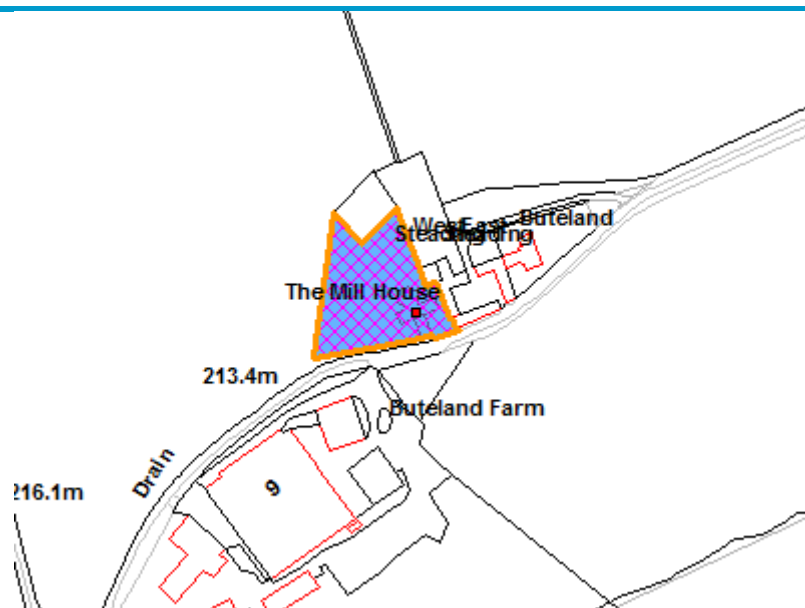
Roads Authority

No objections to the application

Note:

1. The applicant proposes 2 car parking spaces for the proposed development and complies the Council parking standards in Zone 3;
2. The applicant has demonstrated that good visibility splay could be achieved for the site access.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

This page is intentionally left blank

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 21/00334/FUL
at Royal Victoria Hospital, 13 Craigleith Road, Edinburgh.
Earthworks and site re-grading and re-profiling (partly in
retrospect)(as amended).**

Item number

Report number

Wards

B05 - Inverleith

Summary

The proposal complies with the Edinburgh Local Development Plan.

The proposal is acceptable in principle. It will not result in damaging impacts upon trees or woodlands worthy of retention. No unreasonable impact on the amenity of neighbouring residents will occur and no adverse impacts on human health or the environment. No specific road or pedestrian safety issues are raised, or adverse impacts in respect of archaeology, protected species or flooding.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES05, LEN12, LEN16, LEN21, LEN22, LEN09, NSG, NSGD02,

Report

Application for Planning Permission 21/00334/FUL at Royal Victoria Hospital, 13 Craigleith Road, Edinburgh. Earthworks and site re-grading and re-profiling (partly in retrospect)(as amended).

Recommendations

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

Background

2.1 Site description

The proposal site relates to an area of land (0.37 hectares) located within the former Royal Victoria Hospital Site to the south-east.

The site is sloped in nature and consists primarily of earthworks following various phases of demolition of hospital buildings on-site and the surrounding area. Small areas of shrubbery and trees are evident mainly to the northern boundary of the site.

The site forms part of a blanket Tree Preservation Order (T180) and lies adjacent to areas of woodlands to the east and north.

The wider area is primarily residential in character, with detached and semi-detached bungalows located on Craigleith Road to the south, Craigleith Hill Crescent to the west and Craigleith Hill Gardens to the north. To the east, lies dense wooded areas and playing fields forming the grounds of Fettes College.

2.2 Site History

The site has the following relevant planning history:

26 August 2014 - Proposal of Application Notice approved for master planning of the Royal Victoria Hospital site for part integrated health and social care purposes, including residential care accommodation (Class 8 and 10), and part residential development (Class 9 houses, and flats), open space, landscaping and new access together with various works including the demolitions (Application reference: 14/03299/PAN).

26 August 2014 - Proposal of Application Notice approved for the development of an integrated health and social care facility, comprising long and short stay residential accommodation (Class 8 and 10), open space, landscaping and new access together with various works including demolitions (Application reference: 14/03300/PAN).

24 March 2016 - Permitted Development issued for application for Prior Notification for the demolition of buildings on Royal Victoria Hospital Site - (Application reference: 16/00895/PND).

26 April 2021 - Environmental Impact Assessment Not Required for Application for formal request for Screening Opinion under Section 6 (1) of the Town and Country Planning (Environmental Impact Assessment (EIA) (Scotland) Regulations 2017 (EIA Regulations) - (Application reference: 21/00334/SCR).

Main report

3.1 Description of the Proposal

The application proposes the following works:

- Earthworks, site regrading and reprofiling of land within the former Royal Victoria Hospital Site to the south-east. These works will be carried out using surplus material from the adjacent Western General Site to the north.
- The proposal is partly retrospective as sub-soil material from the adjacent site has already been relocated onto the proposal site.

Revised scheme:

- The proposed 1:3 slope level revised to 1:6.
- A detail included on the plans that large stones and rubble of over 50 mm are removed from the top layer of soil to produce a fine tilth suitable for planting and a wildflower mix to be seeded over this area.

The following information has been submitted in support of the proposals and is available to view on the Planning and Building Standards Online Services:

- Supporting Statement
- Existing and Proposed Surface Water Flow Plans
- Tree Survey Report

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the proposal will not adversely affect neighbouring amenity;
- c) the proposal has ecological implications;
- d) the proposal will result in significant adverse effects from pollution and air, water and soil quality;
- e) other material planning considerations have been addressed;
- f) matters raised in letters of representation have been addressed.

a) Principle of the Proposal

The proposal site lies within the urban area as identified within the Edinburgh Local Development Plan (LDP) and forms part of the former Royal Victoria Hospital Site. The hospital site has undergone phases of demolition as part of prior notification 16/00895/PND following the hospitals closure in 2016.

The proposal is to re-use materials following excavations of the neighbouring site at the Western General Hospital, approximately 260m north, in order to reprofile and reduce existing slopes in the land by infilling 1m of soil onto the existing site area. The works are in order to address land safety issues and ensure the site is suitable for potential redevelopment.

The proposal is acceptable in principle, as the works involve the re-use of a previously developed brownfield site. The proposed re-profiling and infilling of soil works are of a relatively minor scale and will not result in any significant impact on the quality or character of the local environment.

b) Impact on Neighbouring Amenity

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

Although, the policy applies to one or more buildings, the general principles can be applied to this case. The site is enclosed within the grounds of the former Royal Victoria Hospital Site and the closest residential properties are positioned over 60m away on Craighleith Road to the south. Over 100m is retained from the site boundary to all other residential properties. These distances will prevent any impact in respect to daylight, sunlight, privacy or outlook. Further, it is not anticipated that the nature of the works will give rise to any unacceptable impact in terms of noise.

Overall, the proposal does not result in an unacceptable impact on the amenity of neighbouring development. The proposal does not result in new development of a building or use on-site. Therefore, the amenity of potential occupiers on-site is not applicable here.

In light of the above, the proposal complies with LDP policy Des 5 (Amenity).

c) Trees and Landscape Character

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or any other tree or woodland worthy of retention. Where permission is granted, appropriate replacement planting will be required to offset the loss.

LDP policy Des 1 (Design Quality and Context) states permission will be granted for development that draws upon positive characteristics of the surrounding area.

The proposal site and wider grounds of the former Royal Victoria Hospital are covered by a blanket Tree Preservation Order (TPO 180) since 2016.

The applicant has submitted a site location plan which identifies existing trees on-site to the northern boundary. These trees are proposed to be retained as part of the proposals.

The trees evident on the embankments within the site are self-seeded, and due to their age are not protected by the above tree preservation order. Provided protective fencing is installed along the site boundaries, to safeguard against impact from soil works and machinery on adjacent trees, the proposals are acceptable.

The proposal has been revised to reduce the proposed slopes on-site following the soil regrading works in order that it is more compatible with the character of the surrounding natural environment. In addition, a detail has been included on the plans that large stones and rubble will be removed from the top layer of soil to produce a tilth suitable for planting. Further, that a suitable wildflower mix is to be seeded for enhanced biodiversity in the short term. These revisions broadly comply with LDP policy Des 1 (Design Quality and Context) in incorporating positive features on-site, that are compatible with the character of the surrounding natural landscape.

A condition has therefore been applied for the implementation of tree protective fencing to safeguard against damaging impacts on trees or woodlands. Subject to the implementation of this condition, the proposal does not raise concern in regard to impacts on trees or woodlands worthy of retention and therefore complies LDP policy Env 12 (Trees).

d) Pollution, Air, Water and Soil Quality

LDP policy Env 22 (Pollution and Air, Water and Soil Quality) states permission will be granted for development where there will be no significant adverse effects for health, the environment and amenity; and on air, soil quality, the quality of the water environment or ground stability or appropriate mitigation can be provided.

A supporting statement has been submitted as part of the proposal that assesses the suitability of the proposed excavated materials for re-use following site investigation and subsequent laboratory testing.

The report states there is a requirement to address unsafe slopes on-site following the demolition of the adjacent buildings. Further, that the materials identified are non-hazardous and do not pose risk to human health or the environment.

Their re-use in this location is a sustainable, safe option instead of transporting the materials to a land fill.

Environmental Protection (Contaminated Land) has been consulted on the proposal and have raised no objections. The report provides evidence that the intended materials for re-use would not introduce unacceptable risk to human health or the environment. Therefore, no further assessment is required by the Local Authority Contaminated Land section. Risk would be further assessed as part of any potential future development proposals.

It is noted the report states a Paragraph 19 exception under the Waste Management Licensing (Scotland) Regulations 2011 has been made to Scottish Environment Protection Agency (SEPA). Separate consent may therefore be required under Waste Licensing and an informative has been included in respect to this.

Overall, the proposal will not result in significant adverse effects on health, the environment or amenity as the materials for re-use have been identified as not hazardous. Their re-use will help address land stability issues on-site. The proposal therefore complies with LDP policy Env 22.

e) Other Material Planning Considerations

Flood Risk and Drainage

LDP policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudice to existing or planned flood defence systems.

The application site is located within an area identified as containing a high surface water risk and no specific coastal or river risk. Representations have been received detailing existing flooding and surface water issues in the local area.

The Council's Flood Prevention Team has raised no objection following receipt of existing and proposed ground level surface water flow paths from the applicant and confirmation that no increased flood risk will occur to neighbouring properties.

Scottish Environment Protection Agency (SEPA) have been consulted on the proposal and have raised no objection subject to a condition for the submission of a surface water management plan.

The submitted plan is to be consistent with the principles agreed between the City Council, SEPA and Scottish Water for the Craighleith Area as part of the blue / green infrastructure Sprint group, established as part of the Edinburgh & Lothians Sustainable Drainage Partnership. A condition has therefore been included for the submission of this plan within six months of the date of this consent.

Overall, the proposal does not raise any specific flood risk issues and accords with LDP Policy Env 21.

Biodiversity

LDP Policy Env 16 (Species Protection) aims to ensure development will not be to the detriment to the maintenance of a protected species and suitable mitigation is proposed.

The proposal site is primarily an area of previously developed land consisting of earthworks with areas of grass and low-level trees to the northern boundary. There is no evidence of protected species on the site and having regard to the nature of this land, this is not suspected.

The proposal will therefore not adversely impact on protected species, and therefore does not conflict with LDP policy Env 16.

Archaeology

LDP Policy Env 9 (Development Sites of Archaeological Significance) aims to protect archaeological remains.

Accordingly, the aim should be to preserve archaeological remains in situ as a first option.

The City Archaeologist has been consulted on the proposal and raises no objection. Given the scale of previous development on this area, it has been concluded that it is unlikely that any significant in situ buried remains will be impacted upon by this application.

It is not anticipated that the proposal will have any adverse archaeological implications and complies with LDP policy Env 9.

Transport

The proposal raises no specific road or pedestrian safety issues.

Transport have been consulted on the proposals and raise no objections.

f) Letters of Representation

Material Comments- Objections

- Impact on noise: Addressed in section 3.3 b);
- Potential impact on residential properties from proposed earthworks and vibrations impacting on the stability of trees - Addressed in section 3.3 c);
- Material proposed for use are from contaminated land: Addressed in section 3.3 d);
- Environmental Impact Assessment (EIA) required - A separate EIA screening request has been assessed and it has been determined that an EIA is not required;
- Impact on biodiversity: Addressed in section 3.3 e);
- Impact on flooding and drainage from proposal and impact on residential properties - Addressed in section 3.3 e);

- Impacts on road and surrounding area - Addressed in section 3.3 e);
- Potential breach of planning control due to commencement of works - The planning application has been advertised as part retrospective to reflect that works have commenced on site.

Non-Material Comments- Objections

- Impact on long views: The nature of the proposed works will not impact on key views across the city therefore this matter is not relevant to the assessment of this planning application;
- Details have not been submitted for approval with neighbouring area and full consultation required - The planning application was advertised in line with the Planning Circular 3/2013 : Development Management Procedures that requires notification of neighbouring land with or within 20 metres of the boundary of the land where the development is proposed. Neighbouring residential properties fall out with 20m of the proposal site therefore were not advertised as part of the proposal;
- Future use of the site: Any potential future use of the site may be subject to a separate planning application and cannot be assessed under this proposal for soil reprofiling and regrading works;
- Requirement for maintenance of existing TPO trees in the land of Royal Victoria Site and impact on safety (proximity to residential properties, sunlight implications, power lines): The maintenance of trees cannot materially be assessed under this planning application. The impact of the proposal on trees has been assessed under section 3.3 c);
- Existing flooding issues and impact on previous demolition of buildings: Potential flooding issues from previous works cannot materially be assessed under this planning application. The impact of the proposal on flooding has been assessed in section 3.3 e);
- Impact on house prices: This is not a material planning consideration;
- Impact of existing construction activities including noise, dust, rodents, on-going vehicular movements: Impacts of construction activities cannot materially be assessed as part of this planning application;
- Existing health of trees: The existing health of trees cannot materially be assessed under this planning application.

Conclusion

The proposal is acceptable in principle. It will not result in damaging impacts upon trees or woodlands worthy of retention. No unreasonable impact on the amenity of neighbouring residents will occur and no adverse impacts on human health or the environment. No specific road or pedestrian safety issues are raised, or adverse impacts in respect of archaeology, protected species or flooding.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".
2. Within six months of the date of this consent, a Surface Water Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

The surface water management plan must be provided in line with the self-certification scheme.

Reasons: -

1. In order to safeguard trees.
2. In order to ensure surface water on-site is adequately managed and with the aim to achieve betterment for this area.

Informatives

It should be noted that:

1. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
2. The applicant may require separate consent for the proposal from the Scottish Environmental Protection Agency (SEPA) under the Waste Management Licensing (Scotland) Regulations 2011.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

9 representations (objections) have been received in regard to the proposal.

Background reading/external references

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

Statutory Development

Plan Provision

Policies - Edinburgh Local Development Plan - Urban Area

Date registered

3 February 2021

Drawing numbers/Scheme

01-02, 03A-05A, 06-07,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer

E-mail: lewis.mcwilliam@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 21/00334/FUL At Royal Victoria Hospital, 13 Craigleith Road, Edinburgh Earthworks and site re-grading and re-profiling (partly in retrospect)(as amended).

Consultations

Archaeology:

Further to your consultation request I would like to make the following comments and recommendations concerning this application for earthworks and site re-grading and re-profiling (partly in retrospect).

Given the scale of previous development on this area, it has been concluded that it is unlikely that any significant insitu buried remains will be impacted upon by this application.

Please contact me if you require any further information.

Environmental Protection:

Environmental Protection has assessed the Supporting Statement dated 12 January 2021, produced by Ironside Farrer Environmental Consultants, in support of the reuse of material generated by earthworks at Western General Hospital, at the nearby Royal Victoria Hospital post demolition site. The report provides evidence that the intended reuse of the material would not introduce unacceptable risks to human health or the wider environment. As such, the proposal is not considered to require additional assessment within the context of the Local Authority responsibility of land contamination on sites undergoing development. Furthermore, given that the application does not propose a change of use to the land, it is viewed that an assessment of development related risks from contamination should be based upon any future application for a specific change of use to the land under review.

It should be noted that the Supporting Statement quotes that a 'Paragraph 19 exemption', otherwise known as waste management licence exemption within the Waste Management Licencing (Scotland) Regulations 2011, has been applied to SEPA in connection to the intended reuse of the excavated material for the reasons specified within the site at the Royal Victoria Hospital. SEPA is the regulator and arbitrator for Paragraph 19 exemption applications and should likewise provide statutory consultation in relation to any recommendations to ensure the regulatory compliance of the proposal with Waste Management Licencing (Scotland) Regulations 2011. SEPA should advise whether the Paragraph 19 exemption application has been accepted to ensure the proposal is compliant with the Waste Management Licencing (Scotland) Regulations and would therefore not introduce potentially unsuitable hazardous material into the site within the context of those specific regulations.

I hope this confirms the opinion that additional assessment toward the introduction of land contaminants arising from earthworks within the context of the subject application should not be requested under the regulatory responsibility of the Local Authority for the review of land contamination within the development process and should you require further details I should be available on request.

Flooding:

This application can proceed to determination, with no further comments from flood prevention.

Scottish Environment Protection Agency:

On the basis that CEC's flooding team had no concerns about this site from a flood risk perspective, SEPA's flood risk hydrologists have not looked in-depth at this application.

We do know, however, that there are issues with surface water and sewer flooding in the Craigleith area. As with other proposed developments in this area, there is the potential to increase surface water flooding or to deliver a reduction in surface water flooding through improvements to drainage arrangements, culverts, etc. in the area.

We would have no objection to this planning application subject to a condition for a surface water management plan which is consistent with the principles being agreed between CEC, SEPA and Scottish Water (SW) for the Craigleith area as part of the blue/green infrastructure Sprint group established as part of the Edinburgh & Lothians Sustainable Drainage Partnership.

In terms of the developing water management plan for this area, we would ask you to consult your colleague Julie Waldron who is working with Martin McFarlane Martin.McFarlane@SCOTTISHWATER.CO.UK to develop the principles for surface water management for this area. A condition on any planning permission which reflects these principles would, we think, be enough to take this proposed development forward without increasing problems of surface water flooding in this area and with the potential to achieve betterment in this area.

Transport:

No objections to the proposal.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

This page is intentionally left blank

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 21/01304/FUL
At Land 292 Metres West Of 10, Gilmerton Station Road,
Edinburgh
Section 42 application to amend condition 5 of 14/01649/PPP
- tree protection measures to require prior to each phase a
plan outlining the protective barriers to be submitted to, and
approved in writing by, the planning authority.**

Item number

Report number

Wards

B16 - Liberton/Gilmerton

Summary

The principle of the development is in compliance with the Development Plan. A change in the wording of Condition 5 raises no material concerns and is acceptable. Considering the extent to which the PPP has been implemented on site, it is not reasonable to apply the requirements of the Finalised Developer Contributions and Infrastructure Supplementary Guidance in this instance.

The application under section 42 should be granted and there are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES02, LDES09, LEN08, LEN09, LEN12, LEN21, LHOU01, LHOU06, LTRA08, OTH, SGDC,

Report

Application for Planning Permission 21/01304/FUL At Land 292 Metres West Of 10, Gilmerton Station Road, Edinburgh Section 42 application to amend condition 5 of 14/01649/PPP - tree protection measures to require prior to each phase a plan outlining the protective barriers to be submitted to, and approved in writing by, the planning authority.

Recommendations

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

Background

2.1 Site description

The site has an area of 36.7 hectares and is allocated as housing proposal HSG 24 Gilmerton Station Road in the adopted Edinburgh Local Development Plan. The development of the site is currently underway with the first three phases of four having been commenced.

The site is located to the edge of the city to the south of Gilmerton village. It is bounded by Drum Street and Limefield to the north, Ravenscroft Gardens to the north west, and Gilmerton Station Road and the former railway line to the south east. A predominantly industrial area, formerly the site of Gilmerton Station and goods yard, lies immediately to the east of the site. The adjoining land to the south across Gilmerton Station Road comprises open agricultural land. To the west is a housing site at Gilmerton Dykes Road currently under construction.

This application site is located within the Gilmerton Conservation Area.

2.2 Site History

On 30 April 2014, an application was submitted for planning permission in principle (application reference 14/01649/PPP) for a residentially-led mixed use development. The applicant appealed against the failure of the planning authority to issue a decision within the prescribed period. The Scottish Ministers allowed the appeal and granted the planning permission subject to 11 conditions and the signing of a planning obligation. The planning obligation covered contributions relating to transport, education and provision of affordable housing. The date of the appeal decision is 18 January 2016.

22 December 2016 - Approval of matters specified in condition 1.a) a site development layout and phasing plan showing a phased implementation programme for built development, road and footpath provision, open space provision, tree and shrub planting and woodland management (as amended) (application reference: 16/03299/AMC).

Phase one

2 March 2017 - Approval of matters specified in conditions 1(b)-1(f), 1(h)-1(i), 1(j)i, v-vii and conditions 2-5 of Planning Permission in Principle ref 14/01649/PPP for the first phase of development for the erection of 199 no. dwellings, four units for commercial or community use and associated works (application reference: 16/04382/AMC).

18 April 2018 - Approval of matters specified in condition 1(g) - 1(j)ii,iii and iv of Planning Permission in Principle ref 14/01649/PPP for the first phase of development for the erection of 199 no dwellings and associated works (application reference: 17/04164/AMC).

Phase two

25 June 2018 - Approval of matters specified in conditions 1 (b)-(j)i, iv and 6 of Planning Permission in Principle 14/01649/PPP for the erection of 293 residential units with associated infrastructure works (as amended) (application reference: 17/05883/AMC)

6 March 2019 - Application for approval of matters specified in conditions 1(j) ii & iii of planning permission in principle 14/01649/PPP relating to landscaping proposals (application reference: 18/03996/AMC)

Phase three

25 June 2018 - Approval of matters specified in conditions 1 (b), (d), (e), (f), (g), (h), (i), 6 and 10 of planning permission in principle 14/01649/PPP for the erection of 315 residential units (as amended) (application reference: 17/05925/AMC).

21 February 2019 - Approval of matters specified in conditions 1a, 1c, 1j (i-vii) of planning permission in principle 14/01649/PPP (application reference: 18/04287/AMC).

Main report

3.1 Description Of The Proposal

The proposal is an application under section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 5 of planning permission in principle 14/01649/PPP.

The existing condition states: *The trees on site shall be protected during the entire ground stabilisation operations period by the erection of a protective barrier in accordance with Figure 2 of British Standard 5837:2012 - 'Trees in relation to design, Demolition and Construction - Recommendations'. The barrier will be no closer to any tree than the distance specified in Clause 4.6 of BS5837:2012.*

The application seeks to retain the wording of the condition but to include a final sentence stating: *Prior to each phase a plan outlining the protective barriers will be submitted to, and approved in writing by, the planning authority.*

The application is proposed to allow the submission of a further AMC application to facilitate the development of the final phase of this LDP housing 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.

Section 37 of the Town and Country Planning (Scotland) Act 1997 states - Where an application is made to a planning authority for planning permission;

- (a) subject to sections [F127B(2) and 59(1)(b)], they may grant planning permission, either unconditionally or subject to such conditions as they think fit, or
- (b) they may refuse planning permission.

(2) In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations

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?

Section 42 of the Town and Country Planning (Scotland) Act 1997 requires that the planning authority must consider only the question of conditions to which planning permission should be granted.

Should planning permission be granted subject to conditions different from those imposed on the previous permission?

Should planning permission be granted unconditionally?

Should planning permission be granted subject to the same conditions resulting in a refusal of planning permission to develop the land without complying with the conditions subject to which planning permission was previously granted?

3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the amendments to condition five of 14/01649/PPP is acceptable;
- c) there are any other material planning considerations; and

d) any public comments and representations have been addressed.

a) Principle

LDP Policy Hou 1 gives priority to the delivery of the housing land supply, including sites allocated in the plan. The proposal relates to allocated site HSG 24 - Gilmerton Station Road.

Planning permission in principle for a residentially-led mixed use development including primary school, commercial/community uses, open space, access, car parking and landscaping (reference number: 14/01649/PPP) was granted on appeal on 18 January 2016. A masterplan for the phased development of the site was approved in December 2016 and detailed proposals for the first three phases were subsequently approved.

The PPP for the site required the AMC proposals to be submitted within three years of the decision. The AMCs for the first three phases were submitted within the specified time period. However, the time period for submitting AMCs has now lapsed preventing a further AMC being submitted for phase four.

The proposal will allow a detailed AMC application to be submitted for the final phase of this allocated housing site and is acceptable in principle.

b) Acceptability of the amendment to the condition

Condition five of planning permission 14/01649/PPP seeks to more closely align the condition's requirements with the phased implementation of the development. There will still be a requirement to protect trees within the site to the same standard. However, the amended condition relates this requirement more closely with the time scales involved with a large-scale phased development.

The variation of condition five will not undermine the reason for the original condition or the principle of the development. Therefore, the variation is acceptable in principle.

c) Other material considerations

This application is made under Section 42 of the Town and Country Planning (Scotland) (Act) 1997 (as amended) and seeks permission to develop the land without complying with a condition of the original permission.

When the Reporter granted the appeal for 14/01649/PPP on 18/01/2016, Condition 1 of the decision notice applied the standard three-year timescale under Section 59 of the Act for AMC applications to be made. The legislation allows for these timescales to be extended in the case of large phased developments that are likely to be built out over a number of years. However, no extended timescale was applied in this instance, and while the AMCs for the first three phases came forward timeously, the final phase was not submitted within the three-year period.

The planning authority can only consider the issue of which conditions should be attached to the new permission and it has two options; to grant subject to different conditions (including no conditions) or refuse if it is considered that the original conditions should stand.

Significant works have been undertaken on site in respect of the original PPP. However, there are outstanding matters relating to the development of the application site as a whole and all of the previous conditions, varied where necessary, will be imposed on any subsequent consent to ensure that any issues and concerns identified under the original permission are addressed in full.

A consent granted under Section 42 is a new permission and must be considered in terms of the current development plan and any relevant material considerations. There is a further requirement to secure any Section 75 obligation (or other agreement) to the new permission, where it is intended this should still apply.

Developer contributions

There is an existing S.75 in respect of 14/01649/PPP. The requirements of this agreement remain enforceable against the developers of the first three phases. The current application seeks to retain the terms and clauses of the existing agreement and make these applicable to any forthcoming AMC for phase four.

LDP Policy Del 1 requires contributions to the provision of infrastructure to mitigate the impact of development. The Edinburgh LDP Action Programme (February 2020) sets out how the infrastructure and services required to support the growth of the city will be delivered, and if these will be via a S.75 agreement. The Finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (August 2018) (SG) provides further cost information based on specific actions. The SG has not been adopted and therefore does not form part of the development plan but is a material consideration.

The situation in terms of the existing obligations, The LDP Action Programme and the SG are as follows:

Affordable housing

The existing S.75 requires 25% of the total housing units on site to be affordable. Thus far the developer of each phase has provided its own portion of that requirement within their development. The developer of phase four will similarly be required to deliver 25% affordable housing within their site. The detailed proposals for the affordable housing will come forward as part of an AMC.

Transport infrastructure

The PPP identified various transport infrastructure and improvement works to mitigate the impact of the development. The cost of the works includes:

- £122,400 for the upgrading of footways;
- £400,00 for refurbished traffic signals at Gilmerton Crossroads and the installation of MOVA;
- £10,000 for a pedestrian crossing on Gilmerton Station Road;
- £5,000 for the TRO for the pedestrian crossing;
- £9,290 for the upgrading of two bus stops;
- £5,000 for the TRO to lower the speed limit on Gilmerton Station Road; and

- £5,000 for the TRO for disabled parking bays within the development.

The Transport contributions set out in the S.75 are included in the costings contained in the LDP Action Programme and the SG. The sums required under the S.75 directly correlate to the identified infrastructure requirements and these sums have been paid in full.

Transport planning has no objections to the application.

Education infrastructure

Based on the figures contained in the SG, Communities and Families are reporting an existing funding gap of £3,552,956.66 for the first three phases under the terms of the existing S.75. It should be noted that consideration of this Section 42 application leaves the original planning permission intact and it is not possible to go back on this and re-visit the levels of financial contributions under the first three phases.

The site is located within sub-area LG-1 of the Liberton/Gracemount Education Contribution Zone. In this area the SG requires new developments to make contributions at the following levels:

- a per house contribution of £21,159 toward infrastructure and £2,582 for land; and
- a per flat contribution of £4,393 toward infrastructure and £602 for land.

On granting the appeal for PPP the reporter made a requirement that a planning obligation be entered into to include contributions to education provision including the construction of a primary school on the site, together with financial contributions to non-denominational secondary schools and Roman Catholic schools.

The agreement requires the following education contributions to be made:

- £9,722,226 towards primary school education infrastructure;
- £3,090,650.34 towards denominational primary school and non-denominational secondary school infrastructure;
- £3,000,000 new primary school land purchase price; and
- £1,767,620.51 servicing costs for a new single stream primary school.

These sums were accepted as appropriate by the reporter and PPP was subsequently granted on that basis. The development of the wider site is now substantially underway, and contributions have begun to be paid in accordance with the relevant trigger points contained within the agreement. The current proposal will allow an application for the final phase of development to be submitted with contribution requirements commensurate with the preceding phases.

Healthcare

The site is within the Gilmerton Healthcare Contribution Zone. The SG requires a per-dwelling contribution of £1,050 towards the cost of a new medical practice.

A decision to grant the section 42 application would result in a new permission that would allow a further AMC to be submitted for the final phase of this allocated housing site. Since the PPP was initially granted the SG has changed the position in terms of the contribution requirements. However, the situation on the ground must also be considered and the fact that the original PPP has been implemented to a substantial extent is a material consideration. Following the grant of PPP, subsequent detailed applications were forthcoming for the first three phases, all of which are currently under construction. Moreover, the first three phases of the development have and will continue to make contributions required at certain trigger points under the original permission. On this basis it is not justifiable to apply additional education or healthcare contributions to the final phase of the development. The existing S.75 should be updated to include reference to the new permission and any contributions should be required under the terms of the existing legal agreement. Furthermore, a limited period of one year is given to submit further AMC applications for this final phase.

d) Public comments

Health care

The site is within the Gilmerton Healthcare Contribution Zone. The SG requires a per-dwelling contribution of £1,050 towards the cost of a new medical practice.

- There are too many houses being built in this area - addressed in section 3.3a.

Conclusion

The principle of the development is in compliance with the Development Plan. A change in the wording of Condition 5 raises no material concerns and is acceptable. Considering the extent to which the PPP has been implemented on site, it is not reasonable to apply the requirements of the Finalised Developer Contributions and Infrastructure Supplementary Guidance in this instance.

The application under section 42 should be granted and 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. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, no later than one year from the date of the decision.

No work shall begin until the written approval of the planning authority has been given, and the development shall be carried out in accordance with that approval.

Approval of Matters:

- (a) for each phase of the development, a plan detailing the siting, design and height of development, including the design of all external features and glazing specifications (including acoustic capabilities);
- (b) design and configuration of public and open spaces, all external materials and finishes;
- (c) car and cycle parking, access, road layouts and alignment, including a Stage 2 Quality Audit, classification of streets, and servicing areas;
- (d) footpaths and cycle routes, including proposed multi-use paths;
- (e) waste management and recycling facilities;
- (f) surface water and drainage arrangements;
- (g) existing and finished ground levels in relation to Ordnance Datum;
- (h) full details of sustainability measures in accordance with Edinburgh Standards for Sustainable Building;
- (i) hard and soft landscaping details, including:
 - i. walls, fences, gates and any other boundary treatments;
 - ii. the type and location of new trees, shrubs and hedges;
 - iii. a schedule of plants to comprise species, plant size and proposed number/density;
 - iv. programme of completion and subsequent maintenance including a separate landscape maintenance plan for the SuDS areas;
 - v. existing and proposed services such as cables, pipelines, substations;
 - vi. other artefacts and structures including street furniture, lighting columns and fittings, and play equipment; and
 - vii. details of phasing of these works in relation to implementation and phasing of housing.

2. As soon as possible after each of the phases of the development approved under condition 1(b) above is completed (except for the last or final phase, in respect of which notice shall be given under section 27B(1) of the Act) the person who has completed any phase shall give written notice of the completion of that phase to the planning authority.

3. Before work begins, a site survey (including intrusive investigation where necessary) shall be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures should be undertaken to bring the risks to an acceptable level in relation to the development. No work shall begin until the written approval of the planning authority has been given to the details and programming of any remedial and/or protective measures required, and the development shall be carried out in accordance with that written approval.

4. No development shall take place on the site until the developer has secured the implementation of a programme of archaeological work (excavation, analysis and reporting, publication, public engagement and interpretation) in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the planning authority.
5. The trees on site shall be protected during the entire ground stabilisation operations period by the erection of a protective barrier in accordance with Figure 2 of British Standard 5837:2012 - 'Trees in relation to design, Demolition and Construction - Recommendations'. The barrier will be no closer to any tree than the distance specified in Clause 4.6 of BS5837:2012. Prior to each phase a plan outlining the protective barriers will be submitted to, and approved in writing by, the planning authority.
6. The site development layout plan to be submitted as part of the application required under condition 1 above shall include full details of the location and design of the surface water drainage scheme to be installed within the application site and shall be submitted for the approval of the planning authority; and for the avoidance of doubt, the scheme shall comply with the Scottish Environment Protection Agency's (SEPA) principles and contain a surface water management plan.
7. Before work begins, a detailed Report on Site Investigations shall be submitted for the consideration of the planning authority. No development shall take place until the remedial measures identified in the submitted report have been carried out. The mining entries should be grouted and capped. Documentary evidence to certify that the approved measures have been carried out shall be submitted to and approved in writing by the planning authority, in consultation with the Coal Authority and SEPA, before construction work begins on site.
8. For each phase a scheme for protecting the existing and proposed nearby residential accommodation from illumination and/ or glare shall be submitted and approved in writing by the planning authority. The scheme shall demonstrate that the design, installation and operation of the floodlighting system shall be such that no floodlighting bulb, or floodlighting bulb reflecting surface material, shall be visible within any residential premises. No construction work on the relevant phase shall begin until the the scheme has been approved, and the scheme shall be implemented in accordance with the approved details.
9. For each phase no construction work shall begin until a scheme for protecting the residential development hereby approved from road noise (Gilmerton Station Road and Drum Street) and commercial noise (industrial area east of Gilmerton Station Road) has been submitted to and approved in writing by the planning authority. The protection works shall be completed in accordance with the approved details before any part of the development is occupied.
10. Before work begins, a bat survey shall be carried out to establish, either that the development poses no risk to bats, or that remedial and/or protective measures should be undertaken to bring the risks to an acceptable level. No work shall begin until the written approval of the planning authority has been given to the details of any remedial

and/or protective measures required, and the measures shall be implemented in accordance with the approved details.

11. No part of the development shall be occupied until a draft Travel Plan setting out measures to promote walking, cycling and the use of public transport has been submitted to, and approved in writing by, the planning authority. A final Travel Plan shall be submitted for the planning authority's written approval within 12 months of the first residential unit being occupied. The plan shall be implemented in accordance with the approved details.

Reasons:-

1. To ensure that the matters referred to are given full consideration and to ensure that the detailed proposals come forward timeously.
2. To accord with section 27B(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses on the site.
4. In order to safeguard the interests of archaeological heritage.
5. In order to safeguard protected trees.
6. In order to enable the planning authority to consider this matter in detail and to ensure the proper drainage of the site.
7. In the interests of public safety.
8. In order to protect the amenity of residential property from glare and light pollution.
9. In order to protect the amenity of residential property from road and commercial noise.
10. To safeguard protected species.
11. To promote sustainable travel modes and reduce dependence on private cars.

Informatives

It should be noted that:

1. Consent shall not be issued until the existing legal agreement has been amended to include reference to this application and ensuring that all obligations remain enforceable across the wider site.

2. 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.
3. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
4. Display of notice: A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.)

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 26 March 2021. One representation was received objecting to the application.

An assessment of the material considerations raised is provided within section 3.3d) of the report.

Background reading/external references

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

Statutory Development

Plan Provision

The site covers housing proposal HSG 24 - Gilmerton Station Road as allocated in the adopted Edinburgh Local Development Plan.

Date registered

12 March 2021

Drawing numbers/Scheme

01,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Alex Gudgeon, Planning Officer

E-mail:alexander.gudgeon@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

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

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

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

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

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

Other Relevant policy guidance

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 21/01304/FUL
At Land 292 Metres West Of 10, Gilmerton Station Road,
Edinburgh
Section 42 application to amend condition 5 of 14/01649/PPP
- tree protection measures to require prior to each phase a
plan outlining the protective barriers to be submitted to, and
approved in writing by, the planning authority.**

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application Section 42 application to amend condition 5 tree protection measures to require prior to each phase a plan outlining the protective barriers to be submitted to, and approved in writing by, the planning authority.

Given the scale of previous archaeological work on the site, development on this area and nature of application it has been concluded that it is unlikely that any significant insitu buried remains will be impacted upon by this application.

Communities and Families

Initial response

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:

149 Flats

658 Houses

This site falls within Sub-Area LG-1 of the 'Liberton / Gracemount 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:

£14,577,179

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:

£1,788,654

Note - no indexation to be applied to land contribution.

There is a legal agreement attached to the permission to develop the site, secured on appeal (PPA-230-2137). This agreement requires a payment of £12,812,876.34 towards education infrastructure and a 2-hectare site for a new primary school. The purchase price of the new primary school land to be incurred by the Council is £3,000,000.

Accordingly, the proposal will result in a funding gap to deliver education infrastructure to accommodate pupils expected to be generated from the proposed development.

Updated response - 25 May 2021

The contributions for the final phase would depend on the housing /flat mix. Flats would make a contribution of £4,393 towards infrastructure and £602 towards land. Houses would make contribution of £21,159 towards infrastructure and £2,582 towards land.

Flood Prevention

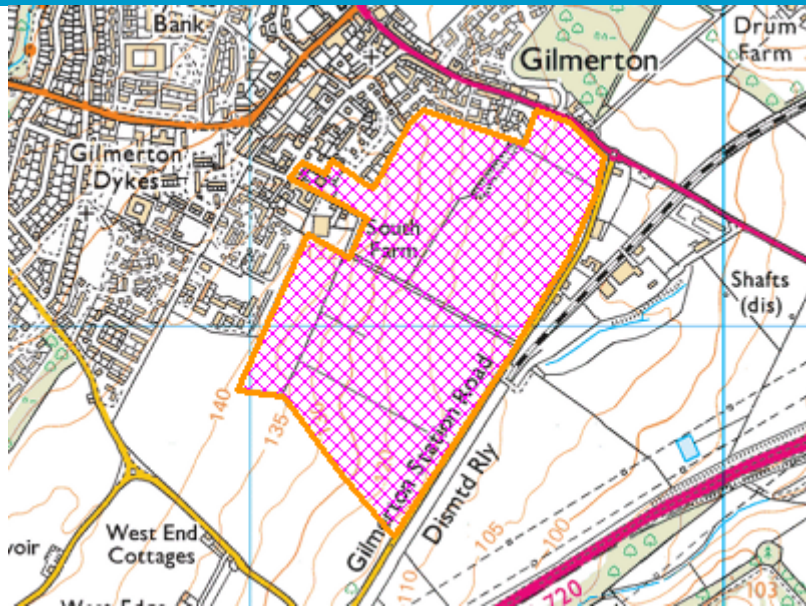
Thank you for the consultation request. Flood Prevention have no comments over the proposed amendment to condition 5, which refers to tree protection measures.

This application can proceed to determination, with no comments from our department.

Transport

No objections.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 21/01591/FUL
At 48 Howe Street, Edinburgh, EH3 6TH
Proposed change of use of flat to a short term let.**

Item number

Report number

Wards

B11 - City Centre

Summary

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

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, NSBUS, NSG, LTRA02, LTRA03, LTRA04, HES, CRPNEW,

Report

Application for Planning Permission 21/01591/FUL At 48 Howe Street, Edinburgh, EH3 6TH Proposed change of use of flat to a short term let.

Recommendations

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

Background

2.1 Site description

The property is a basement level residential dwelling within a four storey tenemental terrace; the ground floor units of the terrace are mostly in commercial use. It has two bedrooms.

The flat is accessed down a private flight of stairs from the street leading directly to the front door. There is no shared access with any other properties.

The property is a category A listed building (Listed 14 September 1966) (Listed Building Reference: 29677) and lies within the World Heritage Site.

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

2.2 Site History

19 October 2020 - Planning permission granted for change of use and alterations to convert a restaurant to one flat (Application reference: 20/03442/FUL).

Main report

3.1 Description Of The Proposal

The application proposes the change of use to a short-term holiday/commercial visitor accommodation (sui generis) for a maximum of four people.

Supporting information was provided and its contents have been summarised below:

- 48 Howe was redeveloped under a separate application and applicant in late 2020 from a restaurant (class 3) to a residential unit.
- No residential units are above, below or adjacent to the application site.
- The units directly above are commercial in nature.
- The property has its own private front door.
- The space in front of the building is private and is not used to access any other property.

No external alterations are proposed.

3.2 Determining Issues

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

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the development has special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest;
- c) the development preserves or enhances the special character or appearance of the conservation area;
- d) the development 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; and
- f) 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 residential use.

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a

materially detrimental impact on the living conditions of nearby residents, will not be permitted.

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

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

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

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

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

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

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

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

The use is relatively small scale and the flat is located on a busy road in a prominent location. It has its own private access. Although it has been developed as a flat, according to the supporting statement it has not been used as such. The surrounding

uses are a mixture of business, residential and commercial. The proposed introduction of this use would not detract from the aforementioned characteristics, in this instance.

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

b) Impact on the Listed Building

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

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

Historic Environment Scotland's (HES) Guidance Notes on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings states; "New uses may enable us to retain much of the fabric and special interest of a building, but they will always have an impact on its intangible value. The process of conversion will have some impact on a building's special interest, regardless of how well it is handled. The continued use of a listed building for its original function will normally be the best way to retain its historic character".

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

No external or internal alterations are proposed to the listed building. Whilst it is acknowledged that the use of the building will change from residential to a SCVA, the change will not have a material impact on the special interest of the listed building. The proposal complies with LDP Policy Env 4 and the relevant HES guidance.

c) Impact on the Conservation Area

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

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

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.

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.

No external alterations are proposed and the change of use of the flat will not have any material impact on the appearance of the conservation area. In addition, The New Town Conservation Area Character Appraisal states that "the development of the New Town has resulted in a building stock of extraordinary quality which has proved to be both durable and capable of adaptation, both to the needs of changing residential standards and to different uses". The site is on a relatively busy T-junction and the adjacent properties are predominately residential and commercial in nature. The proposed change of use would go towards providing different uses while not impacting on the intrinsic character of the conservation area. The proposal complies with LDP Policy Env 6.

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 New Town Conservation Area Character Appraisal states that works should be "in keeping with the character and appearance of the particular area and do not prejudice the amenities of adjacent properties".

The site is located on the T-junction at Howe Street, which is in the New Town Conservation Area leading towards Stockbridge, Inverleith and Trinity. Howe Street is a busy street in terms of traffic and pedestrian movement as would be expected being a thoroughfare for the southern New Town to the Northern section and beyond. The application site is a lower ground floor flat which is self-contained. Its main entrance to 48 Howe Street is from the street itself, down a flight of stairs and through a private courtyard. This entrance is not shared with any other residential properties. Any occupants of the flat would therefore not come into contact with residents living nearby.

The relatively small size of the flat would restrict usage by an excessive number of visitors and means that the unit will retain a comparable occupation level to neighbouring residential properties. An SCVA of this size will not materially intensify demand on local services.

As stated, the application site is located on a relatively busy route linking the north of the city to the city centre and beyond. In conjunction with the self-contained nature of the site, this one, relatively small-scale SCVA unit, would not result in an unacceptable impact on existing levels of residential amenity. Furthermore, the units adjacent and above the application site are commercial in nature and the noise generated from the relatively small scale SCVA unit would be comparable to these uses. Environmental Protection were consulted on the application and offered no objection with regards to the proposals potential impact upon the amenity of nearby residents.

This complies LDP Policy Hou 7 and the non-statutory Guidance for Businesses.

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. Regardless of whether the property has access to off-street car parking, the site is located near to roads which are well served by buses, trams and Waverly Station. Given the nature of the use, it is likely that the majority of visitors shall arrive by public transport. Sufficient internal space for cycle storage is available.

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

f) Public comment

Material Comments - Objection: -

- Noise and nuisance; this is addressed in section d).
- Concerns regarding communal areas; the application site is self-contained with no communal areas.

Non-Material Comments - Objection: -

- Litter; this is not a material planning consideration.

Conclusion

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

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

3.4 Conditions/reasons/informatives

Conditions:-

Reasons:-

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of

planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Two comments were received from members of the public.

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is located within the Urban Area as identified by the Edinburgh Local Development Plan.

Date registered

6 April 2021

Drawing numbers/Scheme

01,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Conor MacGreevy, Planning Officer

E-mail: conor.macgreevy@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy 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.

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

Relevant Non-Statutory Guidelines

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 Government Guidance on Historic Environment.

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 21/01591/FUL At 48 Howe Street, Edinburgh, EH3 6TH Proposed change of use of flat to a short term let.

Consultations

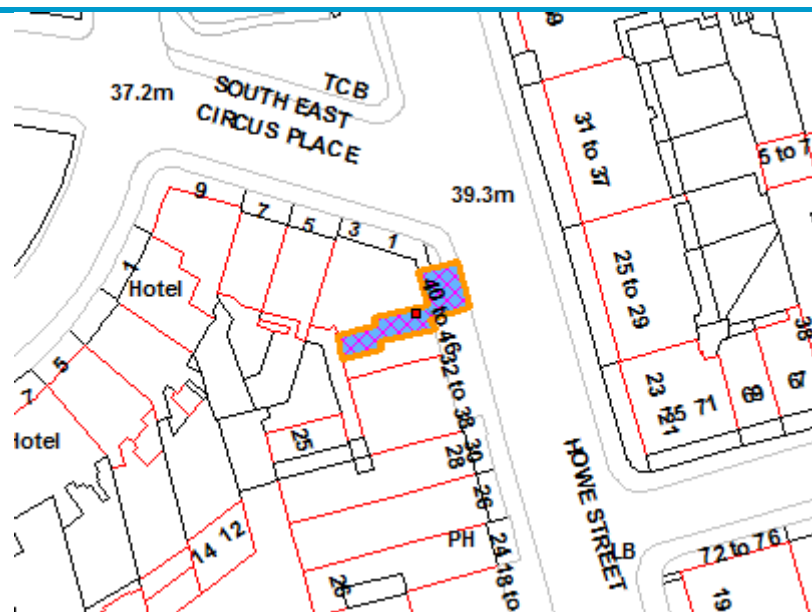
Environmental Protection

INSERT ONCE CONSULTATION HAS RETURNED.

Historic Environment Scotland

No comments

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

This page is intentionally left blank

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 21/01287/FUL
at 35 Kekewich Avenue, Edinburgh, EH7 6TY.
To erect new dwelling**

Item number

Report number

Wards

B14 - Craigentiny/Duddingston

Summary

The proposal complies with the policies contained in the Edinburgh Local Development Plan and associated supplementary guidance. The existing characteristics and features worthy of retention on the site and in the surrounding area have been identified, incorporated and enhanced through the development's design. The proposal will provide adequate levels of amenity for future occupiers and will not materially harm the amenity of neighbouring residents. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LEN12, LEN16, LEN21, LHOU01, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, NSG, NSGD02,

Report

Application for Planning Permission 21/01287/FUL at 35 Kekewich Avenue, Edinburgh, EH7 6TY. To erect new dwelling.

Recommendations

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

Background

2.1 Site description

The application site relates to No.35 Kekewich Avenue, Edinburgh. It is a detached bungalow property with a large west facing garden. It lies on the corner of Vanderleur Place. There is currently a gated entrance leading off Vandeleur Place which provides access to the property's rear garden and detached garage. The garden grounds are currently screened along Vanderleur Place by a wall and high hedging.

It is noted that the property directly to the south of Vandeleur Place, No. 33 Kekewich Avenue, has a shorter rear garden than No. 35 and No. 8 Vandeleur Place lies opposite the application site.

The site does not lie within a defined conservation area and none of the trees that surround the site are protected.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The application is for planning permission for the erection of a one and a half storey, 110sqm, 3 bedroom, detached dwelling house in the rear garden of No. 35 Kekewich Avenue. The property will have a maximum ridge height of approximately 7.1 metres, a depth of roughly 10.7 metres and a width of approximately 8.2 metres. The total site area measures 274 sqm.

The proposal will replace an existing garage at this part of the existing garden grounds. The property will be accessed off Vandeleur Place and it will have one off street car parking space. The property will have approximately 164 sqm of green space. A new rendered wall with wrought iron gates and rails is proposed along the principal boundary of the dwelling.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Supporting Statement

3.2 Determining Issues

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

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;
- 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.

Paragraph 221 of the LDP states that *Edinburgh needs more housing to provide homes for an increasing population and to support economic growth*. The policies objectives are to meet the requirement for additional housing in Edinburgh whilst protecting environmental quality in established housing areas.

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.

Subject to compliance with other policies of the LDP the principle of housing development is acceptable.

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 quite a varied pattern in terms of the size of house plots and layout of the detached dwellings. Whilst the majority of properties in the surrounding area have smaller gardens to the front and elongated gardens to the rear, many nearby garden grounds vary in depth and some corner or cul-de-sac plots (like that on Vandeleur Avenue) have relatively limited garden ground beyond the rear elevation of the dwelling house.

The application site has a long and wide rear garden. It is proposed that the existing rear detached garage be demolished, and a dwelling house be constructed within the rear garden of No. 35. The design of buildings in the wider surrounding area is also varied with bungalows, many of which have been extended to a large degree, and one and half storey properties being prevalent. However, there are also some examples of two storey buildings nearby. The design of roof forms in the surrounding area also varies, with the bungalows largely having shallow roof pitches, whilst the one and half storey buildings have much steeper roof pitches with dormers. There are also examples of two storey buildings with flat roofs present on nearby Sydney Place.

The proposed building will be one and half storey in height, with a pitched slate clad roof, rendered walls and a stone bay window to broadly match that of nearby properties. The building line of the principal and rear elevation of the development shall also closely match that of the directly neighbouring dwellings on Vandeleur Place.

It is further noted that the position of the building will also roughly mirror that of No. 8 Vandeleur Place which is directly across the street. The proposal will retain acceptable spaces between directly neighbouring properties and will not appear to be squeezed in, or be apparent overdevelopment of the site. The width of the proposal is also largely comparable to that of nearby dwellings and while the building shall be taller than that of directly neighbouring dwellings it will not be to a significant degree.

It is acknowledged that the main physical difference between the proposal and the directly neighbouring properties is that it will have a flat principal elevation with the roof pitching to the sides and rear. Whilst this is not a design feature within this small element of street, there is another building present nearby at No. 9 Kekewich Avenue which also has a similar principal elevation design. Overall, the design of the proposal is attractive and given the quite varied building designs and roof forms that already exist in the surrounding area it is acceptable.

The existing property will retain a good sized rear garden with a depth of 12.9 metres. Whilst the proposal shall not have much of a useable garden area directly to the rear of the building, it will still have a good sized garden overall. The elements of garden to the side of the dwelling shall measure approximately 4.3 metres by 11 metres and 4.1 metres by 11 metres, whilst the element of garden to the front of the proposal shall be roughly 5 metres by 16 metres in width. It must also be noted that there are also other examples nearby of corner plots and that of some cul-de-sac properties which also have a garden layouts in which their rear garden grounds are quite limited but they have sizeable garden grounds directly to the sides of the dwellings.

Even though the proposal will be constructed within approximately 1.2 metres of the mutual boundary to the rear, the directly neighbouring property has a substantial, deep, garden and the proposal will be located towards the rear of this garden space.

The proposal has also been designed to angle away and minimise its physical presence in relation to the rear garden ground to which it will face. The proposal will also be screened to a degree by a hedge row along the mutual boundary.

The footprint of the dwelling and the layout of the garden will not read as overdevelopment of the site and is relatively consistent with the established ratio of plots in this area.

The rear garden of the plot is currently screened from public views by a wall and tall hedging. It does not contribute to a sense of openness along the street whilst the rear garden grounds of the property are largely covered with grass only.

The proposal largely draws on the positive characteristics of the area and respects the development layout of the site and the established spaces between buildings.

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 could result in adverse harm to neighbouring amenity at a later date. A condition is recommended to secure this.

The proposal complies with policies Des 1, Des 3 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 with 110 sqm of internal floor space being provided.

The building will have large south facing windows as well as windows to the east and west. Adequate levels of sunlight/daylight should be received. 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. 35 have been assessed in detail in part (b) of this report.

The proposed new house will have a good amount 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 majority of the windows in the dwelling will face south towards the garden of the property and then the street. The proposal will respect the established distances between gardens and windows that have already been established. The front windows proposed shall be approximately 13.5 metres away from the front garden of the property across the street, whilst the window to window distance shall be roughly 19.6 metres.

There will be two bedroom windows that will face to the west of the property. These will face the gable elevation of the neighbouring dwelling and will be at ground floor level. Gable elevations are not protected for loss of sunlight/daylight or privacy. Regardless of this these windows will be screened by an existing 1.5-metre-high wall. There will be a singular small rooflight that will also face to the west. However, this rooflight shall only provide sunlight/daylight to the stairs of the dwelling.

There is only one small rooflight that will face to the north. However, this will only provide light to a landing/storage area which is not classed as a habitable room.

There will be a selection of windows and patio style doors that will face to the east of the development. However, again these windows and door will be screened by a proposed 2 metre high close boarded fence. The rooflights that face to the east will provide light to an en-suite and bathroom.

The height and positioning of the development will ensure that there will be no loss of daylight to neighbouring windows. Gable elevations of properties are not protected for loss of sunlight/daylight.

The applicant has provided a daylight analysis which shows that the proposal will not result in any overshadowing to the garden to the rear of the site. The proposal will not materially overshadow the garden of the property to the west of the site as it will lie in a gable to gable situation which is common practice.

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 proposal 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.

The proposal includes a private garden space in which bikes could be securely stored.

The Roads Authority were consulted as part of the assessment of the application and raised no concerns with regards to road or pedestrian safety.

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 site does not fall within an area which according to SEPA maps is at defined risk of river, coastal or surface water flooding. However, a Surface Water Management Plan (SWMP) is recommended to be conditioned if the application is granted. Some concerns have been raised in objections that the area of the site may contain a stream or drainage channel. These matters can be addressed through the required building warrant and SWMP.

The proposal complies with LDP policy Env 21.

Waste

The proposal was assessed by Waste Services and it offered no objections.

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 which lie near to the boundary of the site and are within the neighbour's ownership. The applicant has confirmed that no trees will be harmed in the construction of the proposal and no pruning is anticipated. The trees near the site are not protected by a TPO and the site does not lie within a conservation area. It is acknowledged that any tree branches and roots which are present within the site can be removed at any time without the consent of the planning authority.

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 on street - Addressed in Section 3.3 (e).
- Impact on road safety - Addressed in Section 3.3 (e).
- Contrary to the Council's guidance on amenity - Addressed in Section 3.3 (d).
- Potential impact on neighbouring trees - Addressed in Section 3.3 (e).
- Flood risk/stream, drainage channel under garden - Addressed in Section 3.3 (e).

Non-material - objection

- Impact on on-street car parking - planning does not control or condition the allocation of on-street parking.
- Loss of view - there is no right to a particular view.
- Not in accordance with the title/feu disposition in terms of number of properties in garden ground, building in rear gardens, design, scale- This is a civil matter between interested parties.
- Noise and disturbance arising from the demolition and construction works - this does not preclude assessment of the proposal or prevent developments from happening.
- If this development goes ahead I will do similar- Every application is determined on its own individual merits.
- Applicant has allegedly been canvassing for support, it will not impact the applicant- This is not a material planning consideration.
- The site is not accessible for development traffic, it is too narrow. - This is not a material planning consideration.

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 provide a good level of amenity for future residents, 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)
- Will provide required additional housing- There is no deficit in the 5 year housing land supply.
- Good for the economy and jobs- Addressed in section 3.3 (a).

Non Material Support

- Good for investors- This is not a material planning consideration.
- It is reuse of a brownfield site - The site cannot be seen as brownfield. The extent of the development proposed is far greater than that which currently exists.

Conclusion

The proposal complies with the policies contained in the Edinburgh Local Development Plan and associated supplementary guidance. The existing characteristics and features worthy of retention on the site and in the surrounding area have been identified, incorporated and enhanced through the development's design. The proposal will provide adequate levels of amenity for future occupiers and will not materially harm the amenity of neighbouring residents. 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. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. A Surface Water Management Plan shall be submitted for the written approval of the Council as Planning Authority prior to any works commencing on site. This should be prepared in line with the self-certification scheme.

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

Reasons: -

1. In the interests of amenity.
2. In the interests of amenity
3. In the interests of surface water management.
4. In the interests of neighbouring amenity.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. Any off-street parking space should comply with the following:
 - a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide.
 - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
 - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road.
 - d. Any gate or doors must open inwards onto the property.
 - e. Any hard-standing outside should be porous.
 - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications.

See Road Occupation Permits

<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

5. Electric vehicle charging outlets should be considered for this development.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application received 6 objection comments and 22 support comments. The points raised shall be addressed in section 3.3 of this report. A councillor asked for the application to be determined by the Development Management Sub-Committee.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 11 March 2021

Drawing numbers/Scheme 01,02,03,04,

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

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

LDP Policy Env 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 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 21/01287/FUL At 35 Kekewich Avenue, Edinburgh, EH7 6TY To erect new dwelling

Consultations

Roads Authority

Full Response

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

1. Any off-street parking space should comply with the following:
 - a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
 - b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
 - c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - d. Any gate or doors must open inwards onto the property;
 - e. Any hard-standing outside should be porous;
 - f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>
2. Electric vehicle charging outlets should be considered for this development;

Note:

The proposed one car parking space complies with Parking Standards which allow for a maximum of one space per unit in this area;
No dedicated cycle parking required as the proposals include a private garden;

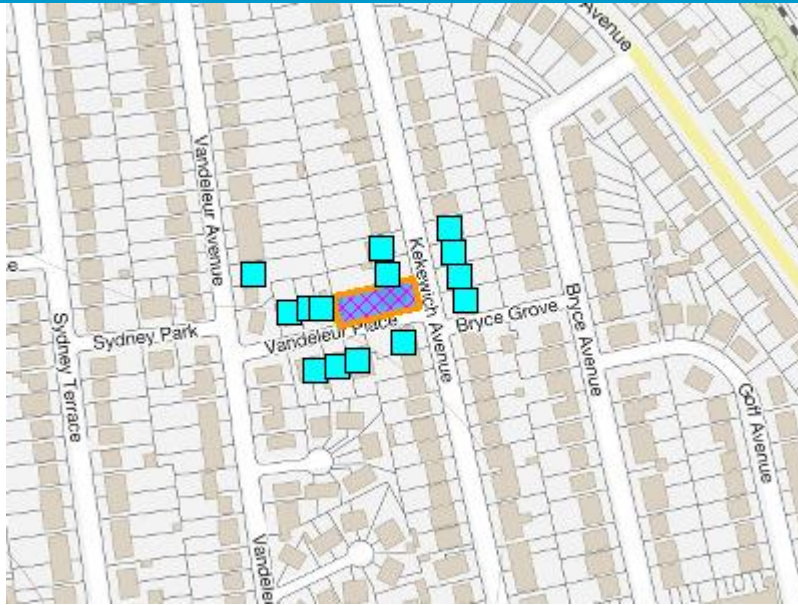
Environmental Protection

Environmental Protection does not object to the proposed development.

Waste Services

This application is for an individual property and presentation would be the same as the surrounding area, Individual kerb side collections, we would have no objection to this proposal.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 20/05679/FUL
At Land In The Grounds Of Kirkliston Sports Centre,
Kirklands Park Street, Kirkliston
Erection of Early Years Nursery and Primary 1&2 School with
associated landscaping**

Item number

Report number

Wards

B01 - Almond

Summary

The application proposes a well-designed school and nursery annexe which will enhance the education facility for the local community for Kirkliston. There is a loss of open space, however the upgrading of the remaining pitches in this locality is considered to be an acceptable mitigation. The proposal complies with the Edinburgh Local Development Plan. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LEN12, LEN16, LEN18, LEN19, LEN20, LEN22, LTRA01, LTRA02, LTRA03, LTRA04, LTRA09, NSG, NSGD02,

Report

Application for Planning Permission 20/05679/FUL At Land In The Grounds Of Kirkliston Sports Centre, Kirklands Park Street, Kirkliston Erection of Early Years Nursery and Primary 1&2 School with associated landscaping

Recommendations

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

Background

2.1 Site description

The application site lies within the grounds on the Kirkliston Leisure Centre, it relates to land to the northern side of the leisure centre building.

The site is bound by the M90 to the west, Stirling Road to the south and Kirklands Park Street to the east, a residential development, Kirkliston Park Grove lies to the north, separated from the site by a ten-metre tree/scrub belt.

The site is fairly level with access currently taken from the east via Kirklands Park Street.

The existing leisure Centre is a linear building that sits in the centre of the site. The football pitch lies to the south and the Multi- Use Games Area (muga) pitches lie to the east, the car park to the leisure centre lies to the west.

The site for the early years development measures approximately 1.64ha in area.

Kirkliston primary school is situated approximately 12 mins walk to the south east of the site.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The development of the school/nursery annexe is proposed in two phases.

The first phase is for an L-shaped building to the north western corner of the site. This includes a pedestrian access from Kirklands Park Street and a service vehicle access into the north eastern corner of the site.

The main entrance to the building would be from the Kirklands Park Street side of the building. The proposal includes four additional car parking spaces which would be accessed from the existing leisure centre car park, these are proposed as two no. accessible parking spaces and two no. electric car charging points. and 44 covered cycle storage dispersed around the site. Bin stores are provided on the boundary with the Leisure centre car park close to the maintenance access in the south.

The building will accommodate 5 new classrooms identified for primary one intake, and four rooms for the nursery/pre-school children.

The phase one proposal includes a separate playground for the primary school children, and a smaller playground for the nursery children, with a landscaped garden separating these spaces from the access points.

Phase 2 of the development introduces the eastern block of the development which would provide for 5 x primary 2 classrooms.

The development would result in the loss of the north pitch and the upgrade the mini-pitches (34m x 17m). No change is proposed to the surface of the 11 a -side pitch, it is to be enclosed in a metal ball catcher fence.

On the completion of phase two a variety of outdoor learning spaces will be delivered on site including a natural learning area, science area, high activity play area, garden and growing areas. A detailed landscape plan sets out the mix of shrub planting, native planting, wildflower grass mix and tree planting, including extra heavy standard trees.

Some hard surfacing would be introduced into the area, 190 square metres of asphalt for the roads and some porous block paving is proposed to the southern side of the building. A series of woodchipped areas are proposed and some synthetic grassed areas. Asphalt is proposed on the northern side of the building up to 250 square metres for the road.

A series of fencing and gates and retaining walls will provide for security and enclosure within the development. A three metre steel sports rebound fence is proposed to separate the school compound from the leisure centre. A 5metre ball stop fence is proposed around the pitch.

The eastern boundary of the school site would be secured by 1.8 metres high open mesh steel panel fence with a landscaped buffer between this and the road. Close board fence would separate the new development from the Leisure centre car park with a security gate.

The proposed building is single storey with shallow pitched roof, with both phases complete it would resemble a steading form of development. A covered walkway would connect phase one and two on the southern and eastern side of the building providing sheltered outdoor space. The maximum height from ground level to ridge would be 6.4 metres. Ceiling to floor windows are proposed along the southern side of the building with access doors are provided from each classroom into the outdoor play area.

The proposed roof would be shallow pitched, finished in black metal, and would have velux roof windows. 34 photo-voltanic panels are proposed on the east-facing roof plane. A further 18 photo-voltanic panels would be included in the second phase of the development.

The building would be clad in cream fibre cement vertical cladding, predominately with some black insert panels and black doors. Corner features are structural timber columns, proposed as larch glulam. All flashings, gutters and rainwater down pipes would be black.

The application proposes the development of the Kirkliston Primary School early years annexe in accordance with Government Guidance for delivering additional hours of early years education. The allocation of this site was approved by Policy and Sustainability Committee on 25th June 2020, following the necessary statutory consultation.

The application is supported by the following documents;

- Design and Access Statement;
- Preliminary Ecological Appraisal;
- Site investigation Report;
- Sun-path Analysis phase 1 and 2;
- Transport Statement;
- Tree Survey and Arboricultural Constraints;
- Sustainability Statement and Form;
- Drainage, Flood-Surface Water management; and
- Noise Survey

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 acceptable?
- b) the design, layout, scale and mass is acceptable?
- c) the proposal will impact on road safety?
- d) the development will impact on neighbouring amenity, and whether good amenity will be created for future occupants?
- e) the proposal will impact on trees on the site?
- f) the proposal will impact on the biodiversity of the site? and
- g) any other matters raised by representations have been addressed?

a) Principle

The proposal is subject to Edinburgh Local Development Plan policies Env 18- Open Space Protection and Env 19 - Protection of Outdoor Sports facilities.

Policy Env 18 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 or 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 not 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.

Policy Env 19 - Protection of Outdoor Sports Facilities states;

In addition to the requirements of Policy Env 18, the loss of some or all of a playing field or sports pitch will be permitted only where one of the following circumstances applies;

- a) The proposed development is ancillary to the principal use of the site as outdoor sports facilities
- b) The proposed development involved a minor part of outdoor sports facilities and would not adversely affect the use or potential of the remainder for sport and training
- c) An alternative outdoor sports facility is to be provided of at least equivalent sporting value in a no less convenient location, or existing provision is to be significantly improved to compensate for the loss
- d) The council is satisfied that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and the site can be developed without detriment to the overall quality of provision.

In the assessment of the application Policy ENV 18 and Policy 19 are linked in terms of the assessment of the loss of any open space and the delivery of outdoor sports facilities and any upgrade to these facilities. As part of the site selection for the school annexe the applicant assessed the demand for the grass seven aside northern pitch on the development site. It was assessed that the pitch had not been used for sport, in so far as Parks and Greenspace have not cut and lined it for sports use, since 2012. The applicants maintain that there is very little demand to use the site for outdoor sports. The leisure centre has structured its opening hours in response to local demands for the facility.

Since the leisure Centre was constructed there has been significant investment in improving outdoor sports facilities in the Kirkliston/Queensferry area. Alternative facilities are provided which satisfy policy ENV 19 (C) and include the following;

A 3G multi-use, 7 aside pitch at Kirkliston Primary School (2015)

A 3g football/rugby pitch with floodlighting in South Queensferry (2017)

A floodlit 3G pitch to be delivered in the school grounds of the new Queensferry High School (currently under construction) upgraded pitches at Queensferry appear to be drawing regular clubs to that location.

The development of the selected site will therefore result in the loss of the seven aside grass pitch but will retain the 11-aside grass pitch. The two mini-pitches will be upgraded. On the basis of the analysis of the use of the pitch carried out by the applicant it is considered that the loss of the pitch would not be detrimental to the provision of outdoor sports facilities in the locality, and satisfies policy ENV 18 (b).

At a meeting between Edinburgh Leisure and Sports Scotland on 9 February 2019 it was agreed in principle that upgrading the two mini pitches to the rear of the leisure centre, and erecting a ball stop fence around the south pitch, would be suitable compensation for the loss of the north pitch. In this regard it is considered that the requirements of policy ENV 19 (c) are met.

The Council's Parks and Greenspace department has requested that due to the loss of the playing pitch they would require the applicant (the Council's Children and Families Department) to make a financial contribution of circa £150k towards Greenspace development and Parks infrastructure. This request does not meet the planning tests as it is not directly related to the application site, it does not meet with policy Del 1 - Developer Contributions and Infrastructure Delivery.

The applicant has included new trees to be planted within the grounds of the school/nursery annexe to a cost of around £18,900. In this regard it is concluded that the proposal would not have a detrimental impact upon the local character of the area and satisfies policy Env 18 (a) and will enhance local biodiversity in compliance with Env 18 (c). It is considered that this new landscaping together with the upgrading of the mini pitches and the new fence around the 11 a-side playing pitch would be suitable mitigation for the loss of the pitch. The applicant has advised that the upgrade works would be an estimated cost of £112,000. The compensation relates directly to the application site and is considered appropriate to the development proposed.

Archaeology and Flooding have raised no objection to the proposal.

It is concluded that there will be a local benefit in allowing the development of the site, with the local children benefiting from re-landscaping and provision of high-quality outdoor space within the school/nursery grounds. The development proposes an interesting planting strategy which will enhance local biodiversity satisfying policy ENV 18 (c). Adequate alternative provision has been made at Kirkliston primary and Queensferry secondary school to meet local demands. The development is for a community purpose and the benefits to the local community outweigh the loss of the pitch. In this regard it is considered that the proposal complies with the Local Development Plan policies on loss of open space ENV 18 (e) in that the development is for a community purpose and the benefits to the local community outweigh the loss.

b) Design, layout, scale and mass

Design

Local Development Plan policy Des 2 - Co-ordinated development, encourages a comprehensive approach to redevelopment.

The development is proposed as a co-ordinated two phased approach, which follows a logical build out plan. The design solution was chosen from a number of other options that were discounted by the design team for various reasons. The completed building will accommodate five new classrooms identified for primary one intake, and four rooms for the nursery/pre-school children. The design approach is comprehensive and will allow for the effective development of the adjacent land.

Phase one proposes an L-shaped building to the north western corner of the site linked with a new pedestrian access from Kirklands Park Street and a service vehicle access into the north eastern corner of the site. This approach focuses the main entrance to the building from the Kirklands Park Street and will contribute to a sense of place on this edge of the residential area. The proposal is of an appropriate design which will draw upon the positive characteristics of the locality.

The phase one proposal includes a separate playground for the primary school children, and a smaller playground for the nursery children, with a landscaped garden separating these spaces from the access points. This approach will help create a sense of place defining the early years school campus, together with the leisure centre will further create a strong civic centre at this western side of the expanding village of Kirkliston.

Phase 2 of the development introduces the eastern block and the completion of a variety of landscaped outdoor learning spaces which meet the requirements of LDP policy Des 8 - Public Realm and Landscape Design.

Local Development Plan policy Des 1 - Design quality and Context encourages all development to be of a high standard of design.

The proposed building is single storey with shallow pitched roof, with both phases complete it would resemble a steading form of development. A covered walkway would

connect phase one and two on the southern and eastern side of the building providing sheltered outdoor space. The maximum height from ground level to ridge would be 6.4 metres. The scale of the proposed building is appropriate in its context being kept to a low height and cut into the land. It's overall height is of a residential scale and will not exceed the height neighbouring residential dwellings or the leisure centre. The mass of the building has been spread in an L-shaped form and is considered appropriate to its setting.

The proposed materials are appropriate in its context. The shallow pitched roof would be finished in black metal which would be unobtrusive in the landscape. The ceiling to floor windows proposed along the southern side of the building connect the classrooms with the outdoor play area.

The design of the building incorporates sustainable principles and includes 34 photo-voltanic panels are proposed on the east-facing roof plane. A further 18 photo-voltanic panels would be included in the second phase of the development. The use of larch glulam as corner features is welcomed.

Layout

Local Development Plan policy Des 7 - Layout Design aims to ensure the development will enhance community safety and urban vitality and provide direct and convenient connections on foot and by cycle. Layouts should not encourage greater car use or add to congestion in the surrounding area.

The site was chosen as it is easily accessible to the community of Kirkliston. Families are encouraged to walk or cycle to the facility. A new pedestrian crossing is proposed in close proximity to the school entrance to allow for safe crossing of Kirklands Park Street.

The proposal includes four additional car parking spaces which would be accessed from the existing leisure centre car park, these are proposed as two no. accessible parking spaces and two no. electric car charging points. and 44 spaces for cycle storage. These would require some hard surfacing to be introduced into the area; 190 square metres of asphalt for the roads and some porous block paving is proposed to the southern side of the building.

A series of woodchipped areas are proposed and some synthetic grassed areas. Asphalt is proposed on the northern side of the building up to 250 square metres for the road.

Bin stores are provided on the boundary with the Leisure centre car park close to the maintenance access in the south which will allow for ease of access and minimal disruption to neighbours.

A series of fencing and gates and retaining walls will provide for security and enclosure within the development. A three metre steel sports rebound fence is proposed to separate the school compound from the leisure centre. A 5metre ball stop fence is proposed around the pitch.

The eastern boundary of the school site would be secured by 1.8metres high open mesh steel panel fence with a landscaped buffer between this and the road. Close board fence would separate the new development from the Leisure centre car park with a security gate.

It is concluded that the proposal is appropriate in design, scale and mass and will utilise high quality materials which will ensure that it will sit comfortably within a newly landscaped setting.

c) Road Safety

Local Development Plan policy Tra 1 - Location of Major Travel Generating Development aims to ensure that developments are located where they are accessible by walking, cycling and public transport.

The application is supported by a Transport Statement. The location chosen for the school annexe is well served for the local community and can conveniently be accessed by walking. There are high quality remote footpaths leading to the application site. Much of the residential properties on the eastern side of the village fall within a 17min (0.8mile) walking distance of the application site. Whilst sited next to the existing leisure centre it is clear from the centre opening hours that there are limited classes at the start of the day which would conflict with the start of the school day.

To aid disabled visitors and prams a pedestrian ramp to the front of the school is proposed at a 1:23 gradient, over a level change of 1.3m this would be 30m in length. Whilst not the most direct route this approach would retain the existing trees and is considered the best solution for the development.

The nearest bus stop to the site is located on Kirklands Park Street approximately 260m to the north of the site.

All of Kirkliston lies within the Scottish Government's guide of 5km cycle journey to the school. Local development Plan policy Tra 3 - Cycle Parking, aims to ensure new developments provide adequate cycle parking and storage facilities to facilitate cyclists. The proposal includes 44 covered cycle spaces which will be distributed in secure accessible locations as 16 to primary phase 1, 8 primary phase 2, 8 for early years, 8 at the entrance for visitors and 4 for staff in lockers at the back of the building. The proposal meets the Council's cycle parking standards.

The applicant engaged with the Councils Active Travel Team to identify a preferred route to the proposed access from the main school which would avoid the roundabout and Stirling Road/Kirklands Park Street. The chosen route would serve pedestrian movement from the south and east of the village. The applicant has confirmed that the school's Travel Plan will include this route before the annexe becomes operational.

Having agreed the route to school, the application includes a proposed pedestrian crossing at a point agreed at preapplication stage. Residents have raised concern regarding the siting of the pedestrian crossing in terms of impact on residential privacy. The roads crossing point is located within the existing carriageway and connects two existing footpaths. There are no amenity concerns from the proposed crossing.

The principle of the proposed crossing point is agreed and there will be further process as part of the installation of the crossing to seek formal Transport Authority approval. There is already an existing speed restriction within Kirklands Park Street of 20 mph and no further interventions are required to control traffic within this area.

Local Development Plan policy Tra 2- Private Car parking encourages lower parking provision where alternative modes of transport can be achieved through a Travel Plan. The applicant has made clear their commitment to a School Travel Plan to be updated when the annexe is operational. Parents will be actively discouraged from driving to the facility. A total of 20 car parking spaces will be accommodated within the existing leisure centre car park, an additional four new spaces will be formed for mobility impaired drivers or passengers. The proposal makes provision of EV charging points.

The proposal is acceptable in terms of road safety.

d) Amenity

Local Development Plan policy Des 5 - Development Design - Amenity aims to ensure that new developments will not affect the amenity of local residents having regard to noise levels and daylight privacy and sunlight.

The application is supported by a Noise Assessment which helped influence the design layout to provide for the best solution for users of the facility and neighbouring residents. The main contributor to noise on the site currently is the proximity to the M90 and the layout solution including the L-shaped form providing acoustic screening along the eastern side of the site, motorway edge, was favoured. This arrangement adequately protects the building from road noise.

The site currently is part of the Kirkliston Leisure centre and was last used as a sports ground. The development of the site has been approached sensitively ensuring that the children's play area is situated away from the neighbouring properties and will be contained by the new L-shaped school/nursery building. The outdoor space will mainly be used during school hours, this is considered to be appropriate within a residential location. No new lighting of pitches has been proposed as part of the application.

The proposed new building has been sited off the neighbouring boundary with a service road between the boundary edge and the built form. It is single storey and has been cut into the ground to reduce the overall height impact. The Daylight, Privacy and Sunlight Assessment shows that in December from 10am 3x dwellings will be cast in shadow. At 12pm x 5 dwellings will be detrimentally affected and by 3pm 7x dwellings will be overshadowed. The study shows that the building will add little overall to the existing relationship with the tree boundary and that the proposal meets the standards for the spring summer and autumn assessment. Overall the proposal satisfies the 45 degree method used to assess Daylighting Privacy and Sunlight.

The proposed windows are orientated southwards and will not give rise to overlooking of neighbouring residential properties, whilst securing the privacy of the classroom environment for the occupants.

The plant is proposed internally, venting out on to the service yard on the northern boundary. Full details of the predicted noise levels are recommended as a condition to ensure no undue disturbance to neighbours.

Local residents have raised concern regarding the proposed position of the pedestrian crossing within the application site. Transport has requested that this be positioned closer to the school entrance. Whichever location is finally decided upon will have a minor impact upon the occupants facing out onto this part of the road, safety and security of users of the facility overrides this concern.

It is considered that the proposed development will provide a safe secure learning environment for the children of Kirkliston within a landscaped setting.

It is concluded, having regard to the current use of the site, that the proposal would not result in a detrimental impact upon local amenity.

e) Impact upon trees

The application is supported by a Tree Survey dated 10 March 2020. The report was carried out in accordance with BS5837:2012 and examines 37 trees on the application site and areas of developing woodland within the survey boundary.

The report examines the broad-leaved woodland along the northern boundary of the site; this is around 20 years of age and reaches approximately 8m in height, it includes diverse species including beech, horse chestnut, alder, rowan, hawthorn, sessile, oak, ash, willow and scots pie. Scattered trees along the eastern boundary of the site reach around 8metres and include scots pine, maple, silver birch, beech, whitebeam and rowan with semi-improved grassland underneath. A small area of mature shrubs separates the car park from the leisure centre and within this there is a single stem of silver birch.

The existing trees along the east and north boundaries provide good screening and enclosure of the site. All of the trees are relatively young and can be expected to provide local amenity value for a considerable period of time. It is anticipated that the existing tree belts will be retained. No trees require to be felled to accommodate the proposed development. Their health and stability will be reviewed following the completion of the development

The application includes a Tree Protection Plan which indicated appropriate Construction Exclusion Zones.

In conclusion, whilst the trees within the site are not subject to any statutory protection they are reportedly mostly in good to fair condition, with the exception of the Norway maple which is recorded as poor condition. The trees on the site are not under direct threat from the proposed development and a satisfactory Tree Protection Plan is included in support of the application.

f) Impact on biodiversity

The application site consists principally of playing fields, extensively managed amenity grassland with some broad-leaved plantation woodland and scattered trees around the northern and eastern edges of the proposed development site.

The application is supported by a preliminary ecological appraisal dated 18 March 2020 which concludes that no sites designated for nature conservation reasons are likely to be negatively impacted by the proposed development. No semi-natural habitats of more than local nature conservation value occur within or immediately adjacent to the site boundary.

No trees on the site were assessed as having bat roost potential and the report concludes that no further study of trees is required for bats. The existing leisure centre building was assessed as having negligible bat roost potential.

The survey did not identify any protected bird species but recognises that the areas of broad-leaved plantation woodland are likely to support a range of typical suburban breeding birds.

The survey found no evidence of other protected species or no non-native species of plant during the walkover survey.

The report concludes that any site clearance works requiring cutting or felling of trees should be undertaken out-with the bird breeding season (mid-March to August inclusive). The application includes the planting of new hedgerows, wildflower meadow and supplementary planting within the grounds of the new school. Opportunities exist for the inclusion of green roof and swift boxes in the design of the new building. There are opportunities to erect bat and bird boxes on existing mature trees on the site.

g) Any other comments have been addressed

Material Comments in Support

- use of existing car parking provision for the leisure centre rather than providing a significant number of new additional spaces (addressed in section 3.1 c).
- Children require safe walking routes to the school and the Council is urged to carry out an audit of improvements required to the surrounding path and road network to prioritise walking over vehicle use (addressed in section 3.1 c).
- Identified improvements must be implemented before the school is brought into use (addressed in section 3.1 c).
- Staff and visitors to the school should be encouraged to observe the movement hierarchy and walk, cycle, use public transport in that order with private car use a last resort (addressed in section 3.1 c).

Material Comments of Objection

Principle

- Impact upon the existing leisure facility (addressed in section 3.1 a)
- Concern regarding split campus both for children and for parents dropping off kids in different locations (addressed in section 3.1 a)
- Building should be an extension to the existing school at Alison Park. (addressed in section 3.1 a)

Impact on neighbouring amenity

- Noise (addressed in section 3.1 d)
- disturbance (addressed in section 3.1 d)
- loss of privacy (addressed in section 3.1 d)
- overshadowing of properties in Kirklands Park Grove impacting upon daylighting and affecting vegetation of the gardens (addressed in section 3.1 d)
- building should be located on the other side of the park (addressed in section 3.1 a)
- concern re security (addressed in section 3.1 d)
- loss of amenity during construction/overlooking/noise/ conflict with home working (addressed in section 3.1 d)

Road Safety - addressed in section 3.1 c)

- Transport assessment is flawed, doesn't address the high school bus pick-up/drop-off;
- Pedestrian crossing impact on neighbouring properties ;
- Traffic congestion arising from parents driving to the facility ;
- Crossing should be zebra not traffic lights ;
- Crossing should be at roundabout ;
- Speed calming should be installed;
- There should be yellow lines on Kirkland Park Street;
- Concern regarding location of pedestrian and vehicle service entrances.

Infrastructure

- The proposal will impact on the local drainage network, will give rise to flooding. (addressed in section 3.1 a)
- loss of exercise space for the local community (addressed in section 3.1 a)

Non-material comments

- Impact on property prices
- Should build this facility next to the future high school for the area
- Proposal should be built on the southern playing fields to reduce impact on neighbours

Process

- Planning is not impartial as this is a council project
- The timescale of the public opportunity to comment was disrupted by Christmas holidays

Conclusion

It is concluded that the application proposes a well-designed school and nursery annexe which will enhance the education facility for the local community for Kirkliston. The loss of open space for general amenity use is regrettable, however the upgrading of the remaining pitches in this locality is considered to be an acceptable mitigation and the provision of a new education facility for the community outweighs the loss in this location.

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

3.4 Conditions/reasons/informatives

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

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

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

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

2. Prior to the occupation of development the applicant will be required to design and install signalised pedestrian crossing at a suitable location on Kirklands Park Street to serve the proposed development. The details of the proposed crossing will require to be agreed, including Stage 2 Road Safety Audit.

3. Prior to the commencement of development the applicant is required to submit a detailed plan showing the appropriate number of secure and covered scooter parking spaces.

4. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".

5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
6. The upgrading of the remaining pitches shown on the drawings hereby approved shall be fully implemented prior to the occupation of the first phase of the development.
7. Details of mechanical plant type shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

- 1) In order to ensure the most efficient and effective rehabilitation of the site.
- 2) In order to safeguard the interests of road safety.
- 3) In order to safeguard the interests of road safety.
- 4) In order to safeguard protected trees.
- 5) In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
- 6) To ensure adequate, quality sports pitch provision is available for the local community.
- 7) In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
3. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984.

4. The 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.

5. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>.

6. 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;

7. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity

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

9. 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.

10. As soon as practicable upon the completion of each phase 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.

11. Prior to the commencement of development the applicant is 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 the full length of Kirklands Park Street from the roundabout of Kirklands Park Street/B9080/Stirling Road/Buie Brae to Bliston Road, 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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application has generated 8 letters of objection, a letter of support from Living Streets Edinburgh group, and comments from Kirkliston Community Council, principally regarding the proposed location - full details are available in the consultation section.

Background reading/external references

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

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan

Date registered

24 December 2020

Drawing numbers/Scheme

1-20,

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jennifer Paton, Senior planning officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

LDP Policy Env 19 (The Protection of Outdoor Sports Facilities) sets criteria for assessing the loss of outdoor sports facilities.

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

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 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.

Appendix 1

Application for Planning Permission 20/05679/FUL At Land In The Grounds Of Kirkliston Sports Centre, Kirklands Park Street, Kirkliston Erection of Early Years Nursery and Primary 1&2 School with associated landscaping

Consultations

Kirkliston Community Council comment

The KCC are in favour of a new extension to the primary to alleviate pressure on the existing school. With over a hundred houses to be built in the village in the coming years, it is essential this extension is built ready for the influx of new pupils and nursery children's requirements. We would

ask if this is the best position to locate the extension? The ground at present is a playing field for community use - as there is little enough ground left in an expanding village, that it would be a great loss. When first aired, the extension was positioned in a corner of the field, now it would appear to take up most of the field.

KCC would take issue with the number of vehicles arriving at the school to drop off and pick up in your policy document, as we have the same problem at the existing primary at the moment, cars blocking the adjoining roads. Not many parents wish to walk with slow children nearly a mile, and take half an hour to get them to school. Your example is Edinburgh, where public transport is frequent, and there is no provision for public transport from the east end of the village. We understand the Leisure Centre car park is used to pick up and drop off students from Queensferry High School, adding to the morning and afternoon transport chaos.

Archaeology Comment

The site is on the current western limits of Kirkliston on land which until the construction of the Sports Centre was farmland. Although relatively undeveloped, the site occurs away from the medieval core of Kirkliston centred upon the Church and River Almond. Similarly, although the area is considered to have potential for significant prehistoric settlement, archaeological work as part of the recent housing developments across the north of Kirkliston suggest that this potential is limited for this site.

Based upon this information, it has been concluded that this developed will not have a significant archaeological impact and that there are therefore no known, archaeological implications.

Roads Authority Issues

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

1. The applicant will be required to design and install a signalised pedestrian crossing at a suitable location on Kirklands Park Street to serve the proposed development. The details of the proposed crossing will require to be agreed, including Stage 2 Road Safety Audit.

Note:

- a) The proposed 4 car parking spaces (2 accessible bays and 2 EV charging spaces) and 40 cycle parking spaces are considered acceptable;
- b) A School Travel Plan will be developed in discussion with the Council's road safety team.

Flood Prevention response

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

Edinburgh Leisure

I have looked at the planning application as above. As noted in the Design and Access Statement; we met with the applicant in February 2019 to discuss.

I note the proposed compensation for the loss of the north pitch is to upgrade the 2 existing MUGAs; and erection of a ballstop fence around the southern grass pitch.

I believe there may also have been discussion about drainage on the grass pitch to the south; and whether this could be alleviated as part of any compensation. It's unclear from the submission what the proposed upgrades to the MUGAs would be. I had also asked about details of any consultation with users of the pitches.

I request that this is treated as a holding response pending further information as below:

- o Dimensions of mini-pitches and details of proposed upgrades?*
- o Whether there are any drainage issues with the 11 aside pitch which is to remain? And any proposals to improve the drainage of that pitch?*
- o Details of any consultation with any users of the pitches?*

Environmental Protection comment

Environmental Protection has no objections to the proposed development.

The application proposes a new nursery and primary school in the grounds of an existing sports centre. The M90 motorway bounds the site to the west, residential properties are to the north-east, east and south.

A noise impact assessment (NIA) has been provided in support of the application which mainly considers noise affecting the school both internally and externally from traffic noise. The main consideration is in relation to recommended noise levels conducive to good teaching both internally, externally and during external play. The report recommends the optimum orientation of the building in this regard to mitigate noise from the M90.

Plant is proposed within the school and includes vents to the north. Noise from plant can affect surrounding residential properties and so it is recommended that noise is addressed at the build stage. It is understood that planning will request further information in this regard to be provided prior to completion of development.

The site grounds should also be further investigated and assessed to ensure the site is safe for the proposed end use. A condition is recommended below in this regard.

Therefore, Environmental Protection offers no objections to the application subject to the following condition and informative:

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.

Informative

Plant noise should be assessed, with information provided to planning which confirms that noise will be within NR25 noise levels within the nearest residential property (with the window open for ventilation purposes).

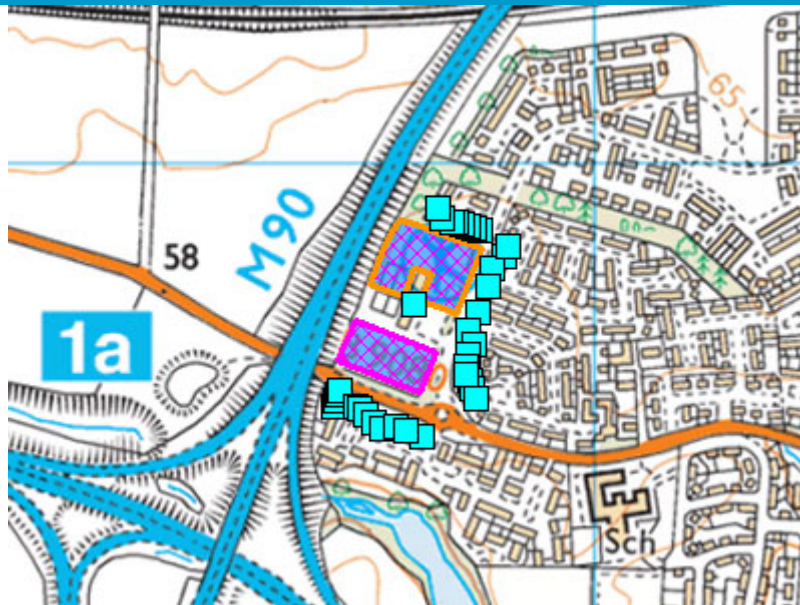
Parks and Greenspace

Due to the loss of Greenspace and amenity available for general public use including health benefits of full size football pitch, we would require the developer to provide a financial contribution towards Greenspace development and Parks infrastructure within Kirkliston (circa. £150k)

- Orchard/Tree planting, not site specific, additional trees to help deliver the Million Tree City ambition, community orchard aspirations, and meet Edinburgh's net zero carbon targets by 2030. (£15k)

- Infrastructure (path/bridge improvements) through Pike's Pool and Allison Park as a common thorough fare, with increased footfall, from the new Pike's Pool housing development and the Gateside estate, to the existing primary school and on to the proposed development. (£35k)
- Play area improvements/renovation (Kirkliston Leisure Centre and Allison Park), close proximity to existing school and proposed development will see increase use of ageing play equipment, providing significant play and health benefits to compensate for the lost amenity. (£100k).

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

END

This page is intentionally left blank

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 21/00067/FUL
At Land 10 Metres South West Of , 136A Lasswade Road,
Edinburgh
Proposed development of x 3, 2 bed terraced houses (as
amended).**

Item number

Report number

Wards

B16 - Liberton/Gilmerton

Summary

The proposal complies with the Edinburgh Local Development Plan.

The principle of the development in this location is acceptable. The approach to scale, form, design and density is compatible with the surrounding area. The development will provide an adequate level of amenity for future occupiers and will not result in an unreasonable impact upon neighbouring amenity, or the quality of the local environment.

The proposal, as revised, encourages reduced reliance on car parking and promotes increased usage of sustainable modes of transport through cycle provision. The design of parking is acceptable in this location.

There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU03, LHOU04, LDES01, LDES04, LDES07, LDES05, LTRA02, LTRA03, LTRA04, LEN18, LEN21, NSG, NSGD02,

Report

Application for Planning Permission 21/00067/FUL At Land 10 Metres South West Of , 136A Lasswade Road, Edinburgh Proposed development of x 3, 2 bed terraced houses (as amended).

Recommendations

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

Background

2.1 Site description

The proposal site is an area of garden ground, vegetation and shrubbery measuring 490 square metres in total.

The site is south-west of two semi-detached dwellings and is in the ownership of the adjacent property to this side.

It is located on the west side of Lasswade Road, to the south of its junction with Gracemount House Drive.

To the south, the site borders the playing grounds and car park of Gracemount High School separated by metal pale fencing.

To the south-west, is a low-level brick wall with timber fencing above which forms the rear boundary of the adjacent terrace comprising five, two-storey dwellings and a three-storey building on the street edge.

To the north-east, is a mature hedgerow and timber fencing separating the site from the detached and semi-detached properties to this side which front Lasswade Road.

The surrounding area is primarily residential in character and is of a mixed architectural character.

Modern residential developments to the south-west side of primarily two-storey scale and larger flatted developments of three and four storeys to the north-east of Gracemount House Drive.

Fronting the site are older buildings including two detached traditional cottage style properties and the pair of semi-detached dwellings.

2.2 Site History

The site has the following planning history:

19 June 2014 - Planning permission granted for the erection of two semi-detached dwellings and parking - (Application reference: 14/01074/FUL)

Main report

3.1 Description Of The Proposal

The planning application is for the erection of three two-storey, terraced residential properties with associated garden ground, communal greenspace, vehicular and pedestrian access.

The proposed development would result in the sub-division of the existing site at residential property 136a Lasswade Road.

The proposed building has a ridge height of 7.63m, eaves level of 5m, width of 14.6m and depth of 8.7m. The materials proposed include white rendered walls with light grey brick elements on the building's frontage, dark grey framed uPVC windows and doors, and a hipped roof slope constructed in dark grey tiles.

Each property contains internal floor spaces of 70 square metres over two floors including two bedrooms on the upper level. Lounge rooms face out onto the front of the property with the dining and kitchen areas to the rear, providing access to the private garden spaces via patio doors. The rear gardens vary in size between 40 sqm and 45 sqm. Additional communal space of over 50 sqm is provided to the north of these gardens.

A vehicular access will be formed from Gracemount House Drive at the north-west boundary of the site. This will provide access to two car parking spaces. A pedestrian access will also be formed here, linking to the communal greenspace, rear gardens and entrances to the dwellings.

Revised Scheme:

- Length of the proposed rear gardens increased from 6m to 9m.
- Extent of driveway and car parking reduced (from three to two spaces) and replaced with communal open space (50 sqm).
- Width of pedestrian footway increased from 1m to 1.5m at south-west boundary.
- Distance retained from proposed building to south-west boundary increased from 1.1m to 1.7m.
- First floor gable windows omitted.
- Design of proposed development altered from a gable to a hipped roofslope.
- Provision for two enclosed cycle parking spaces included in each rear garden.

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the proposal is of an acceptable scale, form and design;
- c) the impact on amenity is acceptable;
- d) the proposal will have any transport impacts;
- e) any other material considerations
- f) any issues of equalities or human rights have been addressed; and
- g) any comments raised have been addressed

a) Principle

The proposal site is located in the urban area as designated in the Edinburgh Local Development Plan (LDP). LDP Policy Hou 1 (Housing Development) prioritises the delivery of housing land supply and the relevant infrastructure and identifies four criteria (a-d) on where this can be achieved.

Criteria d) prioritises the delivery of housing on other suitable sites in the urban area in recognition that windfall sites can contribute to land supply. To comply with Hou 1 d), proposals must be compatible with other policies in the plan.

The site is located adjacent to existing residential development and is served by Lothian Bus Service 31 on Lasswade Road, Lothian Services 7, 11, and Skylink 400 on Captains Road. These routes are accessible via the existing public footways on these roads accessed via Gracemount House Drive.

The site is located in proximity to sustainable modes of transport and there is established residential development in the surrounding area. The site is a suitable location for new housing, subject to compliance with all other relevant policies.

LDP policy Hou 4 (Housing Density) seeks an appropriate density of development having regard to its characteristics and those of the surrounding area, the need to create an attractive residential environment, accessibility and its impact upon local facilities.

There is a mix of densities evident in the surrounding area. The south of Gracemount House Drive is a lower density form of residential development. The site sits between mainly two-storey terraced properties to the south-west and detached / semi-detached properties of a varying scale to the east. The north side of this road is characterised by a higher density, mainly three and four storey residential flatted development visible from the proposal site.

The density of development proposed is in keeping with the scale and layout of the surrounding residential development. As revised, an appropriate level of greenspace is achieved, by virtue of the length of rear gardens serving the terraced houses which will help create an attractive environment for future residents. The scale of these gardens is in keeping with those evident on terraced properties to the south-west of the site.

The site has access to public transport links and residential development in this location will help to support local facilities and commercial uses in Gracemount and Liberton.

As such, introducing a development of this density is considered compatible with the density of residential development evident in the area, contributing to the viability of the local area, and complying with policy Hou 4.

LDP Policy Hou 3 (Private Green Space in Housing Development) seeks to ensure adequate provision of green space will be provided to meet the needs of future residents.

For housing developments with private gardens, a contribution towards the greenspace network will be negotiated having regard to the scale of development proposed and the opportunities of the site.

Edinburgh Design Guidance (EDG) states that private gardens of over 9m in length are encouraged. Further, that gardens of a similar size to neighbouring gardens are likely to be required in order to preserve the character of the area.

The revised proposal has increased the depth of the private gardens and these all achieve a maximum length of over 9m. The sizes of these spaces range from between 40 m² and 50 m² which is a similar level of provision to the existing terraced properties to south-west. It is an appropriate level of amenity space for future occupants that is characteristic of the surrounding area. The scale of development does not require contributions to the greenspace network. The proposal complies with policy Hou 3.

The proposal is an acceptable location for new housing as the site is connected to public transport links nearby. The density of development is compatible with the surrounding residential development and an appropriate level of greenspace is achieved. The development will support the viability and viability of local services through increasing footfall. The proposals comply with LDP policies Hou 1, Hou 3 and Hou 4.

b) Scale, form, design and neighbourhood character

LDP Policy Des 1 (Design Quality and Context) supports new development where the design reflects the positive characteristics of the area.

LDP Des 4 (Design- impact on Setting) requires new development proposals to have similar characteristics to the surrounding urban grain, paying close attention to scale, height and positioning of buildings, materials and detailing.

LDP Policy Des 7-Layout and Design seeks a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces.

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

Further that in residential developments, car park dominated frontages are discouraged to minimise the visual impact and improve the quality of the public realm.

As noted, the immediate area is mainly contemporary development varying in scale, form and design. These include terraced properties to the south-west and larger flatted developments to the north-west. Older buildings border the site to the east fronting Lasswade Road. Materials evident include varying shades of light render, buff brick, natural stone and dark grey roof slopes.

The proposal in terms of layout and position is similar to the adjacent semi-detached properties immediately north-east. The height and scale of the buildings are compatible with these properties and the terrace to the south-west. The materials; including light grey rendered walls with brick finishes and grey tiled roof slopes is in keeping with the appearance of modern development to the south-west.

As noted, terraced properties form the prevalent house type to the south-west, and the spatial relationship between the proposed dwellings is similar to the existing arrangement here and is therefore compatible with this characteristic of the local area.

There is a range in the position of buildings within plots and orientation in relation to the street. As detailed above, the proposed development will be positioned on a similar building line to the existing properties north-east of the site.

In regard to the above, the proposal has similar characteristics to surrounding buildings and will not impact on the existing urban grain where their range in scale and layout evident. The proposal is therefore compatible with the character of the wider townscape.

A footway will run through the development to the southern edge connecting the site to Gracemount House Drive which will help provide convenient access and movement through the development, largely in compliance with LDP policy Des 7.

The proposal details a boundary treatment bordering the front and rear gardens of the site which is appropriate in terms of location. The material of this has not been specified and is required by condition prior to the commencement of the development.

Overall, the design respects the surrounding urban pattern of the surrounding area. The scale, form, massing, and design complies with LDP Policies Des 1, Des 3, Des 4, Des 8 and the Edinburgh Design Guidance.

c) Amenity

Amenity of Future Occupiers

Policy Des 5 (Development Design- Amenity) states that development will be permitted where future occupiers have acceptable levels of amenity in regard to noise, daylight, sunlight, privacy or immediate outlook.

In regard to space standards, EDG guidance states that residential dwellings of two bedrooms shall have a minimum floor area of 66 square metres. The proposed dwellings contain two bedrooms, and each have floor areas of 70 square metres therefore comply with the standards.

In terms of daylight, the dwellings will achieve a satisfactory level of daylight by virtue of the scale of windows on the principal and rear elevation.

In terms of sunlight, all properties contain gardens of adequate size. The size of these areas in tandem with the retained separation distances to the neighbouring properties is sufficient in order to achieve more than two hours sunlight during the spring equinox.

Overall, the proposal will result in the creation of a satisfactory residential environment and complies with LDP Policy Des 5.

Neighbours

LDP Policy Des 5 (Design-Amenity) supports proposals that have no adverse impact on neighbouring developments in regard to noise, daylight, sunlight, privacy or immediate outlook.

In regard to privacy and outlook, the Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. The rearward side of development often offer better opportunity for privacy than the streetward side which can be compromised by existing proximity of neighbour's windows. The guidance does not seek to protect the privacy of gables of existing housing.

All proposed windows on the principal elevation face the property's front gardens and sloped grass land bordering the school playing field and raise no privacy issues. The distances retained from rear windows to the boundary are characteristic of separation distances evident in the area. There is a range in the spatial pattern of development evident and the distances retained would prevent an unreasonable impact on privacy. The first-floor gable windows have been omitted from the revised scheme following concern regarding outlook from these across neighbouring land. Those at ground floor, will face boundary treatments and will not result in a material loss of privacy.

In regard to daylight, the form of the proposed roof slope has been revised from a gable end to a hip to reduce its height near the south-east boundary with the adjacent terrace on Gracemount House Drive.

Diagrams detailing the Vertical Sky Component 25-degree method have been submitted in regard to the windows and doors of these facing neighbouring properties (no.9 and no.11) that demonstrate compliance with this criterion. The distances and orientation of all other neighboring properties will prevent impact on this aspect. No unreasonable impact on daylight will therefore occur as a result of the proposal.

In regard to immediate outlook, the revised proposal has increased the distance retained from the side gable to the south-west boundary to 1.7m and altered the roof form from a gable to hip to reduce its height at this point. It is recognised that the position of the dwelling will result in views of the proposed side gable from the rear gardens and windows of the adjacent terrace. However, the revisions reduce the immediate height of the building from these areas which in tandem with the step down in land level to the proposal site, will not result in any unreasonable impact on the immediate outlook or these occupiers living environment.

Further, the site sits adjacent to the blank side gable of no. 136a which is not protected under the guidance. The position and separation distance retained to all other properties would prevent an unreasonable impact on this aspect.

The applicant has submitted existing and proposed sun path diagrams and 45-degree diagrams detailing the position of shade cast as a result of the proposal on the March Equinox. The site lies to the north-east of properties on Gracemount House Drive and to the south-west of properties 132-134 Lasswade Road.

The sun path diagrams detail there will be some shade cast to the rear of gardens on Gracemount House Drive in the morning at 08:30. The proportion of additional shade will be modest in relation to the size of these garden spaces and its duration will be limited to this time. The impact on sunlight to these neighbouring gardens would therefore not result in an unreasonable loss of amenity or a significant adverse impact on these occupiers living conditions. There will be no adverse affect on sunlight to the existing neighbouring properties at 132 -134 Lasswade Road.

It is noted the proposal will result in reduced garden space for the applicant's property at 136a Lasswade Road with a resultant size of 45 m² to the rear, and 25m² to the front. Cumulatively, the size of this amenity space will provide adequate garden space for residents that is not at odds with existing size of gardens in the area. Additional shade will be cast on these garden spaces. The rear garden is presently overshadowed by the footprint of the existing dwelling in the morning / early afternoon. Whilst an increase of shade will occur as a result, overall, adequate levels of sunlight will still be obtained and an acceptable living environment for residents.

Further, the proposed use of the site for three residential dwellings and is compatible with the predominantly residential character of the local area. It is therefore not anticipated that the development would give rise to an unreasonable level of noise. Should a nuisance or noise disturbance be reported from the site, then there are statutory provisions in order to mitigate these concerns under the Environmental Protection Act 1990.

Overall, the proposal is compliant with LDP Policy Des 5, the Edinburgh Design Guidance and will not result in an unreasonable impact on neighbouring residential amenity.

d) Transport

Car Parking

LDP policy Tra 2 states that car parking provision should comply with and not exceed the levels set out in Council guidance.

LDP policy Tra 4 states design requirements for private car parking having regard to its location, visibility from street level, inclusion of planting and impact on pedestrian safety.

The proposal site is identified within the Edinburgh Design Guidance Parking Standards as being within Zone 3. The EDG identifies that residential properties within this area should have a maximum parking provision of 1 space per dwelling. There is no minimum standard car parking provision.

The proposal includes provision for two car parking spaces in total therefore falls below the maximum standard and complies with provision of guidance. Comment has been made regarding impact of additional residential properties on the wider availability of car parking in the area. As noted, there is no minimum level of parking provision for standard car spaces and objectives of policy are to encourage a shift to sustainable travel. The revised proposal aligns to these objectives by encouraging reduced use of cars through limited parking on-site.

The spaces will be accessible via the proposed vehicle access from Gracemount House Drive located on the existing grassland and vegetation. It is recognised that this area will be visible from the adjacent footpath. This is acceptable in this location, as the area is of a limited scale and parking spaces to the frontages of buildings are commonplace in the surrounding area. Its inclusion here will therefore not detract from the visual appearance of the area.

In addition, the revised proposal reduces the extent of paving proposed and replaces this in part with communal greenspace. The addition of this area will help create an attractive environment and reduce the visual impact of the parking space for existing and future residents nearby.

Transport officers have been consulted on the proposals and requested a visibility splay at the proposed vehicular access and the width of the pedestrian footpath to be increased to provide adequate wheelchair access. These revisions have been made and no objections have been received from Transport officers on receipt of these amendments. No specific road or pedestrian safety issues will occur as a result. A representation has been received in regard to the impact of the parking spaces on an existing access point for property 134 Lasswade Road to the north of the site.

As noted, a new, wider pedestrian access will be formed to the south-west of the site and the rear of this property will still be accessible via this footway and the communal

open space proposed. All soft and hard boundary treatments are required by condition, and additional linkages in this area may be explored as part of the submission of these details.

In addition, comment has been raised in regard to the potential for pedestrian access to the proposed property via a private access and footpath from Lasswade Road. The proposed plans show the pedestrian and vehicle access to the property will be via Gracemount House Drive and it is not proposed that access to the development will be taken via Lasswade Road. Full detail of the boundary treatments is required by condition and the appropriate position of boundary fencing would reasonably address this concern.

Cycle Parking

LDP policy Tra 3 states cycle parking and storage provision should comply with the standards set out in Council guidance.

LDP policy Tra 4 states design requirements for private car parking having regard to its location, visibility from street level, inclusion of planting, impact on pedestrian safety and provision of recycling facilities where applicable. Further, that cycle parking should be provided closer to building entrances than general parking and be of an appropriate design.

EDG identifies that two-bedroom residential properties in Zone 3 should have a minimum parking provision of 2 cycle per dwelling. The proposal includes two spaces per dwelling located in the rear gardens, therefore meets these standards.

The plans state these spaces will be provided via secure, enclosed, cycle stores which is an appropriate design for use by residents. A condition has been included for the full detail of the enclosures to be submitted and approved prior to occupation of the development.

The proposal complies with LDP policy Tra 2 and Tra 3. Non-compliance with LDP policy Tra 4 in regard to car parking design is acceptable in this location as car park frontages are commonplace in the surrounding area and the design, scale and location of the visitor parking will not detract from the visual appearance of the surrounding area.

e) Other Matters

Open Space

The proposal site is not allocated as open space within the Edinburgh Local Development Plan.

It is mainly an area of private garden space comprising of lawn separated by fencing and overgrown vegetation and shrubs near the entrance onto Gracemount House Drive.

The main garden space of the site is enclosed and secured by existing boundary treatments and this is of limited wider amenity or leisure value in terms of its

contribution to the wider landscape character or potential use. The partial loss of this space will not have a significant impact on the quality or character of the local environment or biodiversity value.

As noted above, the inclusion of communal open space will help create an attractive residential environment for existing and new residents in the immediate area.

The proposal does not conflict with LDP policy Env 18.

Flood Risk and Surface Water Management

Policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudice to existing or planned flood defence systems.

The site is identified within the SEPA flood risk maps as containing a medium surface water risk, and no specific river or coastal risks. Flooding officers have requested that the applicant submit a Surface Water Management Plan to support the planning application.

Accordingly, a Surface Water Management plan is required to assess the impact of the proposal on surface water on the site as per the recent approval on site. This was not provided with the submission of the planning application. Before development on site can begin, this must be provided to and approved in writing by the Local Planning Authority. This has therefore been made a condition of this consent.

Subject to the approval of these details reserved by condition, the proposal complies with LDP policy Env 21.

Waste

Waste services have been consulted on the proposal and raise no objection. The applicant should contact Waste Planning 12 weeks prior to the residents moving in to arrange waste arrangements. An informative has been included in regard to this.

f) Equalities and Human Rights

Representations have been received stating that the proposed development is in direct contradiction to the responsibilities of the Council under the Human Rights Act, Protocol 1, Article 1 which states a person has the right to the peaceful enjoyment of all their possessions including home and other land. In addition, Article 8 of the Human Rights Act stating a person has the substantive right to respect their private and family life.

It is referenced that the proposal will be located in close proximity to the rear gardens of the adjacent properties and includes two windows which will overlook these properties and gardens. Concern is raised that the proposed development would have a dominating impact on persons and family's right to the quiet enjoyment of their property and in this instance private and family life including surroundings and garden areas. In addition, the case of Britton vs SOS is cited and that the protection of the countryside falls within the interests of Article 8 of the above Act.

The proposal has been assessed against all relevant planning policy and guidance which aim to protect the amenity of adjoining land and the proposal site. These have been fully considered and applied. The provisions of Article 1 and 8 the Human Rights Act 1998 have been complied with through this assessment and revisions received.

g) Representations

Material Representations - Objections

- Proposal not in keeping with appearance of surrounding area; Addressed in section 3.3 b);
- Proposal will cause overshadowing and loss of natural light; Addressed in section 3.3 c);
- Daylight information (Vertical Sky Component, BRE guide) and sunlight information (45 degree method) stated in the Edinburgh Design Guidance should be provided for planning applications; Addressed in section 3.3 c);
- Impact of proposal on sunlight; Addressed in section 3.3 c)
- Impact on privacy from gable windows; Addressed in section 3.3 c);
- Impact on noise and disturbance; Addressed in section 3.3 c);
- Access issues (via Lassswade Road impacting on private land, and loss of existing footpath to rear; Addressed in section 3.3 d);
- Inadequate parking and access including highway and pedestrian safety; Addressed in section 3.3 d);
- Impact on flooding and surface water; Addressed in section 3.3 e);
- Proposal contrary to the Human Rights Act; Addressed in section 3.3 f);

Non-Material Representations - Objections

- Construction Activity: Controls over number, location, access, noise, storage and pedestrian / highway safety implications ; Matters relating to construction activities cannot materially be assessed as part of the merits of this planning application. The impact of the proposal on highway / pedestrian safety has been addressed in section 3.3 d);
- Site Management information in regard to minimising disturbance and access to residential area ; Further information in regard to operational activities during construction is not a required as part of this planning application ;
- Potential detrimental impact on house prices; This matter cannot materially be assessed as part of the merits of the planning application ;

Representations - Support

- Positive addition to the area and good home for first time buyer;

h) Conclusion

The proposal complies with the Edinburgh Local Development Plan.

The principle of the development in this location is acceptable. The approach to scale, form, design and density is compatible with the surrounding area. The development will

provide an adequate level of amenity for future occupiers and will not result in an unreasonable impact upon neighbouring amenity, or the quality of the local environment.

The proposal, as revised, encourages reduced reliance on car parking and promotes increased usage of sustainable modes of transport through cycle provision. The design of parking is acceptable in this location.

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

3.4 Conditions/reasons/informatives

1. Prior to the commencement of development, a Surface Water Management Plan shall be submitted to and approved in writing with the Local Planning Authority and thereafter implemented prior to the first occupation of the development.

The surface water management plan must be provided in line with the self-certification scheme.

2. Prior to the commencement of development, details of all hard and soft surface and boundary treatments, shall be submitted to and approved in writing by the Planning Authority and thereafter implemented prior to the first occupation of the development.

3. Prior to the occupation of the development details of fully enclosed secure cycle stores shall be submitted and approved in writing by the Planning Authority. The cycle stores shall thereafter be implemented prior to the first use of the development.

Reasons:-

1. To ensure the proposal does not increase flood risk and surface water is managed correctly.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to provide appropriately designed cycle storage for future residents.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the

development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

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

4. 1. Any off-street parking space should comply with the following:

- a) Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
- b) A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
- c) Any gate or doors must open inwards onto the property;
- d) Any hard-standing outside should be porous;
- e) Any works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

5. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

6. Above ground surface water attenuation and treatment features should be considered, including features integrated into the landscape such as raingardens. In order to reduce storage capacity or blockages, and encourage wider benefits to biodiversity and placemaking improvements.

7. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

8. The applicant should contact the City Council's Waste and Cleaning Service 12 weeks prior to residents moving in to arrange for the purchase and delivery of the bins and to add these to the systems for collections.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

9 representations have been received (8 objections and 1 support comment)

Background reading/external references

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

Statutory Development

Plan Provision

Policies - Edinburgh Local Development Plan - Urban Area

Date registered

8 January 2021

Drawing numbers/Scheme

01 A, 02 B, 03 A, 04, 05,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer

E-mail: lewis.mcwilliam@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 21/00067/FUL At Land 10 Metres South West Of , 136A Lasswade Road, Edinburgh Proposed development of x 3, 2 bed terraced houses (as amended).

Consultations

Flooding :

We would request a Surface Water Management Plan (SWMP) to support this application. A separate Flood Risk Assessment (FRA) will not be required, although we would ask that the applicant addresses the surface water flood risk identified in the indicative SEPA flood maps, within the SWMP report.

The Coal Authority :

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Transport :

No objections to the application:

- Cycle parking will be provided within the curtilage of the houses.
- The applicant proposes 2 accessible car parking spaces and complies with the Council's parking standards for Zone 3.

Waste :

As this is for 3 individual properties and presentation would be the same as the surrounding area, Individual kerb side collections. Bins would have to be presented on the kerbside by the resident as we are unable to drive onto private land to collect bins.

We would have no objection to this proposal, I would only stress to the architect that space should be allowed within each plot for the housing of the below bins out with collections.

Each property requires:

140 litre Domestic waste bin

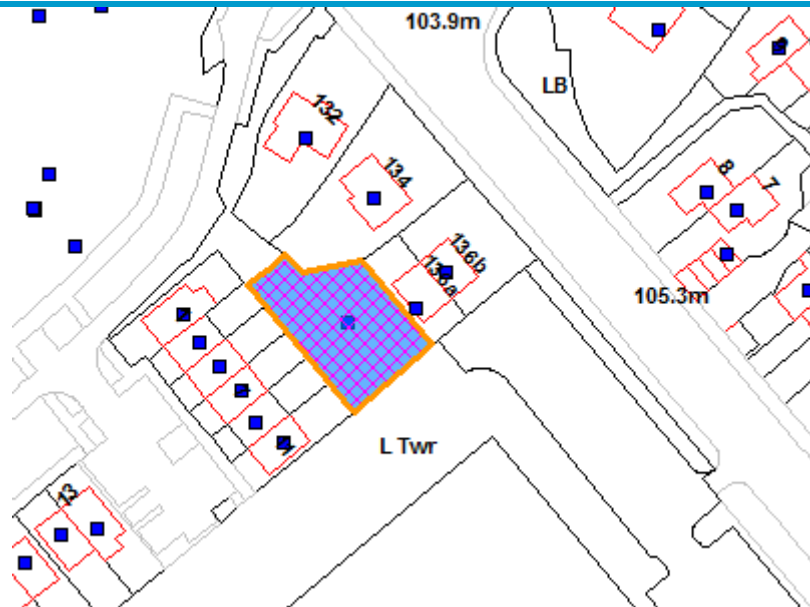
240 litre recycling waste bin

44 litre box for glass collections.

25 litre food waste presentation box

Please ask the Architect to inform the developer / builder to contact me directly 12 weeks prior to residents moving in to arrange for the purchase and delivery of the bins and to add these to the systems for collection.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 20/03527/FUL
at 54 Main Street, Edinburgh, EH4 5AA.
Internal and external alterations for a change of use from
Class 1 retail to licenced restaurant with new flue.**

Item number

Report number

Wards

B01 - Almond

Summary

The proposal does not comply with the Local Development Plan. Due to lack of information provided it is not possible to establish whether the proposal would have an adverse impact on neighbouring amenity. There are no material considerations that outweigh this conclusion and refusal is recommended.

Links

[Policies and guidance for this application](#)

LDPP, LRET11, LRET05, LDES05, NSG, NSBUS,

Report

Application for Planning Permission 20/03527/FUL at 54 Main Street, Edinburgh, EH4 5AA. Internal and external alterations for a change of use from Class 1 retail to licenced restaurant with new flue.

Recommendations

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

Background

2.1 Site description

The application site is a two-storey property with a retail unit to the ground floor and office on the first floor located on the south side of Main Street, Davidson's Mains. The Main Street is characterised by ground floor commercial units with residential properties above as well as single storey dwellings. The floor above the proposed restaurant has permission for use as flats (planning permission 19/04286/FUL). The applicant's supporting statement advises that it is intended that these will be used as residential accommodation for the restaurant staff. The site also has residential properties to the south.

2.2 Site History

07.11.2019 - Planning permission granted for: Subdivision of single retail unit to form two shops. Alteration and change of use of first floor office to form two flatted dwellings (19/04286/FUL).

Main report

3.1 Description of The Proposal

Planning permission is sought for a change of use from class 1 to class 3 licenced restaurant including the installation of a flue.

A supporting statement was submitted as part of the application. This can be viewed on the 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 proposal will adversely affect neighbouring residential amenity;
- c) there are any road safety and parking issues and
- d) any public comments have been addressed.

a) Principle

The site lies within Davidsons Mains Local Shopping Centre.

LDP Policy Ret 11 Food and Drink Establishments supports restaurants and cafes in principle provided this will not lead to an unacceptable increase in noise, disturbance, or on-street activities to the detriment of living conditions for nearby residents and provided there is not considered to be an excessive concentration of such uses.

The applicant has failed to supply additional information requested relating to the impact of noise on neighbouring properties and data on the extractor and flue. Some information was provided on request but did not meet the requirements as set out by Environmental Protection. No further information has been forthcoming. As a result, it is not possible to establish if the change of use would result in noise or disturbance to the detriment of living conditions for nearby residents.

As a result, the proposed use fails to comply with Policy Ret 11 and the Council's planning guideline.

b) Residential Amenity

LDP Policy Hou 7 relating to inappropriate uses in residential areas, states that developments, including a change of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

Environmental Protection requested a noise impact assessment to cover the property above and surrounding dwellings. This has not been received. Information and drawings regarding the ventilation system were also requested and not been received. It is therefore not possible to assess the impact of the proposed restaurant on the living conditions of the nearby residents.

While the supporting statement states that the flats above will be used for residential accommodation for the restaurant staff, those flats have a separate planning permission that do not place any restriction on occupancy.

Therefore, this application needs to consider impacts on residential amenity for potential residents who are not restaurant staff. In the absence of the noise impact assessment the applicant has failed to satisfy the provisions of Hou 7.

The proposal does not comply with LDP Policy Hou 7.

c) Road safety and parking

There are no changes to the existing arrangements

There are no traffic or car parking issues

d) Public comments

Following statutory neighbour notification and advertisement, 63 representations have been received. Of these, 44 objected to the proposal, 18 were in support and made neutral comments. The content has been summarised below:

Objections

Material

- Parking: this has been addressed in section 3.3 c);
- Noise: this has been addressed in section 3.3 b);
- Cooking odours: this has been addressed in section 3.3 b);
- Light pollution: this has been addressed in section 3.3 b).

Non-Material

- Restaurant too large;
- Will impact other places during covid recovery;
- Litter;
- Refuse collection;
- Antisocial behaviour;
- Ownership;
- Overprovision
- Drainage system of building.

Support

Material

- Supportive of use;
- Area needs rejuvenation.

Neutral

Material

- Parking: no objections from Transport.

Non-material

- End user.
- Tax.

Conclusion

The proposal does not comply with the Local Development Plan. Due to lack of information provided it is not possible to establish whether the proposal would have an adverse impact on neighbouring amenity. There are no material considerations that outweigh this conclusion and refusal is recommended.

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

3.4 Conditions/reasons/informatives

Reasons: -

1. The proposal does not comply with LDP Ret 11 as it is likely to lead to an unacceptable increase in noise disturbance, on street activity or antisocial behaviour to the detriment of living conditions for nearby residents.
2. The proposal does not comply with LDP Hou 7 as the change of use would have a materially detrimental effect on the living conditions of nearby residents.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Following statutory neighbour notification and advertisement, 63 representations have been received.

Background reading/external references

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

Statutory Development

Plan Provision

The site is within the Urban Area and Davidson's Mains Local Centre as defined by the Edinburgh Local Development Plan.

Date registered

9 September 2020

Drawing numbers/Scheme

01-04,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Murray Couston, Planning Officer

E-mail: murray.couston@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

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

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission 20/03527/FUL At 54 Main Street, Edinburgh, EH4 5AA Internal and external alterations for a change of use from Class 1 retail to licenced restaurant with new flue.

Consultations

Environmental Protection

Further to your request for a consultation response from Environmental Protection, I would highlight the following concerns which need addressed prior to this team being in a position to further the application:

- 1. There are concerns that noise and odours will affect the residential properties above and surrounding. A noise impact assessment (NIA) should be provided which confirms that noise (internal and external noise from fan and flue) from the ventilation will be within NR25 internally with the residential window open for ventilation purposes and NR35 externally on the residential roof terrace. The NIA should also consider (and recommend mitigation if necessary) to ensure that internal restaurant operations are inaudible within the residential property above and surrounding (including customer noise, chairs scraping, music, kitchen operations etc)*
- 2. How much higher is the flue extract point from the first floor residential roof terrace and first floor residential windows and what will stop the effluvia from being blown back down to the roof terrace.*
- 3. The accommodation on first floor above is highlighted as "staff accommodation". Is this joined to the restaurant and is there anything that stops the accommodation being sold off and amenity issues arising in the future. For the purposes of the noise and odour assessments, the first floor accommodation should be treated as not joined to the restaurant operations with the residents suitably protected from noise and odour.*
- 4. A suitably qualified ventilation engineer should confirm that the ventilation can attain a minimum of 30 air changes per hour*
- 5. Please confirm that the flue extract point is above all surrounding residential property windows within a 30 metre radius.*

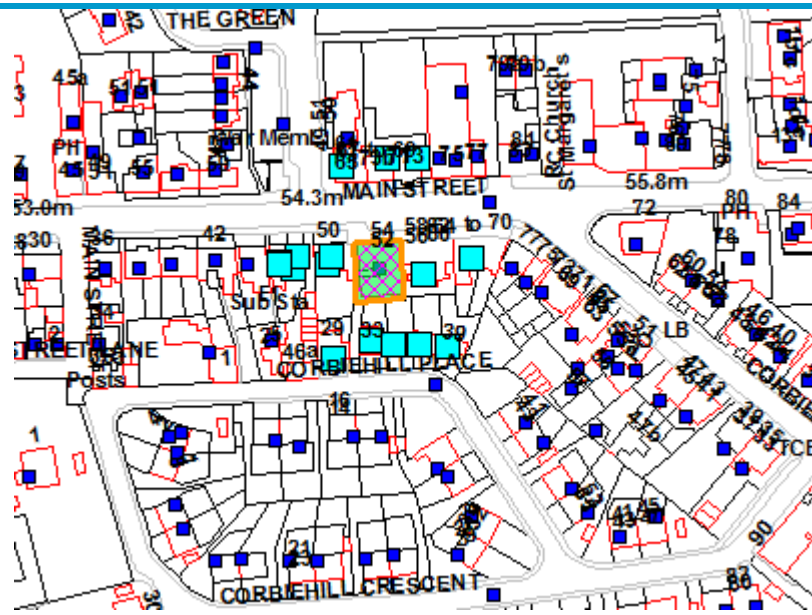
Transport

No objections to the application

Note:

- o Zero car parking complies with CEC's current parking standards and is considered acceptable;*
- o Vehicle trips associated with restaurant use are generally off-peak.*

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 21/01323/FUL
at 1 India Buildings, Victoria Street, Edinburgh.
Construction of a metal balustrade and introduction of
planters to the flat roof at level 7 to create a roof
garden/sanctuary.**

Item number

Report number

Wards

B11 - City Centre

Summary

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting of the adjacent listed buildings and preserves the character and appearance of the conservation area.

The proposals comply with the adopted Local Development Plan and non-statutory guidelines and will have no adverse effect on the Outstanding Universal Value of the World Heritage Site. The development will have no detrimental impact on residential amenity there are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN03, LEN06, LEN01, LDES05, NSG, NSLBCA, CRPOLD, HES, HEPS, HESSET,

Report

Application for Planning Permission 21/01323/FUL at 1 India Buildings, Victoria Street, Edinburgh. Construction of a metal balustrade and introduction of planters to the flat roof at level 7 to create a roof garden/sanctuary.

Recommendations

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

Background

2.1 Site description

The application relates to a hotel currently under construction as part of a mixed use development comprising a hotel, bar, restaurant, cafe, retail and commercial uses on a site bounded by Victoria Street to the north, a gap site to the south, George IV Bridge to the east and tenements and commercial units to the west.

The site includes 1 India Buildings, a category A listed, four-storey Scots Baronial/Jacobean style former office block (listed on 14 December 1970, reference: 29868) and the category B listed former Cowgatehead Church (listed on 29 March, reference: 47859) and is within the Old and New Towns of Edinburgh World Heritage Site. The Central Library, which is category A listed (listed on 4 December 1970, reference: 27587) lies to the immediate east of the site.

The surrounding area is predominantly mixed-use in character with many hotels and hostels in the vicinity and there are some residences above and below commercial uses.

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

2.2 Site History

22 January 2016 - planning permission granted for development comprising hotel, bar, restaurant, café, retail and commercial uses and alterations to India Buildings, 11 -15 Victoria Street and Cowgatehead Church (application number 15/04445/FUL).

Main report

3.1 Description of the Proposal

The application is to create a roof garden/sanctuary for use by hotel guests and restaurant patrons on the existing roof of the hotel under construction.

The roof terrace will be surfaced in porous paving slabs over a deck structure and enclosed by a 1.1-metre-high, bronze-coloured steel balustrade set back one metre from the front building line.

Planters and seating/tables will be installed within the terrace area and access will be via a door at the end of the guest corridor. This door was approved as part of the planning permission currently being implemented on this site (reference 15/04445/FUL).

Supporting Documents

- Narrative Document (including key views); and
- Noise Impact Assessment.

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

3.2 Determining Issues

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

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 proposals preserve the setting of the listed buildings;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) the proposals harm the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site;
- d) the proposals are detrimental to residential amenity;
- e) any impacts on equalities or human rights are acceptable and
- f) public comments have been addressed.

a) 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."

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states.

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

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

The immediate setting of the adjacent listed buildings comprises the current development on site and the proposed roof terrace does not include any additional storey or substantial structures. The proposed sanctuary area will be confined to the central section of the roof of the new hotel, so will not be in close proximity to the Central Library.

Whilst the proposed balustrade and planters will be visible from certain key viewpoints, including from George IV Bridge and Greyfriars Kirkyard, these are relatively low-lying structures that will have no significant impact on these views in terms of preserving the setting of the listed buildings. The simple style and bronze finish of the steel balustrade will be in keeping with the materials and contemporary style of the new hotel and the simple style of historic railings in the area.

The proposed development is confined to the roof of the new hotel under construction and will add no significant height or structures to this roof that could prejudice the future development of the Central Library.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the setting of the listed building, in compliance with LDP Policy Env 3.

b) Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which 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 permits development within a conservation area which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

The essential character of the conservation area is summarised in the Old Town Conservation Area Character Appraisal as follows:

- *" the survival of the little altered medieval 'herringbone' street pattern of narrow closes, wynds and courts leading off the spine formed by the Royal Mile;*
- *important early public buildings such as the Canongate Tolbooth and St Giles Cathedral;*
- *the quality and massing of stonework; and*
- *the density and height of its picturesque multi-storey buildings."*

The proposed rooftop installations, due to their relative low height over a restricted area will have no significant impact on important views of the Old Town's historic public buildings, in particular the Central Library. No other characteristic features of the conservation area will be affected by the proposed development.

Whilst greenery is not a common feature on rooftops within the Old Town, a limited and discreet area of planting at this level is acceptable and will be in keeping with the small, gardens that are found in inconspicuous locations within the conservation area.

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

c) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site 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 proposed external alterations will have no detrimental impact on the character or appearance of the medieval Old Town, nor its relationship with the Georgian New Town in terms of having an adverse effect on key views that contribute to the OUV of the World Heritage Site.

The development will therefore cause no harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with Edinburgh Local Development Plan Policy Env 1.

d) Residential Amenity

LDP Policy Des 5 seeks to ensure that the amenity of neighbouring residents is not adversely affected by development.

The proposed rooftop garden/sanctuary is to provide hotel guests and restaurant users with a relaxing outdoor space with no amplified music, capturing views over the Old Town. The terrace will provide seating for approximately 15-20 people with potentially another ten standing. No bar or server is proposed, although guests will be able to order food and drink to be consumed on the terrace. The only noise source will be guests' voices.

The nearest residential properties to the proposed terrace are approximately 30 metres away at 4 Cowgatehead and approximately 40 metres away in Anderson's Close. These residences are already subjected to noise levels and disturbance from road traffic as well as the numerous bars, restaurants and hotels along Cowgate and Grassmarket and associated people on the streets at all hours.

The Noise Impact Assessment compared predicted noise levels from the roof terrace with existing noise levels in the vicinity generated by traffic, commercial and pedestrian activity. The results suggested that any noise generated by users of the roof garden would be significantly lower than the existing noise levels in the area.

No separate lighting is proposed for the roof terrace in this application.

The noise from the roof garden is therefore unlikely to have any detrimental impact on the amenity of nearby residential properties.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and no impacts were identified.

f) Public Comments

Material Objections

Old Town Community Council

- addition of an extra storey to the building - assessed in section 3.3 a)
- overlooking of the Central Library and Greyfriars Kirkyard - assessed in section 3.3 a)
- bronze detailing is out of keeping locally and within the World Heritage Site - assessed in section 3.3 b)
- noise and disruption in an area where a few residents still live - assessed in section 3.3 d)

Other Material Objections

- adverse effect on protected views from Greyfriars Kirkyard to Old Town - assessed in section 3.3 a)
- prejudice future development of Central Library - assessed in section 3.3 a)
- detrimental impact on authenticity and integrity of World Heritage Site - assessed in section 3.3 c)
- light pollution - assessed in section 3.3 d)

Support Comments

- will offer unique perspective of World Heritage Site
- not detrimental to the privacy or amenity of local residents
- will assist economic recovery and attract visitors to Edinburgh

Non-Material Objections

- detrimental to health and safety
- road safety
- anti-social behaviour
- consumption of alcohol

Conclusion

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting of the adjacent listed buildings and preserves the character and appearance of the conservation area.

The proposals comply with the adopted Local Development Plan and non-statutory guidelines and will have no adverse effect on the Outstanding Universal Value of the World Heritage Site. The development will have no detrimental impact on residential amenity there are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

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

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 26 March 2021. A total of 22 representations were received: 16 objections, including from the Old Town Community Council and Cockburn Association and six comments in support.

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is within the City Centre as defined in the Edinburgh Local Development Plan (LDP).

Date registered

15 March 2021

Drawing numbers/Scheme

01 - 06,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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 Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community

Relevant Government Guidance on Historic Environment.

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

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

Appendix 1

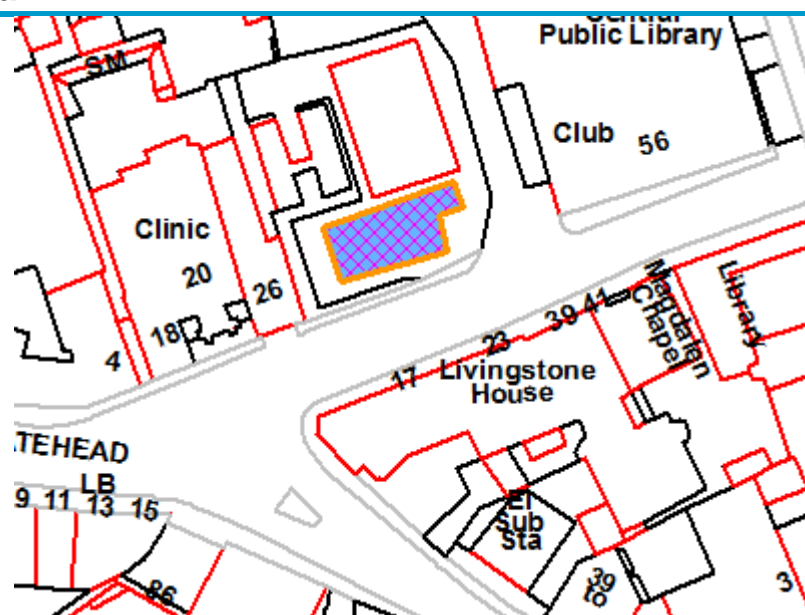
Application for Planning Permission 21/01323/FUL At 1 India Buildings, Victoria Street, Edinburgh Construction of a metal balustrade and introduction of planters to the flat roof at level 7 to create a roof garden/sanctuary.

Consultations

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 development affecting the historic environment, together with related policy guidance.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

This page is intentionally left blank

Development Management Sub Committee

report returning to Committee - Wednesday 16 June 2021

Application for Planning Permission 17/00168/FUL at land 100 Metres South of 1, Lauriston Place, Edinburgh. Application for planning permission proposing the erection of residential development and ancillary works together with a mix of class 1, 2 and 3 uses at ground floor level (as amended).

Item number

Report number

Wards

A10 - Meadows/Morningside (Pre May 2017)

Recommendations

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

Background information

The Committee was minded to grant planning permission on 21 February 2018 subject to the conclusion of a legal agreement within six months of that date to secure developer contributions towards education, healthcare, transport and affordable housing. The period for conclusion of the legal agreement has expired.

The case was identified as a legacy application. The applicant has now indicated that it wishes to progress with the legal agreement, therefore a four month period to conclude the legal agreement is recommended.

Main report

There are no new material planning considerations which affect the Development Management Sub-Committee decision on 21 February 2018 that it was minded to grant this application subject to a legal agreement first being concluded to secure the necessary contributions towards education, healthcare, transport and affordable housing.

The agreement specifically seeks the following:

- a financial contribution of £23,520 towards education infrastructure actions identified within the Boroughmuir James Gillespie's Education Contribution Zone;
- a financial contribution of £53,702 towards the provision of affordable housing;
- a financial contribution of £12,500 towards the provision of two car club vehicles in the area;
- a financial contribution of £106,029 towards the re-provision of existing healthcare premises as identified within the Meadows contribution zone.

The legal agreement was not originally taken forward at the time as the applicant was working closely with the University of Edinburgh to deliver the scheme on the category A listed building adjacent. However, through further dialogue the applicant has indicated that they wish to continue with the legal agreement for this application.

It is recommended a four month extension is added for concluding the legal agreement to enable planning permission thereafter to be released.

If no meaningful progress is made the application will be reported back to committee with a recommendation for refusal.

Links

Policies and guidance for this application

LDES01, LDEL02, LDES03, LDES04, LDES05, LDES06, LDES08, LEN06, LDES11, LEN01, LEN03, LEN08, LEN09, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, NSDCAH, NSGD02, NSLBCA, CRPMAR, CRPSSI,

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

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=OJXOK4EWJN800>

Or Council Papers online

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Elaine Campbell, Team manager

E-mail: elaine.campbell@edinburgh.gov.uk

This page is intentionally left blank

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 21/02355/FUL
At Edinburgh Academy Prep School, 10 Arboretum Road,
Edinburgh**

To erect a temporary outdoor structure to create a concert venue for the Edinburgh International Festival's classical music series on the sports field of Edinburgh Academy Junior School for performances in August 2021. The venue will be a recognised Temporary Structure, regulated under Temporary Demountable Structures V4).

Item number

Report number

Wards

B05 - Inverleith

Summary

The proposed temporary nature of the development is considered to be acceptable in this location. The scheme has been designed to respond to the COVID Emergency whilst still supporting the delivery of an Edinburgh International Festival in 2021. The proposal complies with the Edinburgh Local Development Plan. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES05, LEN06, LEN03, LRET08,

Report

Application for Planning Permission 21/02355/FUL At Edinburgh Academy Prep School, 10 Arboretum Road, Edinburgh

To erect a temporary outdoor structure to create a concert venue for the Edinburgh International Festival's classical music series on the sports field of Edinburgh Academy Junior School for performances in August 2021. The venue will be a recognised Temporary Structure, regulated under Temporary Demountable Structures V4).

Recommendations

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

Background

2.1 Site description

The application site is the playing fields on Edinburgh Academy Junior School located on the eastern side of Arboretum Road. The site is positioned to the southern side of the existing Edinburgh Academy buildings. There are residential properties located along the southern and western boundary of the wider Edinburgh Academy site. To the east is the nursery land associated with the Botanical Gardens.

32 Inverleith Place is to the south west of the application site and is a category B listed building (reference LB29152 - listed 29/04/1977).

This application site is located within the Inverleith Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Planning permission is sought for the temporary erection of an outdoor structure within the sports field area of Edinburgh Academy Junior School.

The proposed venue structure will measure 100m x 30.5 m and will be 14.4m at it's highest. The structure will have part opened sides. There will be a stage located towards the western edge of the structure. Backstage facilities will also be provided in

small marquees and box office facilities and temporary toilets provided on the eastern edge of the site. No food or beverage provisions will be available on site. No parking would be available.

Audience seating will be positioned within the venue structure at agreed social distanced positions. The capacity of the venue will be 670.

The site will be occupied from 12th July to allow for a build out of the facility with rehearsal scheduled for 6th August. The performances will take place between the 7th to 29th August with two concerts planned most days. There will also be 4 days of afternoon performances, the earliest starting at noon. Of the total number of 23 performances days the number of concerts will be as follows-

- 1 concert - 8 days;
- 2 concerts - 13 days;
- 3 concerts - 2 days.

All concerts will be concluded by 9.45 pm with earlier finishes on 9 occasions.

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) there will be any adverse impact to the setting of any adjacent listed building and no significant harm to the character and visual amenity of the conservation area;

- b) the principle of development is acceptable;
- c) there is any adverse impact on residential amenity and transport; and
- d) Representations raise issues to be addressed.

a) Impact on Historic Environment

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."

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The document states that where development is proposed it is important to:

- "identify the historic assets that might be affected;
- define the setting of each historic asset; and
- assess the impact of any new development on this".

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

One property to the south of the application site at 32 Inverleith Place is category B listed. The proposed structure is located away from any boundary with this property. The temporary nature of the proposals ensures that the setting of the listed building is maintained.

Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which 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) supports development within a conservation area or affecting its setting which preserves or enhances the special character and appearance of the conservation area and is consistent with the relevant character appraisal, preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The temporary nature of the structure is a material factor in the assessment of any impact on the character or appearance of the conservation area. The outdoor structure will be located within the playing fields away from any main views or vistas within the conservation area. There is no impact on the conservation area from the proposals.

b) Principle of Development

Class 15 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) sets out that the following is permitted development:

"The use of land (other than a building or land within the curtilage of a building) for any purpose, except as a caravan site, on not more than 28 days in total in any calendar year, and the erection or placing of moveable structures on the land for the purposes of that use."

The Planning Committee considered a report on the 19th May 2021 which considered the Planning response to Festival Installations as part of a Post COVID recovery plan for 2021. The report highlighted the Scottish Government's Chief Planner's letter of March 2021 which encouraged a more relaxed approach to planning enforcement to allow business to diversify and continue to operate during the pandemic. The report also outlined the scenarios where a planning application would be sought to allow further scrutiny of the proposals. This included where a public green space would be used, there is no history of festival uses on the site and proximity to residential properties.

The proposed installation on the playing fields at Edinburgh Academy would extend beyond 28 days and because it is near dwellings requires an application for planning permission in accordance with the above report. The time period allows for a significant build with performances limited to only 23 days.

Policy Ret 8 Entertainment and Leisure Developments - Other Locations of the LDP sets out criteria to assess proposals for entertainments and leisure uses for sites outwith the town centres. The policy states:

Planning permission will be granted for entertainment and leisure developments in other locations provided:

- a) all potential City Centre, or town centre options have been thoroughly assessed and can be discounted as unsuitable or unavailable*
- b) the site is or will be made easily accessible by a choice of means of transport and not lead to an unacceptable increase in traffic locally*
- c) the proposal can be integrated satisfactorily into its surroundings with attractive frontages to a high quality of design that safeguards existing character*
- d) the proposal is compatible with surrounding uses and will not lead to a significant increase in noise, disturbance and on-street activity at unsocial hours to the detriment of living conditions for nearby residents.*

The City Centre is normally used for the type of concerts that will be held in this installation but due to Coronavirus Restriction, this is not possible this year. Criterion a) of the policy is met in these circumstances. Transport aspects in relation to criterion b) are considered below. Given the temporary nature of the installation, the positioning of the structure ensures it integrates adequately into its surroundings. Criterion c) is therefore met. Impacts of noise and disturbance in relation to criterion d) are considered below.

The principle of the use of the site at Edinburgh Academy is acceptable to allow an alternative to the Usher Hall and to maintain an International Festival presence in the City. The temporary nature of the proposal is supported in this location.

c) Impact on Residential Amenity

LDP Policy Des 5 seeks to ensure that the amenity of neighbouring residents is not adversely affected by development. The application site has residential properties to the southern and western boundaries.

The proposed venue has been positioned centrally to the Academy playing fields and away from the boundaries of the residential properties. The concerts have been designed around an acoustic orchestra performance. Any amplification of music will be limited to a bespoke system called Soundscape. The system does not use directional speakers, but instead a series of small roof based speakers. The majority of any dB generated is from the orchestra itself with the sound system only generating an additional 3db to 6 db. On balance it is considered that the limited number of concerts combined with the acoustic performances will have a limited impact on the residential amenity of the adjacent properties.

The venue will be limited in capacity to 670 and not 1000 as detailed within a number of letters of representation. The number of concerts will also be scheduled not to exceed 40 which is less than stipulated in some of the letters of representation. The number of performances and venue capacity have been developed taking into account any public health requirements until COVID Legislation. This would be covered as part of any separate licensing process.

Transport Implications

A number of objections raise concerns the the proposals will increase traffic volumes within the area. The applicants have responded by advising that there will be no onsite parking from the proposals. The event website will be set up to promote sustainable measures of transport.

It is acknowledged that there will be a short terms alteration to the residential character of the site due to the influx of patrons to the venue. However, it is considered that these are exceptional times and the site has been developed to limit the impact on residential amenity.

d) Letters of Representation

Material Objections

- impact of sound and noise from concerts;
- access - parking issues - impact of 4 concerts in 1 day;
- development should not take place on a sports fields;
- impact on privacy from people passing in street;

Support

- Arts have suffered an opportunity to support;
- Absence of EIF has had an adverse impact on Cultural Life;
- Support Innovations in responding to pandemic;
- Imaginative way of maintaining events;
- Timing of performances acceptable.

Non - Material Comments

- Noise disturbance from contractors setting up;
- Should revert to the Usher Hall;
- Financial Benefit to the School;
- COVID Impact from large gathering.

Conclusion

The proposed temporary nature of the development is considered to be acceptable in this location. The scheme has been designed to respond to the COVID Emergency whilst still supporting the delivery of an Edinburgh International Festival in 2021. The proposal complies with the Edinburgh 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. The development hereby permitted shall be permitted during 2021 only and all structures shall be removed from the site within 4 weeks of the final performance.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 14th May 2021. A total of 31 letters of representation were received which include 21 letters of objection and 10 letters of support.

Background reading/external references

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

Statutory Development

Plan Provision

The site is located within the urban area.

Date registered

30 April 2021

Drawing numbers/Scheme

1 - 5,

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Elaine Campbell, Team manager

E-mail: elaine.campbell@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

LDP Policy Env 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 Ret 8 (Entertainment and Leisure Developments - Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

Appendix 1

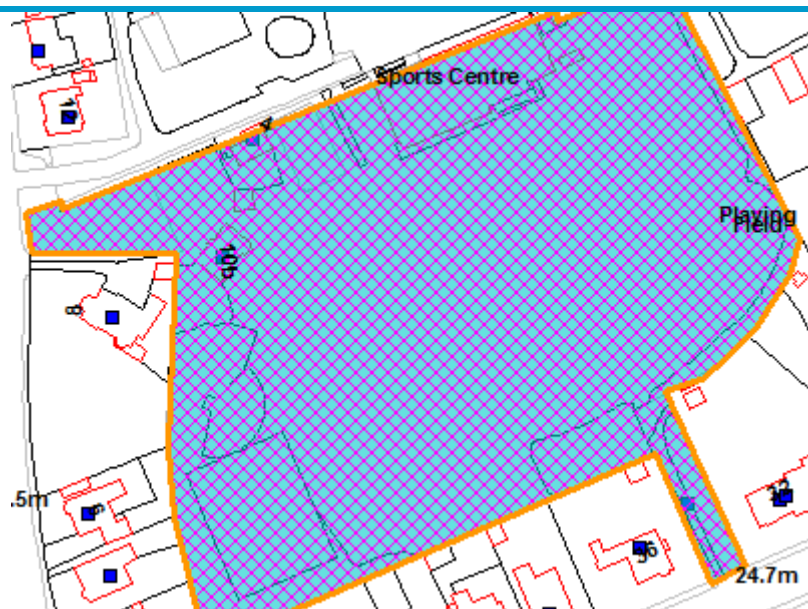
**Application for Planning Permission 21/02355/FUL
At Edinburgh Academy Prep School, 10 Arboretum Road,
Edinburgh**

To erect a temporary outdoor structure to create a concert venue for the Edinburgh International Festival's classical music series on the sports field of Edinburgh Academy Junior School for performances in August 2021. The venue will be a recognised Temporary Structure, regulated under Temporary Demountable Structures V4).

Consultations

No consultations undertaken.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 20/05645/FUL
At Centrum House, 108 - 114 Dundas Street, Edinburgh
Proposed demolition of existing office buildings and
erection of a mixed-use development comprising 48 flats
with 3 commercial units (Class 1, 2 and 3 uses), amenity
space, landscaping, basement level car and cycle parking
and other associated infrastructure (as amended).**

Item number

Report number

Wards

B05 - Inverleith

Summary

Compliance with Listed Buildings and Conservation Areas Requirements

The historic assets within the area have been assessed against the relevant legislation, guidance and Local Development Plan (LDP) Policies.

Historic Environment Scotland does not object to the application and the character and setting of the listed buildings is preserved. The proposals preserve the setting of surrounding listed buildings in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 3 (Listed Buildings - Setting).

The special character and appearance of the New Town Conservation Area will be preserved, in compliance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 6 (Conservation Areas - Development).

Compliance with Development Plan

The mix of uses are acceptable at this location and are supported by LDP policies Hou 1, Emp 9, Ret 5 and Ret 11.

The proposals will preserve the Outstanding Universal Value of the World Heritage site, is of appropriate, sustainable design and will contribute to a sense of place.

The impacts on the amenity of existing and future residents are acceptable, the development will have no adverse impact on road safety or infrastructure and the loss of trees is acceptable.

The proposal therefore complies with the development plan and is acceptable, subject to conditions and a legal agreement. There are no other material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN03, LEN05, LEN06, LHOU01, LEMP09, LRET05, LRET11, LEN01, LDES01, LDES03, LDES04, LDES06, LDES07, LDES08, LHOU04, LHOU02, LEN09, LDES05, LHOU06, LTRA02, LTRA03, LTRA04, LDEL01, NSG, NSLBCA, NSGD02, NSESBB, NSHAFF, CRPNEW, HES, HEPS, HESSET,

Report

Application for Planning Permission 20/05645/FUL At Centrum House, 108 - 114 Dundas Street, Edinburgh Proposed demolition of existing office buildings and erection of a mixed-use development comprising 48 flats with 3 commercial units (Class 1, 2 and 3 uses), amenity space, landscaping, basement level car and cycle parking and other associated infrastructure (as amended).

Recommendations

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

Background

2.1 Site description

The application relates to a site measuring approximately 0.167 hectares in area located at the north-west corner of Dundas Street and Fettes Row, bounded by Henderson Place to the rear (west).

The existing buildings on site comprises two adjoining office blocks: 108-114 Dundas Street 116 Dundas Street, dating from the 1980s. Both blocks are seven storeys high in total with a combined internal floor area of approximately 4,600sqm and two below ground levels including a car park with 35 spaces at basement level.

Several category B listed buildings are in proximity to the site, the nearest being the adjacent buildings to the south at 13-24 Fettes Row (inclusive numbers) and 104 and 106 Dundas Street (reference: LB28755, listed on 10 November 1966). The other listed buildings are on the opposite corner to the site at 1-12 Fettes Row (inclusive numbers) and 99-103 Dundas Street (reference: LB28754, listed on 15 July 1965), 87-97A Dundas Street (reference: LB28712, listed on 13 September 1964) and 79-85 Dundas Street and 34B Cumberland Street (reference: LB28711, listed on 13 September 1964). All these buildings are category B listed. The Old and New Towns of Edinburgh World Heritage Site boundary runs adjacent to the southern edge of the site.

The former Royal Bank of Scotland offices occupy the corner site opposite on the east side of Dundas Street and north side of Fettes Row. A recent residential development at 120 Dundas Street, built around 15 years ago, adjoins the site to the north and there are residential flats to the north-west of the site on Henderson Row.

The site is mainly level, with a gradual rise from north to south up Dundas Street. There are nine street trees located within the hard landscaping of the basement lightwell to the front of the buildings which is enclosed by a plinth with railings. The land to the rear of the site comprises a tarmac car park and the north boundary is marked by a residential block and its communal garden wall.

The main pedestrian access to the site is via a level bridge over the basement well on Dundas Street and vehicles have access from Henderson Row.

The surrounding area is predominantly residential with mixed commercial uses, including retail and cafes at ground level on Dundas Street. There are also office blocks in the vicinity, notably a modern office development at the west end of Fettes Row. This application site is located within the New Town Conservation Area.

2.2 Site History

2 October 2020 - Proposal of Application Notice approved for demolition of existing building and erection of mixed-use development including residential, office, retail and café/restaurant uses (application number 20/03923/PAN).

Related Planning History

Former RBS site (on the opposite corner of Dundas Street/Fettes Row)

26 February 2021 - planning permission minded to grant for demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office and other commercial uses, with associated landscaping/public realm, car parking and access arrangements at 34 Fettes Row (application number 20/03034/FUL).

26 February 2021 - conservation area consent granted for complete demolition in a conservation area at 34 Fettes Row (application number 20/03661/CON).

120 Dundas Street (adjacent the application site to the north)

19 January 2009 - planning permission granted to demolish office building and erect mixed used residential (24 units) and commercial development (classes 1, 2 and 4) at 118 Dundas Street (formerly 120 Dundas Street) (application number 06/00946/FUL).

18 July 2006 - conservation area consent granted for demolition of office building at 118 Dundas Street (formerly 120 Dundas Street) (application number 06/00946/CON).

Main report

3.1 Description Of The Proposal

The application is for the demolition of the existing buildings on the site and erection of a mixed-use development comprising 48 flats, including 12 affordable units, with three commercial units in Class 1 (retail), 2 (office) and 3 (café/restaurant) uses at ground and lower ground level, private and communal amenity space, landscaping and basement level car and cycle parking.

The residential accommodation is as follows:

- market price - four-bedroom x 1, 3-bedroom x 17 and two-bedroom x 18 = 36
- affordable - two-bedroom x 4 and one-bedroom x 8 = 12

The commercial units are as follows: Unit A 121sqm Unit 165sqm Unit C 538sqm at ground and basement level.

An associated application for conservation area consent has been submitted for the demolition of the existing buildings on the site (application number 20/05646/CON).

Building

The proposed building is L-shape in plan with a projecting corner element to Fettes Row and comprises eight levels in total with a basement, lower ground floor and top storey set back from the front building lines. These lines follow the building lines of the adjacent flats and Victorian tenements on Dundas Street and modern residential blocks on Fettes Row. The latter has a basement lightwell.

The architectural style of the proposed building is contemporary with three distinct sections and two stair/lift cores, incorporating modern interpretations of traditional tenemental detailing and ground floor shopfronts. The principal elevations to Dundas Street and Fettes Row will be finished in natural blonde coloured ashlar sandstone, with a rusticated lower ground façade on Fettes Row and the rear elevation will be in blonde coloured brick with natural sandstone string courses. The top floor will have extensive areas of glazing within dark-grey finished, rusticated aluminium clad framing with chamfered perimeter edges. The windows and door frames will be formed in dark-grey finished aluminium and this material will also be used for the window fascia panels between the first and second floors and recessed infill bay on Fettes Row. All safety balustrades will be in dark-grey coloured metal.

The stone and aluminium window reveals on Dundas Street will have chamfer detailing and the shopfronts and commercial unit frontage to the rear will be framed in dark-grey coloured aluminium with stone piers for the shopfronts within the section furthest north on Dundas Street. A biodiverse brown roof will occupy most of the flat roof surface and there will be two plant/lift cap enclosures at either end of the Dundas Street section formed in dark-grey coloured aluminium acoustic louvres. An extensive array of photovoltaic panels will occupy a large area of the Fettes Row section of the roof.

Landscaping/Amenity

All the existing street trees will be removed. A raised communal garden will be formed over part of the basement car park to the rear with a blonde coloured brick elevation incorporating a dark-grey coloured aluminium garage door and central flight of steps. A brick boundary wall will be erected on the north boundary where the existing building stood extending approximately 2.2 metres high from the garden terrace level. The commercial unit occupying the lower ground floor will have access to two private rear courtyards on this level and there are two private rear gardens serving the rear-facing and dual-aspect flat at lower ground level on Fettes Row. The latter flat and two remaining flats at this level facing Fettes Row will have private terraces within the front basement lightwell and the flats at top floor level will have private external terraces facing Dundas Street and Fettes Row.

The rear landscaping will comprise areas of porous clay paving in blonde and red tones laid in stretcher bond and herringbone patterns respectively. Evergreen hedges and shrubs will form boundaries between the private and public areas and climbing plants

will be trained up the boundary walls. Six trees will be planted within the area. A Siberian Larch pergola will run along the west edge of the terrace with communal seating areas and a barbeque area at the north end. The seats and tables will also be in larch.

The private courtyards to the front will be formed in natural sandstone (Yorkstone) pavers, including the cladding of the car park ventilation louvres and the private courtyard of commercial Unit C facing Fettes Row.

Access

The residential flats will be accessed via a level bridge link on Fettes Row and a level access within the north block on Dundas Street. The flats will also have accesses from the rear terrace. The three commercial units will have level access from Dundas Street and the lower floor of commercial Unit C will be accessed from Fettes Row. Vehicular access to the car/cycle park will be via Henderson Row and there are two stair/lift accesses from the basement to the upper levels.

Services

Centralised heating and hot water plant, cold water storage and electrical plant will be housed within the basement car park and rainwater attenuation tanks will also be located in this area. A waste store will be provided at side of the vehicular ramp access to the basement.

Car/Cycle Parking

Within the basement car park, a total of 32 car parking spaces, including three accessible and six with electric vehicle charging spaces and 118 cycle parking spaces are proposed.

Scheme 1

The original scheme proposed:

- 44 flats with two, three and four bedrooms;
- the top story set further forward by approximately one metre;
- no 0.5 metre setback or eaves break and a stone parapet rather than metal balustrade on the north section facing Dundas Street;
- no advanced corner or shadow gap on the Fettes Row elevation;
- less rusticated stone tooling on the lower level facades facing Fettes Row; and
- no window chamfers on the Dundas Street elevation and less distinction between the elevational treatment of the two sections fronting Dundas Street.

Supporting Documents

- Pre-application Consultation Report
- Planning Statement;
- Design and Access Statement;
- Heritage Statement;
- Noise Impact Assessment;

- Daylight and Sunlight Report;
- Affordable Housing Statement;
- Transport Statement;
- Drainage Strategy and Flood Risk Assessment;
- Sustainability Statement and S1 Form; and
- Landscape Management and Maintenance Plan and
- Tree Survey and Report.

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

3.2 Determining Issues

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

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 proposals preserve the setting of the listed buildings;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) the principle of development is acceptable;
- d) the proposals harm the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site;
- e) the proposals create a sense of place, are acceptable in design and are sustainable;
- f) the proposals have an adverse impact on significant archaeological remains;
- g) the proposals have a detrimental impact on the amenity of nearby residents and future residents;
- h) the level of affordable housing provision is acceptable;

- i) the proposals have a detrimental impact on road safety or infrastructure;
- j) the proposals have an adverse impact on trees or biodiversity;
- k) any impacts on equalities or human rights are acceptable; and
- l) public comments have been addressed.

a) 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."

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The document states that where development is proposed it is important to:

- *"identify the historic assets that might be affected;*
- *define the setting of each historic asset; and*
- *assess the impact of any new development on this".*

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

The listed buildings affected to any significant extent by this development in terms of setting comprise those at 13-24 Fettes Row (inclusive numbers) and 104 and 106 Dundas Street, 1-12 Fettes Row and 99-103 Dundas Street, 87-97A Dundas Street and 79-85 Dundas Street and 34B Cumberland Street. All these buildings are category B listed.

The south side of Fettes Row/Royal Crescent represents the northern most expansion of the Second New Town in its completed form. The corner blocks within Dundas Street form a visual 'gateway' into the Second New Town from the north.

The character of the south side of Fettes Row is that of a planned classical style residential development built in blonde Craigeith sandstone, dating from the 1820s, with the key characteristics of a monumental palace block with unifying symmetrical and rhythmic elevational treatment, no projecting elements in the wall planes and shallow roof pitches and slightly advanced terminal pavilions that are a storey higher.

The monumental palace designs of the east-west streets of the Second New Town were not possible to achieve on its steep south-north slopes, so the buildings on these streets are mostly tenement blocks. Whilst there is regularity and symmetry within the blocks, they step down as on Dundas Street as emphasised by the eaves and cornice.

The corner blocks of the east-west streets facing Dundas Street are usually on a level and of the same height (for example, in Great King Street). In order to deal with the

Dundas Street slope, some east-west streets did not include terminal pavilion blocks, such as Cumberland and Northumberland Streets and the downwards 'step' continues on the north side of the street.

In contrast, the current and previous buildings on this site have not formed part of any planned development, although a residential development was planned for the area between Fettes Row and Henderson Row, probably by William Burn in the 1820s. Only a small part of this scheme was built and the remainder of the area became occupied by an assortment of light industrial buildings constructed in the later 19th century and replaced by the current offices in the 1980s.

The existing buildings forming Centrum House form part of a small group of early 1980's structures of corporate character that are at odds with their predominantly residential context. BUPA house and Centrum House were design by Ian Burke Associates. The group includes the former Royal Bank of Scotland Computer Centre by Michael Laird and Partners, dating from 1978 on the opposite side of Dundas Street and Fettes Row, the subject of a recently granted application for conservation area consent to demolish the building (reference 20/03661/CON). "The Buildings of Scotland: Edinburgh" by Gifford, McWilliam and Walker, 1985 describes Centrum House and its adjoining office BUPA House as parodies of the RBS Computer Centre.

Some features of the buildings are unsympathetic to their location, particularly in terms of building lines design and landscaping. On Dundas Street, the two buildings are set back approximately 9.5 metres from the building line of the recent flatted block at No. 120. Whilst this line equates to that of the RBS Computer Centre opposite, it does not relate to the historic building line of the late Victorian tenements at 122-160 Dundas Street, nor to the Second New Town tenements at 78-106 Dundas Street. The mansard roofs are out of character with the shallow-pitch roofs of the listed Georgian buildings and later tenements.

The existing structures on the site are not without merit in terms of the set back building line on Fettes Row, natural sandstone frontages and inclusion of modern interpretations of traditional features, including basement lightwells, entrance platts and boundary railings. However, they are not particularly sensitive to the setting of the nearby listed tenements and should not provide design precedents for any replacement buildings.

The proposed building will create an appropriate setting for the listed buildings in keeping with the 1820's planned layout for the area, through the establishment of building lines on Dundas Street and Fettes Row which relate to the historic context, matching that of the circa 1900 tenement on Dundas Street and the recently established building line at 26-29 Fettes Row, which takes its reference from the listed Georgian buildings on the south side of Fettes Row. The proposed development of the former RBS office site directly opposite (reference 20/03034/FUL) includes building lines advanced from the existing set back structures to establish a layout more characteristic of the historic context. The cumulative effect of these over-extensive setbacks is to create a gap in the built enclosure of the street entrances to Fettes Row and stepping down effect along Dundas Street, contrary to the form originally planned for these streets.

The eaves line of the new structure will relate better to the historic eaves line of Dundas Street and Fettes Row than that of Centrum House which is too low in this context. The eaves line is the defining feature of the roofscape of the 1820's tenements rather than the roof line and whilst there is no 'correct' solution to establishing a new eaves line, it relates more successfully to that of 104-106 Dundas Street opposite the development to the south. In the case of the palace façade on the south-west side of Fettes Row there is no mirror image block on the north side of the street, so there is no necessity for the new building to match the eaves line of 104-106 Dundas Street.

In terms of height, massing, form and detailing the proposed scheme loosely reflects the original 1820's buildings opposite incorporating visually distinct sections, sandstone frontages, a feature corner pavilion with double-height first/second floors, a recessed penthouse storey, rhythmic fenestration, a basement lightwell on Fettes Row and rusticated stone tooling at lower ground level to reflect the elevational hierarchy of the nearby listed buildings. These design elements, along with the proposed building lines will result in a new structure that will cause no harm to the setting of the listed building and enhance it instead.

The current landscaping includes large specimen trees in front of the buildings. Street front trees are not characteristic of the New Town Conservation Area where trees are restricted to the planned communal gardens and back greens. In this respect, the removal of these trees will have no adverse impact on the setting of the listed buildings.

Historic Environment Scotland (HES) does not consider the development will impact on any of the category A listed buildings in the vicinity and has no concerns with the siting of the new building but suggests that the development on Dundas Street should step down the hill quite distinctively. The revised scheme incorporates a visual step downhill through the omission of the sandstone parapet and inclusion of stone shopfront piers on the block furthest north on Dundas Street.

Also, the roof has been set further back in the amended scheme to respect HES's comment that the top storey should remain subsidiary and less visible. Further articulation/differentiation has been added within the facades and all windows will be recessed by an additional 100mm to increase the depth and variation across the façade in line with HES's recommendations regarding the visual break-up of the scale and massing of what is a considerable sized block.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the adjacent listed buildings and their settings including any special architectural or historic interest they possess. The proposals are acceptable and in compliance with LDP Policy Env 3.

b) Character and Appearance of Conservation Area

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

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

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

- grand formal streets lined by fine terraced buildings expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views;
- the generally uniform height ensuring that the skyline is distinct and punctuated only by church spires, steeples and monuments; and
- the important feature of terminated vistas within the grid layouts and the long- distance views across and out of the conservation area.

LDP Policy Env 6 (Conservation Areas - Development) supports development within a conservation area or affecting its setting which preserves or enhances the special character and appearance of the conservation area and is consistent with the relevant character appraisal, preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The key aspects that are assessed below are the impacts of the proposed development on the formal planned alignment, setting and edges, height and skyline, design quality, materials palette, and land use of the New Town.

The assessment of the existing buildings in terms of their contribution to the character and appearance of the conservation area is assessed thoroughly in the associated application for conservation area consent.

Formal Planned Alignment, Setting and Edges

As stated in section 3.3 a), there are various existing building façade lines around the site, although the predominant building line of Dundas Street is the Georgian building line running from Heriot Row to Fettes Row where it terminates, marking the northern extent of the Second New Town.

The building line of the block in which this site is located, between the north side of Fettes Row and Henderson Row, is dominated by that of the late Victorian tenements which are positioned closer to the street edge. The existing buildings on the site do not follow either of these historic building lines, sitting approximately 9.5 metres back from the Victorian building line and approximately 7 metres back from the Georgian building line. The Victorian industrial building that once stood on the site followed the same line as the tenements to the north. Whilst the 1820's listed buildings of Fettes Row and Dundas Street provide the most significant historic contexts, the site is part of a later block that was never constructed to its original plan, so following the building line of the Victorian tenements on Dundas Street is appropriate for the proposed building and in keeping with the building line of the recent development at 120 Dundas Street.

The proposed building line on Fettes Row follows that of the modern neo-classical developments on the north side of Fettes Row, dating from the late 1990s. Centrum

House and the adjoining contemporary flats at 30-31 Fettes Row are the only parts of the street that do not have a consistent building line or neo-classical design. The new development will complete this side of the street, leaving the adjacent flatted block as the only anomaly. Although the basement areas of 26-29 Fettes Row are wider than those of the 1820s buildings on the opposite side of the street, they are not excessively so and are now consistent for much of the north side of the street which includes a neo-classical style office development by Reiach and Hall, dating from 2000-2010, at 5-6 St Vincent Place which continues from Fettes Row at its west end.

The depth of the proposed development matches that of the neighbouring building at 120 Dundas Street and is keeping with the various widths of the buildings on the north side of Fettes Row.

In terms of setting and edges, the impact of the development on these aspects has been set out in section 3.3 a).

The proposed building will establish a building alignment on this important street corner that is appropriate within the context of the Second New Town, which is lacking in the existing buildings on the site.

Height, Skyline and Views

The proposed building height is approximately 0.58 metres higher than the existing buildings on the site, but lower than the Georgian building on the opposite corner of Fettes Row in order to continue the characteristic stepping of buildings down Dundas Street. The eaves height of the new building is only slightly higher with that of the modern neo-classical blocks on the north side of Fettes Row and lower than that of the later office development at 5-6 St Vincent Place. The proposed structure's ridge height is marginally lower than the ridge height of 26-29 Fettes Row. The revised scheme has increased the setback of the penthouse storey to further alleviate the overall massing and reflect the subservience of the Georgian roofs.

The development will be most visually prominent within the views up and down Dundas Street. These views contribute to the clarity of the urban structure of the Second New Town and alignment of key buildings.

Verified views of the proposed development have been produced from a series of key vantage points. The two locations which best illustrate the effect of the development on views up and down Dundas Street are View 1 from the east side of Dundas Street opposite the Victorian tenements looking south and View 2 from Hanover Street looking north.

At present, views of the corner pavilion of the Georgian building on the west corner of Dundas Street and Fettes Row is uninterrupted, apart from the street trees which are deciduous. From this viewpoint, the proposed structure will obscure the Fettes Row façade of this pavilion, with the exception of the outer edge and top of the gable end. However, the existing view of this corner pavilion is completely at odds with views of the equivalent corner pavilions within Dundas Street. The plan and built form of this section of the Second New Town provides the equivalent level of sight of its pavilion ends from views up and down Dundas Street to that proposed by this development. The current visual exposure of the Dundas Street/Fettes Row pavilion corner is not in

keeping with this historic pattern or the planned extension of the Second New Town northwards to Henderson Row in similar fashion. Whilst the current 'gateway' status provided by the existing buildings on site is an attractive feature in terms of views southwards, it is not an essential characteristic of the New Town Conservation Area, so its retention is not required in order to preserve the character of the historic environment.

The proposed building is visible in View 2, but not in any intrusive way in terms of the historic street scene. The corner block will be more prominent than the equivalent Georgian corner pavilions, but only due to the fact that it will sit on the building line of the Victorian tenements on Dundas Street which is further forward than that of the buildings to the south on Dundas Street.

The new structure will be virtually imperceptible from the other two viewpoints (the west side of Calton Hill and east side of Inverleith House) which illustrates the fact that the height and roof treatment has been carefully considered to ensure that the building will sit inconspicuously within elevated views.

Design Quality

The New Town Conservation Area Character Appraisal states that new buildings should be a stimulus to imaginative, high quality design and seen as an opportunity to enhance the area. Direct imitation of earlier styles is not encouraged, but rather new buildings should be designed with respect for their context.

The proposed design is a contemporary interpretation of the Georgian and Victorian tenements in the immediate vicinity in terms of spatial pattern, height, massing, proportions and detailing.

The block facing Fettes Row and turning the corner into Dundas Street reflects the 1820's buildings opposite in terms of height and prominence of the end pavilion (the latter on Fettes Row only), double-height detailing of the first/second floor piano nobile and windows ordered within a horizontal hierarchy.

The adjoining section on Fettes Row is visually subservient to the corner block, although greater in height than the Georgian terrace directly opposite. The design has been refined further through the replacement of the stone parapet with a metal balustrade. This deviation in height between the north and south sides of Fettes Row is acceptable given that a north side matching the original south side was never constructed and the modern established building height on the north side varies. The revised scheme introduces a vertical break on the lower Fettes Row block to enhance the prominent and separation of the corner piece and add visual interest to this section. Additional rustication tooling of the stone façade at lower ground level will better reflect the hierarchy of stonework detailing typical of the Second New Town terraces.

The design of the block facing Dundas Street takes its lead from the Victorian tenements to the north which are of repetitive design without any overall architectural conception and the key elements of ground floor shopfronts hard on the building line and prominent vertically aligned window bays are included. The proposed structure incorporates four storeys and a fifth recessed storey above the shopfront where the Victorian tenements only have three, but the overall height is appropriate in terms of

stepping up the street and the number and arrangement of storeys matches that of the adjacent modern tenement at 120 Dundas Street. The composition of the façade has been refined in the revised scheme to include a visual step to reflect the gently sloping topography of this section of Dundas Street and characteristic historic feu pattern of the area, although this pattern was never established on this site. The sandstone shopfront piers introduced in the amended scheme help to break up the massing of the Dundas Street block and provide visual support for the upper floors. This allows for the "floating" masonry element of the corner section to work visually within the overall design.

In general terms, the top storey is conceived as a visually lightweight structure in comparison to the masonry elevations, with the massing in the revised scheme split into distinct elements to respond to the rhythm of chimney stacks on Dundas Street. The setback has been increased to ensure that the penthouse level reflects the subservience of the shallow roofs of the Georgian and Victorian tenements. The chamfered metal edge detail at the perimeter of each capping box gives depth and definition to the façades.

The proposed sawtooth chamfers and cassette panelling within the Dundas Street windows reveals are contemporary design elements but are interesting features which are an acceptable means of refining the mass of the stone elevation.

The rear elevations are different in design and material to the principal facades and this is appropriate to reflect the distinct character of the area to the rear of the site, which was formerly industrial and is now mainly occupied by flatted blocks, many with rendered elevations. The proposed random arrangement of windows is acceptable as a modern interpretation of the less regular fenestration patterns of the rear elevations of Victorian tenements.

Materials Palette

The prevailing materials within the Second New Town are natural sandstone, slate and timber and the palette is limited.

The specified materials palette is appropriate and suitably restrained in this context, using a blend of traditional and contemporary materials, including natural blonde sandstone, dark-grey aluminium and glass. A similar blend of materials has been used in other modern developments within the New Town Conservation Area, including those on the east side of Dundas Street. The dark-grey tone for the aluminium elements has been selected to ensure that the penthouse floor visually blends in with the historic slate roofs.

Whilst brick is not characteristic of the Georgian terraces and Victorian tenements within this area, the area between Fettes Row and Henderson Row was occupied by industrial buildings in the late 19th century, some of which were likely to have been constructed in brick, although there is no definitive photographic evidence. Red brick has been used in the 1980s redevelopment of the Silvermills area, so the use of buff coloured brick to tone in with the blonde sandstone street elevations of the proposed building is acceptable in this context. The specified brick is more likely to produce a higher quality finish than render and will break up the visual monotony and white tone of the neighbouring buildings to the rear which does not blend in with the grey-buff tones of the Second New Town.

The proposed brown roof will not be visible from street level, nor be highly conspicuous from elevated views. This is a suitable location to incorporate such a roof to assist with rainwater attenuation and encourage biodiversity, without it having a detrimental impact on the historic environment. The same applies to the arrays of photovoltaic panels to be installed on the flat roof in terms of minimal visual impact and environmental benefits.

A condition has been applied to ensure that the materials specifications are acceptable in terms of finer detailing, precise finish/tone and sustainability.

Land Use

The proposed residential flats with commercial uses at ground and lower ground level are in keeping with the predominantly residential character and built form of the Second New Town and will contribute to the vitality of the conservation area.

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

c) Principle of Development

The site lies within an urban area and Local Centre as defined in the Edinburgh Local Development Plan (LDP).

Policy Hou 1 gives priority to the delivery of the housing land supply on suitable sites within the urban area provided proposals are compatible with other policies in the plan. Given the surrounding residential character, this is a suitable site for housing. Compatibility with other policies is assessed elsewhere in this report.

The viable use of this site for large-scale office accommodation is rapidly approaching an end as there is now greater demand for office locations within the city centre where all public transport networks converge and there are key nodal locations which benefit from suitable infrastructure and scale.

The loss of the existing office use complies with Policy Emp 9 as the proposed residential development will contribute to the regeneration and improvement of the site and wider area and will not prejudice or inhibit the activities of any nearby employment use. While the site is smaller than one hectare and does not trigger the need for business floorspace, the proposed floorspace at ground and lower ground level is designed to provide for a range of business users.

Policy Ret 5 supports retail development in a Local Centre which can be satisfactorily integrated into the centre, is compatible, in terms of scale and type, with the character and function of the centre and makes a positive contribution to the shopping environment and appearance of the centre.

The proposed commercial units are integrated into the development at ground and lower ground level on Dundas Street and on the corner of Fettes Row, which is keeping with the established pattern of the centre in terms of retail below residential. The

extensive glazing of the units enclosed by modern interpretations of traditional shopfront piers will create active frontages which contribute to the character and vitality of the area. The proposed Class 2 (office) use would contribute to the appearance of the Local Centre in the same manner.

Policy Ret 11: Food and Drink Establishments presumes against the change of use to Class 3 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 in an area where there is considered to be an excessive concentration of such uses to the detriment of living conditions for nearby residents.

There are café, restaurants and bars within this area, but not in any concentrated sense and Environmental Protection is satisfied that Class 3 use would not cause any significant disruption for residents, if taken up in any, or all, of the proposed commercial units.

The development is therefore acceptable in principle.

d) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site 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.

LDP Policy Env 1 states that development will not be permitted which would have a harmful impact on the qualities which justified the inscription of the Old and New Towns of Edinburgh World Heritage Site, or would have a detrimental impact on the Site's setting.

The site is on a prominent corner within the New Town Conservation Area and sits to the immediate north of the World Heritage Site boundary.

Edinburgh World Heritage Trust EWH identifies five overarching themes of the key qualities of the OUV and considers the two most likely to be affected are as follows:

- *'A Model City': the Old and New Towns embody the changes in European urban planning from inward looking, defensive walled medieval cities, through 18th and 19th centuries formal Enlightenment planning, to the 19th century revival of the Old Town with its adaptation of a Baronial style of architecture in an urban setting.*

The site is within the Second New Town developed in the earlier half of the 19th century, and its character is a continuation and development of the planning ideals established in the First New Town, including the grid-iron urban plan, aesthetic and spatial hierarchy of 'streets and storeys', consistent building lines and spatial character, architectural character informed by classical forms and ideals, residential use, separation of entrances from public realm over basement level and consistent/high quality materials.

• *'Iconic Skyline': The dramatic hills and green spaces of the landscape, plus key buildings of the Old and New Towns give Edinburgh its iconic skyline that has inspired generations of artists, writers, visitors and residents.*

Edinburgh's architectural form responds to the dynamic views and topography on approach/exit from the World Heritage Site, in a manner that reinforces the New Town planning ideals and character, including the stepping down of eaves levels in response to topographical slope, heights consistent with local character and the traditional forms of roofscapes which are more visible due to the topography.

EWH does not object to the principle of developing this site, on the basis that the existing buildings do not make a positive contribution to the OUV and supports the proposed building lines which reinforce local character. However, EWH considers that important elements of the design do not adequately respond to local character and, as a result, would disrupt the key qualities outlined above, causing harm to the OUV through insensitive development within its setting.

HES, in contrast, does not consider that the redevelopment would impact significantly on the OUV of the adjacent World Heritage Site, even although the proposed building is clearly more pronounced and visible than the existing 1980's development.

The revised scheme has addressed the specific areas of concerns raised by EHW to an adequate extent, despite EWH's continued concerns. A full assessment of these areas has been made in sections 3.3 a) and b), but in summary:

- while the top storey of the development remains in place, it has been set back further from the front building lines and refined with increased articulation which reinforces the local character of shallow, subservient, punctuated roofs;
- the chamfered window reveals on the Dundas Street elevation and increased rustication of the lower ground façade of the block further west on Fettes Row respond to local architectural quality by adding contextual and architectural depth to the elevations; and
- a further step down, albeit subtle, has been added to the height of the Fettes Row elevation after the corner block to respond to the hierarchies of secondary versus primary streets.

Entrances have not been added to the block wholly within Fettes Row, but the visual break in this façade and increased visual hierarchy of stonework added in the revised scheme will ensure that this elevation better reflects the historic terrace opposite.

The development will therefore have no detrimental impact on the character or appearance of the Georgian New Town, nor its relationship with the medieval Old Town and will cause no harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with LDP Policy Env 1.

e) Sense of Place, Design and Sustainability

LDP Policy Des 1 provides that the design of a development should be based on an overall concept which draws upon the positive characteristics of the surrounding area, to create or reinforce a sense of place, security and vitality. It further provides that planning permission will not be granted for poor quality or inappropriate design, or for

proposals which would be damaging to the area's character or appearance, particularly where this has a special importance. Likewise, LDP Policy Des 3 supports development where it is demonstrated that the 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 states that development should have a positive impact on its surroundings in terms of height and form, scale and proportions and materials and detailing.

Sense of Place

The proposed scheme will contribute to a sense of place by reinforcing the established pattern of development and uses within this Dundas Street block between Henderson Row and Fettes Row which comprises residential uses on the upper floors with active uses at street level.

Design

The design concept seeks to address the different architectural conditions between Dundas Street and Fettes Row whilst at the same time creating an elegant building that compliments its surroundings at the edge of the Second New Town. Centrum House and the contemporary flats at 30-31 Fettes Row are the only parts of these streets that do not have a consistent building line or neo-classical influenced design. Whilst the proposed development cannot resolve all issues arising from the competing conditions surrounding the site, the building's key function of turning the corner from Dundas Street into Fettes Row in a way that is both elegant and sensitive to its context will be achieved.

The site's existing office use along with the deep setback from the Victorian building line creates a significant break in the otherwise unified building uses and frontages, so the proposed development will complete the block and restore the urban grain, creating active frontages at street level. The proposed building lines also provide the opportunity to improve the visual character of the rear of the site through the creation of green landscaping and this reflects the back gardens of the Second New Town.

Architecturally, the building volume is conceived as three separate forms with breaks on Fettes Row and Dundas Street. The style is contemporary and incorporates elements influenced by characteristic features of the adjacent Georgian terraces and Victorian tenements on Dundas Street and similar features to those of the modern development at 5-6 St Vincent Place which is contemporary and minimalist in style.

The importance of the development's setting within the townscape of the Second New Town has been recognised in the design and key views from the north and south, particularly with regard to the planned views up and down Dundas Street, have been considered in the proposed siting, massing, height, roof form, elevational treatment and materials. The result is a coherent and integrated design in terms of both close up and longer views.

LDP Policy Des 7 supports development which enhances community safety and urban vitality and provides direct and convenient connections on foot and by cycle.

The site is in a central city location within a short distance of local bus stops and within easy walking distance of other modes of public transport, including tram and bus and

rail links. Also, secure off-street cycle parking will be provided to encourage active travel.

LDP Policy Des 8 supports development where all external spaces and features have been designed as an integral part of the scheme as a whole. The containment of the proposed green landscaping to the rear of the building follows the established pattern of the area in which the streetscape is austere and private or communal gardens are either concealed to the rear of the terraces or contained within formal shared residents' gardens.

The proposed landscaping layout is designed to be in keeping with the historic context whilst, at the same time, be suited to the specific site conditions given that sunlight will be restricted within the north-facing rear gardens. The proposed sandstone paving within the private terraces on Fettes Row reflects the characteristic sandstone flagstones within the basement lightwells of the Second New Town and the hard and soft landscaping materials specified are suited in type and durability to damp and shaded conditions. Surface pavements will be porous to assist with rainwater attenuation and public safety. The proposed pergola, hedging, trees and sunken levels will provide shelter for users of the gardens.

Density

LDP Policy Hou 4 states that the Council will seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility and need to encouraging local services.

The proposed 48 units is comparable in terms of density to the recent flatted development at 120 Dundas Street which contains 24 flats. Although this is higher than that of the Victorian tenements in the block, such a density is acceptable in this urban environment which is close to the city centre. Also, the number of units proposed is linked to the viability of the scheme with an affordable element included, so a higher density than that of the historic tenements is acceptable in this context.

Housing Mix and Sizes

LDP Policy Hou 2 seeks the provision of a mix of house types and sizes where practical.

The flats for sale on the open market are predominantly two- and three-bedroom units with one four-bedroom unit. Eighteen of the units (38%) contain three or more bedrooms designed for growing families, which meets the requirements of the Edinburgh Design Guidance. The affordable units are two- and one-bedroom only, but this deviation from the required standards is acceptable in order to accommodate the required 25% affordable element within a viable scheme.

The Edinburgh Design Guidance includes minimal internal floor areas for flats and the units for open market sale and affordable flats all comply with these recommended minimum sizes, ranging from 53-57sqm for one-bedroom, 72-96sqm for two-bedroom and 115-220sqm for three-bedroom and above.

The number of single aspect dwellings make up 50% of the overall units and this complies with the criterion of the Edinburgh Design Guidance. Only 33% of the affordable units are dual aspect, but this is an acceptable compromise in order to fit the required level of on-site affordable housing, given the constraints of the site and relatively high built costs.

Sustainability

LDP Policy Des 6 supports new development that meets the current carbon dioxide emissions reduction target, with at least half of this target met through the use of low and zero carbon generating technologies and incorporates other features that will reduce or minimise environmental resource use and impact.

Whilst the buildings are in reasonable structural condition, due to their age the mechanical and electrical systems are at the end of their service life and require replacement. If the buildings were to remain in office use, such a comprehensive refurbishment to meet modern occupational specification requirements would involve a considerable cost that could not be justified without a significant increase in the rental values which would render office use unviable in this location.

The conversion to residential use could be achieved, but not without considerable alteration and cost to meet current environmental standards. Also, the existing footprint would preclude high-quality amenity space with a disproportionate amount of open space to the front of the buildings.

The proposed development is appropriate in terms of use and in a sustainably accessible brownfield location. The replacement of the existing buildings which are poor in terms of current environment standards with a new structure conforming to current standards will contribute to climate change mitigation.

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision of low and zero carbon air source heat pump technology for heating and hot water for the residential properties and no fossil fuel use is proposed on site. In addition, roof mounted photovoltaic (PV) arrays will facilitate on-site electricity generation and the installation will serve the communal areas of the development with any excess energy generated being exported to the grid.

The proposal is a major development and has been assessed against Part B of the standards. The proposal meets the essential criteria with additional desirable measures including communal recycling and rainwater harvesting. A further sustainability measure will be the provision of dedicated recycling holding areas within the development in accordance with the requirements of the Edinburgh Design Guidance.

The proposal meets the current standards set out in the sustainability form.

Flooding and Drainage

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposal includes permeable paving within the rear landscaping, a brown roof and storage tanks in the basement parking area.

As regards surface water management, there will be no increase in the volume of surface water discharged from the site as the existing footprint will not increase and Scottish Water has accepted this approach. Surface water will be discharged via gravity to a rainwater harvesting tank with an overflow connection to the public combined sewer on Henderson Place and foul water will be discharged to the combined sewer network. Scottish Water has confirmed that there is capacity in both Glencorse and Edinburgh PFI Water Treatment Works to service the development.

The proposals satisfy the Council's Flood Prevention requirements.

In conclusion, the development will create a sense of place, with its design based on a strong sustainable concept which draws upon the positive characteristics of the site and surrounding area, in compliance with LDP Policy Des 1, Des 6, Des 3, Des 4, Des 6, Des 7 and Des 8.

f) Archaeological Remains

The site is within an area associated with medieval industry and farming, but it is highly likely that the construction of the 1980's office blocks removed any significant archaeology across the site, so the development will have no adverse impact on any important remains.

g) Residential Amenity

LDP Policy Des 5 seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity.

The proposed residential use and commercial uses are compatible with the predominantly residential character of this area and will not lead to an unacceptable loss of amenity for any residential properties in the vicinity.

Communal/Private Outdoor Space

Residents will have access to the communal landscaped garden at the rear which has seating and sheltered areas. In addition, some flats will have private gardens or terraces and others will have full-length windows with small balconies. Those living on the upper floors will enjoy views across the city and beyond.

Approximately 33% of the total site area will be provided as usable green space, exceeding the 20% target set out in LDP Policy Hou 3. The private rear gardens are approximately 2.6 metres deep, which is only marginally short of the 3-metre minimum specified in the Edinburgh Design Guidance. The site is also close to King George V Park opposite Royal Crescent and within easy walking/bus distance of the Royal Botanic Garden and Princes Street Gardens.

The commercial units will also have separate areas of external amenity space at lower ground floor level.

Daylighting and Sunlight

A Daylight and Sunlight Report has been submitted which tests the effect of the proposed development on daylighting levels for the neighbouring residential properties and future occupants of the new flats. The daylighting levels will meet the requirement as set out in the Edinburgh Design Guidance within this urban context.

As regards the effect on the daylighting of the south-facing (gable) windows in 120 Dundas Street, daylight to gables and side windows is generally not protected under the standards set out in the Edinburgh Design Guidance. This building was constructed in 2009-10 to replace a 1980's office building and the design did not anticipate the possibility of the redevelopment of the Centrum House site in its inclusion of these windows.

The Edinburgh Design Guidance sets out that new amenity areas should receive two hours of sunlight to at least 50% of their area at the Spring Equinox (March 21).

As the site lies to the north of existing buildings on Dundas Street and Fettes Row, overshadowing is inevitable. This is illustrated by a solar study that has been carried out to the specifications set out in the Edinburgh Design Guidance. The study shows that the minimum standard for sunlight hours will not be met, although sunlight will reach certain areas of the rear terrace at the Spring Equinox. However, this level of sunlight for the new amenity areas is acceptable, given the proximity of the site to a public park and other outdoor amenity spaces.

Privacy/Overlooking/Outlook

Only the windows in the south elevation of the new development (facing Fettes Row) will directly face the windows of neighbouring residences. Fettes Row is a relatively wide street and the separation distance between any directly facing windows will be approximately 23 metres.

There are no overlooking issues regarding the proposed raised terrace at the rear or rooftop terraces. The terminal wall of the proposed rear deck adjacent to the communal area of 120 Dundas Street is 2.2m high so this will provide adequate screening and no other existing residential amenity spaces are in sufficiently close proximity to be overlooked from the rear terrace.

As regards outlook for the residents of 120 Dundas Street with windows facing south, the proposed building will block the views directly south up Dundas Street. However, more limited views up Dundas Street will remain and these are corner windows that also provide eastwards views, so the only part of the immediate outlook will be obscured.

Noise

The nearest residential properties are at 120 Dundas Street, 31 Fettes Row and 15 Henderson Place. A revised Noise Impact Assessment (NIA) has been submitted which recommends minimum wall and ceiling specifications for the commercial units and maximum plant noise levels to protect the amenity of the neighbouring residential properties and future occupiers of the development. The NIA also includes glazing

specifications to address road traffic noise which could affect residents within the new flats.

Environmental Protection recommends the application of conditions to ensure that these noise reduction measures are implemented and the specified noise levels are met. A specific issue is that the no suitable ventilation details or specific equipment has been proposed for commercial Unit C that would allow it to operate in Class 3 use without causing potential odour issues for residents. This is due to practical reasons of providing this level of detail at this stage. Conditions have therefore been applied in line with Environmental Protection's recommendations to address this specific issue and general noise/odour matters.

As regards noise generated from the proposed rooftop and rear terraces, noise can be generated at present from existing domestic and commercial external amenity spaces at present and planning legislation has no control over the behaviour of future occupiers of the development using these spaces.

Ground Contamination

Due to the previously developed nature of the site, a condition has been applied requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place in the interests of future occupiers of the development, as recommended by Environmental Protection.

Air Quality

The development site is near the city centre Air Quality Management Area (AQMA) which has been declared for exceedances in NO₂ and traffic from this development could feed into this AQMA and the Inverleith Row AQMA to the north.

Environmental Protection does not object to the application but considers that the development could have included further measuring to assist the Council in meeting its air quality management objectives, such as being car-free. However, the existing office with 35 dedicated car parking spaces is likely to generate more commuter trips by private car than car trips generated by future users of the proposed mainly residential development. The site is close to local services and the city centre commercial core and well served by local public transport, so many local journeys by private car will not be necessary. Also, 118 cycle parking spaces will be provided to encourage active travel. The provision of seven electric vehicle charging points within the basement car park is an additional measure to encourage the use of electric vehicles where car journeys are made. Environmental Protection recommends that every parking space should have a wall mounted socket and rapid charging points should be installed in the commercial parking areas. However, the number of charging points proposed meet the currently Councils parking standards.

In addition, the development proposes sustainable spatial and water heating systems which will assist with air quality management.

The development will therefore have no unacceptable detrimental impact on residential amenity, in accordance with LDP Policy Des 5.

h) Affordable Housing

LDP Policy Hou 6 states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be onsite.

The applicant has engaged early with both the Council and Registered Social Landlords (RSL) to find an onsite affordable housing solution and has submitted an Affordable Housing Statement which proposes the delivery of 12 affordable homes on-site.

There will be a mix of eight one-bedroom flats and four two-bedroom flats within a contained stairwell. The homes will be close to regular public transport links and next to local amenities. The affordable homes will be tenure blind and fully integrated with the rest of the development.

All units in the original scheme had large floor areas which far exceeded the minimum space requirements in the Edinburgh Design Guidance. The construction cost per unit was high which limited the interest from Registered Social Landlords (RSLs) in delivering on-site affordable housing. The smaller units proposed in the revised scheme are more viable and better suited to RSL requirements and could be delivered.

Although the proposal will not deliver a representative mix, the revised proposal has been more attractive to RSLs. The applicant has engaged with an RSL who is interested in delivering the 12 units as mid-market rent. A letter of support has been submitted by the RSL which confirms that the proposed affordable units will make a positive addition to the provision of affordable housing in the area.

The applicant has submitted a cost plan for review which shows that the construction costs for the revised scheme will still be higher than for other residential schemes across the city because of site constraints and that the design and materials reflect the prominent location of the development within the New Town Conservation Area and adjacent to the World Heritage Site.

Initial discussion between the developer, the RSL and Housing Management and Development has indicated that the delivery of on-site affordable housing could still be viable based on the current cost plan. However, the use of commuted sums is likely to be required. This could be justified because of the opportunity to get affordable housing in a location this close to the city centre. The site is within the Inverleith ward but immediately adjacent to the City Centre ward.

Any alteration on the delivery of the on-site affordable units would require further planning approval based on the information available at that time.

The provision of 12 on-site affordable housing units complies with LPD Policy Hou 6 and will be secured by a Section 75 legal agreement.

i) Road Safety and Infrastructure

Access and Traffic Generation

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal.

The vehicular access to the site remains as currently in place, which is a single vehicular access point from Henderson Place. The main existing pedestrian routes to the site are safe and there is level access into each proposed residential stair and commercial unit. The Roads Authority has requested the upgrading of the footway on the east side of Henderson Place to tie in with the existing concrete paved footway to the north-west of the site.

The Roads Authority concurs with the prediction that the development will generate eight and nine vehicle trips in the weekday morning and evening peaks respectively, representing an overall net reduction in vehicle trips in relation to the existing office use, which also provided more car parking spaces.

The site is in an accessible location within easy walking distance to a range of local services and the city centre amenities (approximately 0.5 miles from Princes Street) and has good linkages to public transport. The nearest bus stops are adjacent to the site on the west side of Dundas Street and approximately 100 metres away on the opposite side of Dundas Street. An informative has been applied recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes of travel.

Parking

LDP Policy Tra 2 requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance.

The Council's parking standards contain no minimum levels for car parking and the proposed 32 spaces for this development is a reduction of over 30% in terms of the maximum number permissible in Zone 1. Included within this total number are three accessible spaces, one motorcycle space and seven electric vehicle spaces which complies with the minimum standards.

The Roads Authority has requested that the applicant contributes the sum of £7,000 towards the provision of one car club vehicle in the area in support of the Council's LTS Cars1 policy.

LDP Policy Tra 3 requires that cycle parking and storage within the development complies with Council guidance.

A total of 118 cycle parking spaces will be provided at basement level within defined secure spaces, in excess of the minimum requirement of 106 spaces.

Waste/Serviceing

Waste will be collected via Henderson Place and a Swept Path Analysis has been provided to demonstrate that an appropriately sized vehicle can enter the site. There are also the requirements for trade waste producers to comply with other legislation, in particular the Waste (Scotland) Regulations. The Council's Waste Planning services supports the proposed waste and recycling strategy.

Education Infrastructure

This site falls within Sub-Area CB-3 of the Craigroyston/Broughton Education Contribution Zone.

The proposed development is required to make a financial contribution of £39,200 towards the delivery of the identified education infrastructure actions and current delivery programme within this zone based on the established 'per house' and 'per flat' rates for the appropriate section. This sum is calculated on the basis of 40 proposed flats (excluding the 8 one-bedroom flats within the development).

The proposed development will therefore have no detrimental impact on residential amenity, road safety or infrastructure. Informatives have been added requiring the conclusion of a legal agreement to secure the financial contributions identified above and recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes.

j) Trees and Biodiversity

Trees

LDP Policy Env 12 states that development will not be permitted if it is likely to have a damaging impact on these trees, unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

The loss of the existing perimeter trees is unfortunate, but these are anomalies in the characteristic streetscape of the Second New Town where trees are not normally located in front of building elevations. A tree survey has been submitted that assesses the significance and condition of these nine trees. All are semi-mature, between six and eight metres high, Category C type and in poor condition. These trees, comprising seven Limes and two Elms, were planted as part of office development within retained structures below street level and have been subjected to major crown reduction from heavy pruning. The quality and longevity of these trees is limited.

Six small deciduous, ornamental trees will be planted within the rear terrace area. The species proposed are of appropriate scale and type to provide visual interest and shelter within this relatively shaded area without the capability of growing to height and spread where heavy pruning would be required.

Biodiversity

The proposed soft landscaping contains a variety of low-level planting to suit the local environment and support biodiversity and the brown self-seeding roof will further enhance local biodiversity by creating a natural habitat that supports various plants, invertebrates and birds. A condition has been applied to ensure that swift bricks are included on the rear elevation.

No bat survey was required given that there is virtually no likelihood of roosting bats on this site.

The loss of the existing trees is acceptable and the development will encourage local biodiversity.

k) Equalities and Human Rights

The scheme provides accessible access to all uses within the development and there are internal lifts to access all floors. Three accessible parking spaces are provided within the basement car park.

l) Public Comments

Scheme 1

New Town and Broughton Community Council - objection comments.

1. Proposed Building Line and 'Heritage' Discussion

The major concern raised by local residents at the outset of the pre-application consultation is with regard to the proposed bringing forward of the building line of the new development.

The current set-back building line has taken cognisance from various guidance in place in the 1980's that the adopted building line was intended to 'frame' the entrance to the Second New Town from the north. Whilst NTBCC fully understand and acknowledge that planning guidance may have evolved since the 1970/80s, there was clearly at some point, some logic based on a heritage assessment which supported that position.

NTBCC take the view that the more recent historic precedence as outlined above is both relevant and material and that it is unclear as to what was the definitive historical building line. It would appear that the applicant is being selective in choosing some historic street features to justify a significant increase in the new build footprint.

These points have been assessed in section 3.3 a) and b).

2. Street Trees

NTBCC supports the views expressed by many local residents for retaining trees on the lower stretches of Dundas Street.

These points have been assessed in section 3.3 a), b) and j).

3. Residential Amenity (Daylight/Sunlight)

The proposal to bring forward the building line to the edge of the pavement will have a significant and negative impact on the amenity of residents in 120 Dundas Street. This proposal would significantly reduce the current amenity in terms of daylight and sunlight, essentially forming a recessed alcove for the outlook from main living rooms. NTBCC take the view that the proposed position of the building on the site is not in accordance with LDP Des 4.

The new development also blocks out the immediate outlook of the south-facing windows in 120 Dundas Street and this should be avoided.

These points have been assessed in section 3.3 g).

4. Proposed building height/massing

The proposed structure is large, oppressive and over-bearing which seems incongruous with the surrounding buildings both within and outwith the World Heritage Site.

These points have been assessed in section 3.3 a), b) and d).

5. Active Frontage

A set-back, tree-shaded terrace at the front of the building providing outside space for the proposed commercial (Class 3) units would be more successful in this regard than the current proposal and contribute to place-making.

This point has been assessed in section 3.3 e).

New Town and Broughton Community Council - support comments

- the retention of the undercroft/basement parking provision;
- the re-instatement of basement wells along Fettes Row West;
- a residential-led development on this site and inclusion of affordable housing;
- integration of refuse and recycling storage into the design.

Material Representations - Objection

Principle

- buildings should be retained - assessed in sections 3.3 b) and e)
- loss of employment space - assessed in section 3.3 c)
- oversupply of commercial units - assessed in section 3.3 c)
- impact on local amenities/services - assessed in section 3.3 i)

Historic Environment - assessed in sections 3.3 a), b) and d)

- no justification for building lines
- does not respect character of surrounding listed buildings
- does not preserve or enhance character of conservation area

- detrimental impact on World Heritage Site
- impact on views to and from historic assets

Environment

- more sustainable to retain existing buildings - assessed in section 3.3 b) and e)
- loss of trees - assessed in section 3.3 a), b) and j)

Amenity - assessed in section 3.3 g) and 3.3 i)

- negative impact on daylighting and overshadowing
- increased noise and disturbance, including from outdoor spaces
- loss of privacy and outlook
- pressure on existing waste/recycling facilities

Design - assessed in sections 3.3 a), b) and e)

- does not contribute to sense of place
- inappropriate building line, height and footprint
- bland, features and inappropriate modern architecture
- out of keeping with surrounding area

Transport - assessed in section 3.3 g) and i)

- increased traffic congestion and detrimental to road safety
- added pressure on existing on-street parking difficulties

Material Representations - Support

- welcome return to original street line
- clean, simple, appropriate architecture
- boost energy efficiency
- existing trees of limited environmental and aesthetic value

Material Representations - General

- swift bricks should be provided - addressed in section 3.3 j)

Non-Material Representations

- noise and disruption during construction works
- potential damage to property as a result of construction works
- decrease in property values
- developer profits
- timing of application submission
- lack of response from applicant during PAC process

Scheme 2

New Town and Broughton Community Council

The proposed revisions do not, in our view, address the fundamental concerns raised by NTBCC and others with regards to the original scheme.

Material Representations - Objection

Principle

- buildings should be retained - assessed in sections 3.3 b) and e)
- impact on local amenities/services - assessed in section 3.3 i)

Historic Environment - assessed in sections 3.3 a), b) and d)

- no justification for building lines
- does not respect character of surrounding listed buildings
- does not preserve or enhance character of conservation area
- detrimental impact on World Heritage Site
- impact on views to and from historic assets

Environment

- more sustainable to retain existing buildings - assessed in section 3.3 b) and e)
- loss of trees - assessed in section 3.3 a), b) and j)

Amenity - assessed in section 3.3 g) and 3.3 i)

- negative impact on daylighting and overshadowing
- increased noise and disturbance, including from outdoor spaces
- loss of privacy and outlook
- pressure on existing waste/recycling facilities

Design - assessed in sections 3.3 a), b) and e)

- does not contribute to sense of place
- inappropriate building line, height and footprint
- bland, features and inappropriate modern architecture
- out of keeping with surrounding area

Transport - assessed in section 3.3 g) and i)

- increased traffic congestion and detrimental to road safety
- added pressure on existing on-street parking difficulties

Non-Material Representations

- potential damage to property as a result of construction works
- developer profits

Conclusion

Compliance with Listed Buildings and Conservation Areas Requirements

The historic assets within the area have been assessed against the relevant legislation, guidance and Local Development Plan (LDP) Policies.

Historic Environment Scotland does not object to the application and the character and setting of the listed buildings is preserved. The proposals preserve the setting of surrounding listed buildings in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 3 (Listed Buildings - Setting).

The special character and appearance of the New Town Conservation Area will be preserved, in compliance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 6 (Conservation Areas - Development).

Compliance with Development Plan

The mix of uses are acceptable at this location and are supported by LDP policies Hou 1, Emp 9, Ret 5 and Ret 11.

The proposals will preserve the Outstanding Universal Value of the World Heritage site, is of appropriate, sustainable design and will contribute to a sense of place.

The impacts on the amenity of existing and future residents are acceptable, the development will have no adverse impact on road safety or infrastructure and the loss of trees is acceptable.

The proposal therefore complies with the development plan and is acceptable, subject to conditions and a legal agreement. There are no other material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

1. A detailed specification, including trade names where appropriate and sources, 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. 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.

3. Noise from Commercial Units (internal)

The minimum octave band noise reductions to be provided by the partitions (walls and floors) between the proposed commercial units and the closest proposed noise sensitive receptor at each octave band shall be incorporated within the development in accordance with the levels set out in Table 9, page 16 of the ITP Energised Noise Impact Assessment (dated 2 May 2021) prior to the uptake of the approved commercial uses on site.

Confirmation should be provided from a suitably qualified building engineer that the above sound insulation levels have been met.

4. Plant Noise

a) The enclosure proposed for plant located on the roof should be continuous (close boarded with no gaps) and have a density of at least 10 kg/m³.

b) The maximum cumulative octave band noise levels from roof plant shall comply with the levels at 1 metre as set out in Table 14, page 19 of the ITP Energised Noise Impact Assessment (dated 2 May 2021).

These measures shall be implemented prior to the uptake of the residential use on site and confirmation from a suitably qualified building engineer should be provided to confirm that the above maximum cumulative plant specifications have been met.

5. Use Classes

Unit C shall be restricted to Class 1 or 2 only. If units A and/or B are taken up as a Class 3 then the following information should be provided and agreed with Planning in advance of the premises beginning operations:

Noise

A noise impact assessment should be provided which confirms that noise from the fan, flue and extraction point will all be within NR25 noise level;

- i) inside the nearest residential property with the window open for ventilation purposes (for external noise coming into the nearest residential property) and;
- ii) within the upstairs/adjacent residential properties with the window closed (for internal noise transference through the floor/wall) and;
- iii) all noise mitigation measures required to meet the NR25 criterion are shown on a referenced and dated drawing including all specifications (including position and specification of silencers/attenuators, fan specifications including maximum noise levels).

Ventilation

In any case where Units A and/or B operate as a Class 3 premises, then the ventilation details as shown on drawing L(PL)058 and dated 2020 12 04 (including risers to roof through all floors) and drawing L(PL)059 and dated 2020 12 04 (including roof extraction area) shall be installed and operational prior to start of commercial operations on site.

Confirmation from a suitably qualified ventilation specialist which confirms the following shall also be provided:

- i) The system will be able to attain a minimum of 30 air changes per hour.
- ii) All internal ventilation system features and requirements (including fan(s) positions, specifying/showing number of fans, flue exit point from Class 3) are all shown on a referenced and dated drawing.

All noise and ventilation measures specified within a noise impact assessment and on drawings shall be installed and operational prior to the start of commercial operations beginning on site and with written confirmation provided by a suitably qualified person that the above requirements have been achieved.

6. The electric vehicle parking spaces (as shown on drawing L(PL)051 and dated 04/12/2020) shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. These points shall be installed and operational in full prior to the development being occupied.

7. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

8. Swift bricks shall be installed on the rear elevation of the development. The proposed specification and locations shall be submitted to and approved in writing by the planning authority prior to construction works commencing on site.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to protect the amenity of the occupiers of the development.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In the interests of sustainable transport.
7. In order to ensure that the approved landscaping works are properly established on site.
8. In order to safeguard protected species.

Informatives

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been concluded to secure the following:

Affordable Housing

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

Transport

- the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of one car club vehicles in the area in line with the Council's LTS Cars1 policy
- the upgrading of the footway on the east side of Henderson Place fronting the proposed development/existing car park to concrete pavement to tie in with the concrete paved footway to the immediate north, to the satisfaction of and at no cost to the Council.

Education

1. The sum of £39,200 (£980 per unit - flats with two or more bedrooms only) towards education infrastructure for Sub-Area CB-3 of the Craigroyston/Broughton Education Contribution Zone.

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

2. 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) In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision 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;

- b) 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/TransportandEnvironmentcommittee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category A - New Build);
- c) 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.
- d) The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits; <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>
- e) 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.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application with Historic Environment Scotland and Edinburgh World Heritage. There was no input from the Edinburgh Urban Design Panel.

A public consultation event (PAC) in the form of a live online consultation forum took place on the project website on 28 October 2020 between 4.00pm and 8.00pm. The project website went live on 26 October 2020 and the PAC event was advertised in the Edinburgh Evening News on 20 October 2020. Over 650 leaflets were distributed within the local area advertising the event. Details of the event were sent to the following parties:

- City of Edinburgh Council
- New Town Broughton Community Council
- Ward Councillors Barrie, Mitchell, Whyte, Doran, Osler, Mowat and Rankin

8.2 Publicity summary of representations and Community Council comments

The application was originally advertised on 18 September 2020 and further amendments were advertised on 31 March 2020. A total of 62 representations were received: 59 objections, one general comment and one in support.

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

Background reading/external references

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

Statutory Development

Plan Provision

The site is within an urban area and Local Centre as defined in the Edinburgh Local Development Plan (LDP).

Date registered

16 December 2020

Drawing numbers/Scheme

01,02B,03A,04A,05B-09B,10A,11,12,13A,14B,15B,16A,17-19,20A,,21A,22B.23,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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

NSESBB Non-statutory guidelines Part B of 'The Edinburgh Standards for Sustainable Building' sets principles to assess the sustainability of major planning applications in Edinburgh

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

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

Relevant Government Guidance on Historic Environment.

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

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

Appendix 1

Application for Planning Permission 20/05645/FUL At Centrum House, 108 - 114 Dundas Street, Edinburgh Proposed demolition of existing office buildings and erection of a mixed-use development comprising 48 flats with 3 commercial units (Class 1, 2 and 3 uses), amenity space, landscaping, basement level car and cycle parking and other associated infrastructure (as amended).

Consultations

Historic Environment Scotland - Scheme 1

Centrum House, 108 to 114 Dundas Street, consists of two separate office buildings (originally planned as BUPA House and Sutherland House) constructed during the 1980s. The unlisted buildings are situated within the New Town Conservation Area, with the boundary of the Old and New Towns of Edinburgh World Heritage Site immediately adjacent to the south, running along the middle of Fettes Row. There are also some A listed buildings in the site's vicinity. We have commented on the conservation area consent for the buildings within a separate consultation.

Proposals

The site occupies a gap in the Georgian development of the New Town, long occupied by the Canonmills Haugh, and thereafter informally developed. Around 1900 an L-plan block of tenements were constructed to the north, and the site itself was occupied by industrial buildings. As previous buildings embraced the back of the Dundas Street pavement line, rather than being set-back behind an area-well like the Georgian tenements to the south, we have no concerns with the siting of the new building.

Development on Dundas Street steps down the hill quite distinctively. Looking at the form of the proposals, we wonder whether a taller pavilion corner element with stepped down development on Dundas Street to the north, and Fettes Row to the west, might have been a more successful approach to the corner site. We note this has been partly addressed by a change from masonry parapet to railings on Fettes Row, which might usefully be extended to Dundas Street.

We agree with the submitted Heritage Statement that the defining feature of the Georgian Dundas Street tenements are their eaves level, rather than roofs. With this in mind, we note the eaves of the proposed development is 2m less than the Georgian corner pavilion. It is unclear from the submitted information how the height relates to the existing Georgian housing opposite on Fettes Row, but would suggest its sheer stone facades are no taller than the listed buildings. To retain the definition of the eaves we would suggest the design of the set-back 'roof' element remains subsidiary and less visible. This may involve revisions to set it lower and/or back further.

The heritage statement welcomes the sandstone masonry (although historic buildings used a mixture of stone finishes and tooling rather than polished ashlar), and traditional rhythm of windows in the proposals, echoing the architectural character of the adjacent World Heritage site. We would suggest windows and doors are inset sufficiently within the masonry, and that further articulation/differentiation of the facades, to break up the scale and massing of what is a considerable redeveloped block, would be welcome.

The immediately adjacent listed buildings are primarily B listed, and we do not consider the development will impact on any of the A listed buildings in the vicinity, including St Stephen's Church, Royal Crescent and the tenements to the south on Dundas Street.

In conclusion, whilst the proposals are clearly more pronounced and visible than the existing 1980s development, we do not consider that the redevelopment would impact significantly on the OUV of the adjacent World Heritage site.

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

New Town and Broughton Community Council - Scheme 1

The New Town & Broughton Community Council (NTBCC) note and appreciate the early contact by the planning consultant with the community council which resulted in a presentation at NTBCC's November meeting which was attended (virtually) by many residents from the local area. We also acknowledge the extension to the pre-application consultation period by the development team.

Following the submission of the full planning application in mid-December, there was a further discussion at NTBCC's January meeting where it was noted that despite clear feedback to the developers at the November NTBCC meeting, disappointment was expressed both by community councillors and residents that it appeared that few if any changes had been made to address the serious concerns raised. We note that the Planning Statement accompanying the application states that "The views and issues discussed have been taken into consideration when revising the scheme." - however, given the time that elapsed after PAN consultation closed (having been extended to 20 November) and the submission of the full planning application on 16 December, it seems unlikely that the opportunity existed for serious consideration was available for amending the proposal.

The development proposal for the FUL application includes the proposed demolition of existing office buildings (Centrum House & BUPA House) and the erection of a mixed-use development comprising 44 flats with 3 commercial units (Class 1, 2 and 3 uses), amenity space, landscaping, retention of basement level car and cycle parking and other associated infrastructure.

The development site sits within the New Town Conservation Area (NTCA) and adjacent (but just outside) the northern boundary of the Edinburgh World Heritage site. We also note that it is stated in the Planning Statement that pre-application views had been sought both from Historic Environment Scotland (HES) and Edinburgh World Heritage (EWH); as well as from Edinburgh Council.

Section 5 of the Planning Statement notes the pre-application advice as received from CEC;

"The proposals will contribute to a sense of place by emphasising the predominantly residential character of the surrounding area, providing active uses at street level, helping to improve the vitality of the streetscape. "

"The visual character of the rear of the site will also be improved by the addition of green landscaping. The proposed material palette is in keeping with the adjacent historic and more recent developments."

With respect to the specifics of the proposal, we would make the following comments:

1. Proposed Building Line and 'Heritage' Discussion

By far the major concern raised by local residents at the outset of the pre-application consultation is in regard to the proposed bringing forward of the building line of the new development. The applicant has provided significant detail in terms of justification for this change by consideration of the historic 'georgian' building line on Dundas Street south of Fettes Row but also referring the (so-called) 'victorian' building line as exists on the western side of the lower stretch of Dundas Street approaching Henderson Row. Furthermore, it has been suggested that adopting the 'victorian' building line has the support of both EWH and HES. We cannot confirm that this is the case and whilst accepting that both of these heritage organisations have considerable expertise in heritage matters, NTBCC does not accord with this view.

From the outset, NTBCC's view, in line with the majority of residents' views (certainly those of which we were aware) was that the current set-back building line (as exhibited by the development of the existing buildings on the application site had taken cognisance from various guidance in place in the 1980's that the adopted building line was intended to 'frame' the entrance to the 2nd New Town from the north. This position is further strengthened by the discussion within the applicant's Heritage Statement (section 10.5, page 31) concerning aspects of the redevelopment in 2009 / 10 of 120 Dundas Street, it states :

"No. 120 Dundas Street, a mixed commercial and residential unit, was constructed in 2009-10 to replace a 1980s office building. The new contextual design takes the building line of the adjoining Victorian tenements."

However, it also acknowledges "However, the design did not anticipate the possibility of redevelopment of BUPA House, and the continuation of windows onto the south-facing elevations creates a number of practical issues."

We have been made aware of an investigation of the available planning documents for the original development of both BUPA House & Centrum House. As far as we are able to ascertain :

- The redevelopment of 108 - 114 Dundas Street in the late 1970's was consented under planning application 1772/79 (granted on 5 September 1979).
- 116 Dundas Street (current BUPA House building) was granted 23/1/80 - under planning applications 1001/79 and associated LB/1447/79. The documentation for this determination indicates that there were concerns about the proposed building line at that time, which led to the planning application for that building to be contingent on the decision for planning application 1772/79 (i.e. subject to the proposed building adjoining at 108 - 114 Dundas Street and corner of Fettes Row West).

At the time that these applications were being considered, this section of Dundas Street was subject to the guidelines set in the 'Canonmills/Silvermills Master Plan and Study'. Furthermore, there were other references to the 'Canonmills / Silvermills Master Plan and Study' are clearly stated in a number of planning applications around that period.

Specifically condition 3) in the consent decision for planning applications 1001/79 and associated LB/1447/79 states that : "the front building line shall be 20.7m (68ft) from the centre line of Dundas Street". NTBCC therefore conclude, consistent with the recollection of various long-term residents on Fettes Row that this guidance also resulted in the current symmetry with the building line on the other side (eastern) of Dundas Street - namely the current ex-RBS offices and Data Centre.

This position is further strengthened by comments included in the determination of the planning application for the predecessor to the current building at 120 Dundas Street (or as stated at the time, known as 118-120 Dundas Street which was granted consent in November 1986 (as covered by applications 459/86 and 655/86).

The planning report for 459/86 & 655/86 states that:

"The building was designed to provide a satisfactory link between BUPA House (116 Dundas Street) and the tenement to the north."

BUPA who occupied 116 Dundas Street at that time were concerned that these proposals would prejudice their ability to develop the area in front of their offices in the future. However, the comments from the Planning Director stated "The area to the front of BUPA House is not intended for development - would infringe the guidelines in the Canonmills/Silvermills Study."

Whilst NTBCC fully understand and acknowledge that Planning Guidance may have evolved since the 1970-80s, and the guidance as set out the 'Canonmills / Silvermills Master Plan' may well have been superseded (although we can find no reference to that being the case), there was clearly at some point, some logic based on a heritage assessment which supported that position.

It is also interesting to note that the current 120 Dundas Street building (06/00946/FUL) includes a set-back south-eastern corner with windows across most if not all storeys as well as a recessed penthouse level with windows facing to the south.

NTBCC take the view that the more recent historic precedence as outlined above is both relevant and material - perhaps more so - than the context outlines in the Heritage Statement, especially covering the lower ('Victorian') stretches of Dundas Street - as described in the Heritage Statement as a "the medley of shops and industrial premises

(that) remained at the southern end of the block facing Pitt/Dundas Street and Fettes Row West.

We would also note that a further justification being advanced for the advancement of the building line is to be consistent with the current plans for redevelopment of the eastern side of Dundas Street in which the building line is proposed to be brought forwards. This is an undetermined application (at least currently) and hence should have no relevance in the determination of 20/05645/FUL.

Concluding, the planning application as submitted appears to accept that the historical form of the street was very mixed and that it is unclear as to what the definitive historical 'line' was. The applicant conveniently states that this proposal is consistent with the tenements to the north (and in Henderson Row (which being a completely different street is perhaps not relevant). To the lay observer, most if not all other buildings in the neighbourhood are set back from the street; the 'victorian' tenements could be seen as the anomaly. It would appear that the applicant is being selective in choosing some historic street features to justify a significant increase in the new build footprint but there are other aspects which appear relevant but which are not referenced.

2. Street Trees

The applicant states that 'street trees' are not a feature of the New Town which we acknowledge, may well have been the case in its original inception.

The applicant also states that 'There are no trees, hedges, boundary walls, railings, paving or other features on site which contribute positively to the character of the area. The existing trees on the Dundas Street frontage are incongruous and make a neutral contribution.'

NTBCC do not support this view. The trees in front of 108-116 Dundas St have been a major feature of this part of the New Town for some 40 years and they are seen as a natural break in the local landscape and serve to frame the entrance from the north into the 2nd New Town and World Heritage site. We also understand in 2006, the Council's officers report on application 05/04303/FUL (113 Dundas Street) stated that 'retention of the planted areas will soften the approaches to the building. The proposals are acceptable and preserve the character and appearance of the conservation area.' It is also worth stating that there is growing acceptance from heritage bodies following pressure from the Council that the George Street & First New Town project considers the introduction of street trees along George Street - one of the prime architectural jewels within Edinburgh. If trees are to be considered acceptable there then retention of trees on Dundas Street would seem more than acceptable and consistent with the Council's proposed approach on George Street.

Setting aside the heritage considerations, there is also growing support from many bodies for considering more (not less) street trees in an urban environment for a variety of reasons.

NTBCC supports the views expressed by many local residents for retaining trees on the lower stretches of Dundas Street.

3. Residential Amenity (Daylight/Sunlight)

The proposal to bring forward the building line to the edge of the pavement will have a significant and negative impact on the amenity of residents in 120 Dundas Street. The current building, approved in the early 2000's includes a set-back on the south-eastern corner complete with windows set back from the main building frontage, some south-facing. It is therefore surprising that the current application would significantly reduce the current amenity in terms of daylight and sunlight - essentially forming a recessed alcove for the outlook from main living rooms.

The Planning Statement (referencing the Daylight and Sunlight Analysis submitted in support of this application) justifies the proposal by stating that 'the proposed development will not result in a negative impact on the daylighting and privacy to neighbouring properties. 'Furthermore, it then states that 'specifically, the proposals will have a negligible impact on the daylight availability at 120 Dundas Street, with each room retaining a sky view. The living room at Level 8 of 120 Dundas Street will also retain adequate access to sunlight. '

We are unclear as to what exactly is meant by 'retaining a sky view' as we are unaware of that terminology and it is not defined in the stagewise assessment for daylighting / sun-lighting compliance in the recently lodged Rybka report. It is also stated that 'the proposed development will integrate with its surroundings without detrimental impacts on adjacent buildings' - NTBCC take the view that this is not in accordance with LDP Des 4 but is contrary to that policy, due to the proposed 'position of the building(s)"on the site' - LDP Des 4 section c).

We are unclear why the building line cannot be stepped back somewhat from the 'victorian' building as defined previously to safeguard the current amenity of residents in 120 Dundas Street such that the positioning is more aligned with the current building footprint.

We would also highlight a relevant section within the non-statutory (but still a material consideration) in the Edinburgh Design Guidance (EDG). The Edinburgh Design Guidance should supplement and reinforce LDP policies.

The EDG states under 'Privacy & Outlook' (page 82) that :

'Though private views will not be protected, immediate outlook of the foreground of what can be seen from within a building may be. Unless there are exceptional circumstances, this means that new development that blocks out the immediate outlook of an existing dwelling must be avoided.'

NTBCC's view is that is exactly what is being proposed here and therefore should be avoided.

4. Proposed building height / massing

We note Historic Environment Scotland's comments that the defining feature of the Georgian Dundas Street tenements to the south are their eaves level, rather than roofs and that to retain the definition of the eaves in the new proposed building, HES make the suggestion that the set-back 'roof' element should remain subsidiary and less visible and that this may involve revisions to set it lower and/or back further.

However, we are somewhat surprised that this is the only comment relating to the proposed height and breadth of the proposed building. Whilst we acknowledge that the architects have taken time to address the detailing on the new proposal, the visualisations accompanying the application in our view, show a large, oppressive and over-bearing building which seems incongruous with the surrounding buildings both within the WHS and outwith.

In combination with the increased height, the effect is to make this modern and uninteresting building more prominent than the buildings on Dundas St and Fettes Row.

5. Active Frontage

The application has much discussion on the aspiration for the proposed redevelopment to contribute to a sense of place by providing active uses at street level, helping to improve the vitality of the streetscape. Whilst we would not argue that the current building is particularly successful in this regard, we could envisage that a set-back, tree-shaded terrace at the front of the building - providing outside space for the proposed commercial (Class 3) units would be more successful in this regard than the current proposal and contribute to place-making .

Overall, NTBCC take the view that if ensuring that any new development contributes to a sense of place, then there are other options that could and should be explored.

NTBCC would acknowledge that there are aspects of the proposal which we would broadly support.

- The proposal to retain the undercroft / basement parking provision within the development given the topography of the site. It is difficult to see how the space being proposed for this (essentially 2 storeys below Dundas Street level) could be utilised more effectively.

- The proposal for the re-instatement of basement wells along Fettes Row West, consistent with the buildings to the west, providing these lower ground floor flats at Fettes Row will have access to private courtyards at the front, consistent with the pattern of the neighbouring Georgian buildings. However, we are less sure as to the true benefit of these flats having access to private rear gardens - approximately 2.6 metres deep and either north facing or shielded by the 6 - 7 storey building.

- Although redevelopment of this site would result in a loss of local employment opportunities afforded by the current offices, we do not object to a residential-led development on this site & the inclusion of affordable housing onsite. In the wider context, the redevelopment of the adjacent site on the eastern side of Dundas Street is currently proposing the retention of some Class 4 usage.

- Integration of refuse and recycling storage into the design of the development. Although outwith the responsibility of the applicant, we would also note in this regard that the visualisations do not appear to show the cluster of refuse, recycling and DMR bins at the corner of Fettes Row West / Dundas Street. If the planning officer is minded to grant this application then relocation of these would seem to be advisable at some point.

Summary

Whilst NTBCC's preference would be to retain and repurpose the existing buildings, we could accept an application for a housing-led development on this site but would hope

that the proposal responded appropriately to the important constraints on this sensitive site.

Given the many concerns highlighted, we cannot support the proposals as presented for this site and therefore we would wish to formally register our objection.

New Town and Broughton Community Council - Scheme 2

The New Town & Broughton Community Council (NTBCC) submitted an objection to the initial application, raising a variety of concerns reflecting those voiced to the community council from the various discussions at our monthly meetings but also including issues raised directly with NTBCC by local residents' groups.

As stated in NTBCC's original representation, broadly our concerns included :

- Stepping out of the building line and 'heritage' aspects;*
- Retention of the trees fronting Dundas Street;*
- Amenity (Daylight / Sunlight impact) on adjacent residents;*
- Building height / massing ;*
- Success of achieving an "active" frontage*

The proposed revisions that have now been put forward to the original scheme following "Detailed post-submission feedback having been received regarding the proposed design from CEC, Edinburgh World Heritage, Historic Environment Scotland, and members of the public" are, at best nuanced changes but they do not, in our view, address the fundamental concerns raised by NTBCC & others.

This view is reinforced by further discussions with the Cockburn Association who also had expressed concerns with the original proposal.

As far as we can ascertain, the proposed changes to the original scheme, as summarised from the revised Planning Statement Addendum Section 4 (as lodged on the 23rd March) are :

- 1. Visual prominence of the roof - addressed by stepping back of the top storey along Fettes Row by ~1 metre "to create a more subservient roof element. In addition, the top storey massing has been split into different elements, taking account of the rhythm of chimney stacks along Dundas Street.*
- 2. Lack of a stepped profile on Dundas Street - addressed by pushing back of the top storey of the north-most block by 0.5 metres & other minor changes.*
- 3. The 'full floating' ground floor - addressed by bringing the sandstone down to ground with pilaster elements, helping to visually support and balance the southern block.*
- 4. Overall massing of the building - the façade has been split on the Fettes Row elevation with a recessed metal shadow gap to break up the regularity of the residential frontage.*
- 5. Additional detailing now included, such as sawtooth chamfers at the windows and rusticated tooling at the lower-level facades & inclusion of vertical aluminium cassette panelling to the side of windows to differentiate the elevation treatment of the northern block.*

The majority of these proposed changes would seem to be addressing concerns raised in part by HES & in part, EWHT, but, whilst mostly welcome in themselves, do not address the major points raised both by NTBCC and others to the original proposal.

Summary

Despite welcoming most of the relatively minor changes as summarised above, NTBCC's preference is unchanged - we continue to support retention and repurposing of the existing buildings rather than the proposed demolition and redevelopment on an expanded footprint as proposed. We can accept an application for a housing-led development on this site but continue to hope that any proposal brought forwards better respond to the important constraints on this sensitive site and more importantly, reflects concerns as raised by residents adjacent to the proposed site.

Given the concerns highlighted in our original representation and despite the mostly welcome changes brought forwards in the revised proposal, our stance remains opposed to the revised plans that have been brought forwards. NTBCC cannot support the revised proposals for this site and therefore we would retain our objection.

Edinburgh World Heritage - Scheme 1

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

OUTSTANDING UNIVERSAL VALUE

The proposal site is broadly characterised by its 20th century development and character. It is not considered to make a positive contribution to the overall OUV of the World Heritage Site, nor the contribution to OUV made by associated heritage assets such as the New Town Conservation Area, the New Town Gardens registered landscape and individual Listed Buildings. As the site lies to the immediate north of the WHS boundary, there is potential for the development to impact upon OUV through development within its setting, and this section outlines those OUV elements of principal consideration in this case.

The OUV of the World Heritage Site is well-established in the UNESCO inscription, and will therefore not be repeated here. Edinburgh World Heritage has broken this down into 5 overarching qualities which can be found on our website. Due to the nature and location of the proposed development, the following elements of World Heritage Site's Outstanding Universal Value are most likely to be affected.

'A Model City': The Old and New Towns embody the changes in European urban planning from inward looking, defensive walled medieval cities, through 18th and 19th centuries formal Enlightenment planning, to the 19th century revival of the Old Town with its adaptation of a Baronial style of architecture in an urban setting.

- The site sits within the 'Second' or 'North' New Town developed in the earlier half of the 19th century, and its character is a continuation and development of the planning

ideals established in the First New Town. The characteristics associated with this make a positive contribution to OUV.

- Key characteristics relevant to this application include; the grid-iron urban plan, aesthetic and spatial hierarchy of 'streets and storeys', consistent building lines and spatial character, architectural character informed by classical forms and ideals, residential use, separation of entrances from public realm over basement level and consistent/high quality materials.

'Iconic Skyline': The dramatic hills and green spaces of the landscape, plus key buildings of the Old and New Towns give Edinburgh its iconic skyline that has inspired generations of artists, writers, visitors and residents.

- Edinburgh's architectural form responds to the dynamic views and topography on approach/exit from the World Heritage Site, in a manner that reinforces the New Town planning ideals and character

- Key characteristics relevant to this application include the stepping down of eaves levels in response to topographical slope, heights consistent with local character and the traditional forms of roofscapes which are more visible due to the topography. The dynamic views along Hanover Street/Queens Street Gardens East/Dundas Street are particularly notable in this case.

IMPACT ON OUTSTANDING UNIVERSAL VALUE

Given that the existing buildings on site do not make a positive contribution to OUV, the principle of developing this site would not have an adverse impact on the World Heritage Site. However, this is subject to a design which conserves and reinforces the OUV and attributes identified in the preceding section.

It is clear that some effort has been made to reinforce local character in the proposed designs - for example in the slightly stepped eaves level and building lines which reflect historic townscape and topography patterns to some degree. However, important elements of the design do not adequately respond to local character. As a result, the proposal would disrupt the attributes outlined above and cause harm to the OUV of the World Heritage Site through insensitive development within its setting.

This impact could be addressed by the following amendments, in order of importance. We note that these could take a traditional form, or a legible and creative interpretation of historic features:

- Removal of the top storey of the development and introduce a roofscape design which reinforces local character

- Respond to local architectural quality by adding contextual and architectural depth to elevations as seen in surrounding historic buildings

- Add contextual architectural embellishment and, where possible, entrances to the 'upper ground' floor level on the Fettes Row elevation to respond to local character (e.g. see 13-24 Fettes Row)

- Further step down the height of the Fettes Row elevation after the corner block to respond to local heights and hierarchies of secondary vs primary streets

- Seek opportunities to reduce the commercial area in favour of high-quality residential space

Overall, we consider that the proposals in their current form would cause harm to the OUV of the World Heritage Site. There are, however, measures that could be taken to considerably reduce this level of harm as outlined above.

RELEVANT POLICY & LEGISLATION

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

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

RESULTANT POSITION

We consider that the proposals would cause harm to the OUV of the World Heritage Site. In line with the legislation and policy cited above, we therefore cannot support the proposals in their current form.

We do, however, consider that with further design development in line with our advice above and that of expert heritage advice within the Council, the impact could be considerably reduced to address these concerns appropriately. The redevelopment of the site, if done appropriately, has the potential to add a layer of interest to Edinburgh's rich architectural legacy.

Edinburgh World Heritage - Scheme 2

The below should be read in conjunction with our letter of 5th February 2021, which sets out the context of our position more fully. As always, our principal remit is with respect to impact on the overall Outstanding Universal Value (OUV) of the 'Old and New Towns of Edinburgh' World Heritage Site ('the World Heritage Site' or 'WHS'), which is reflected in the scope and content of our comments.

Our previous response advised that amendments were made to the proposed intervention to address the harmful impact the proposal would have on the OUV of the World Heritage Site through development within its setting. Namely:

- Removal of the top storey of the development and introduce a roofscape design which reinforces local character*

- Respond to local architectural quality by adding contextual and architectural depth to elevations as seen in surrounding historic buildings
- Add contextual architectural embellishment and, where possible, entrances to the 'upper ground' floor level on the Fettes Row elevation to respond to local character (e.g. see 13-24 Fettes Row)
- Further step down the height of the Fettes Row elevation after the corner block to respond to local heights and hierarchies of secondary vs primary streets
- Seek opportunities to reduce the commercial area in favour of high-quality residential space

Whilst some amendments have been made, the key elements of the above have not been substantively addressed, and the comments in our previous advice letter stand. We consider that the proposals would cause harm to the OUV of the World Heritage Site and therefore cannot support the proposals in their current form in line with relevant legislation and planning policy. With further design development in line with our advice above and that of expert heritage advice within the Council, the impact could be considerably reduced to address these concerns appropriately. The redevelopment of the site, if done sensitively, has the potential to add a layer of interest to Edinburgh's rich architectural legacy.

Archaeology - Scheme 1

Although occurring with Edinburgh's New Town and within an area associated with medieval industry and farming, the construction of the 1980's office blocks making up Centrum House has almost certainly removed any significant archaeology across the site. Therefore, it has been concluded that in this instance there are no known, significant, archaeological implications regarding these linked applications.

Environmental Protection - Scheme 2

Environmental Protection does not object to the application.

Air Quality

The application proposes basement level car parking with 32 car parking spaces proposed. The site is extremely well served by local public transport options with the city centre being in walking distance of the proposed site. The site is on the outskirts of the City Centre Air Quality Management Area (AQMA) and traffic from this development could feed into this AQMA and the Inverleith Row AQMA to the north. It is therefore justifiable to expect the developer to significantly reduce the car parking on site, provide a car free development or increase the level of mitigation proposed to reduce pollution from the car parking that is proposed. The applicant advises that the existing site has 35 car parking spaces and so this application reduces the spaces by 3. The application proposes little in the way of mitigation measures which will reduce the impacts of the proposed 32 car parking spaces except for 7 electric vehicle charging points. Environmental Protection is of the opinion that a car free development could have been proposed in this central Edinburgh, built up position.

Planning Advice Note (PAN) 51: Planning, Environmental Protection and Regulation 3 sets out the Scottish Executive's core policies and principles with respect to environmental aspects of land use planning, including air quality. PAN 51 states that air

quality is capable of being a material planning consideration for applications that are adjacent to an AQMA as this application site is. Whilst this site meets the basic requirements of the parking standards and parking space policies, Environmental Protection is disappointed that more has not been done to assist the Council in meeting its key environmental aspirations and further reducing air pollution.

The planning system has a role to play in the protection of air quality, by ensuring that development does not adversely affect air quality in or adjacent to AQMAs or, by cumulative impacts, lead to the creation of further AQMAs (areas where air quality standards are not being met, and for which remedial measures should therefore be taken).

AQMAs have been declared at five areas in Edinburgh - City Centre, St. John's Road (Corstorphine), Great Junction Street (Leith) Glasgow Road (A8) at Ratho Station and Inverleith Row / Ferry Road. Breaches of air quality standards in the city's AQMAs are largely due to road congestion. The Council's Air Quality Action Plan contains a range of measures to reduce emissions both within these areas and beyond.

Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the Action Plan as well as the second Edinburgh Local Development Plan (LPD). The LPD acknowledges that growth of the city based on car dependency for travel would have serious consequences in terms of congestion and air quality. An improved transport system, based on sustainable alternatives to the car is therefore a high priority and continued investment in public transport, walking and cycling are central tenets of the City of Edinburgh Council's Local Transport Strategy 2014-19. In the opinion of Environmental Protection, this development could go much further in assisting the Council meet its objectives.

Reducing the impact of the car will create more sustainable, attractive places to live and will help to address congestion, air pollution and noise. The type, location, and quantity of car parking in new developments should be informed by the positive characteristics of the place and its accessibility by foot and bicycle to amenities and services, including public transport. Sites which are within highly accessible locations close to amenities such as within the city centre or town centres will require less, or in some cases zero, car parking provision. The application site is very well located with regards the above.

The applicant is aware that there are requirements stipulated in the Edinburgh Design Guidance which must be achieved. Edinburgh has made progress in encouraging the adoption of electric/hybrid plug-in vehicles, through deployment of extensive charging infrastructure. As plug-in vehicles make up an increasing percentage of the vehicles on our roads, their lack of emissions will contribute to improving air quality, furthermore their quieter operation will mean that a major source of noise will decrease. The applicant has therefore included 7 electric vehicle charging points which complies with standards, but for this central site is viewed as minimal.

The application does provide some sustainable spatial and water heating measures which is commendable and not using fossil fuels as an energy source is supported. Such measures are to include air source heat pump (electric) solution for heating (space/domestic hot water) for the residential properties. There is also provision for a roof mounted photovoltaic (PV) installation to facilitate onsite electricity generation.

Noise

A noise impact assessment has been provided in support of the application which recommends minimum wall and ceiling specifications for the commercial units, maximum plant noise levels and glazing specifications to address road traffic noise.

Minimum wall and floor/ceiling specifications have been recommended to ensure that noise from the commercial units will be inaudible within the adjacent residential properties. Maximum plant noise specifications have also been provided to ensure that noise is within the requirements of this team. In addition, noise from road traffic will be addressed by way of standard building regulation glazing specifications. Conditions are recommended below in this regard.

Commercial Units

The application proposes 3 commercial units (A, B & C) and advise that the units will be either Class 1, 2 or 3. The agent has also specified that units A and B will have a flue for the potential future use as a Class 3 premises. Unit C does not include the potential for a ventilation flue so cannot operate as Class 3. Environmental Protection has requested that the agent for the application provide suitable ventilation details or specify equipment proposed within the premises however much of the detail has been impractical to provide at this stage. Therefore, should units A and B be taken up and operated as Class 3 then it is recommended that the operator provide the information Environmental Protection would require to see at that stage. This includes a noise impact assessment which outlines the noise mitigation required and which confirms that noise from it will be within NR25 within nearby residential properties. In addition, the details of the ventilation will also be required to ensure odours do not impact upon the amenity of surrounding residential properties by way of odour. A condition is recommended below in this regard.

Site Contamination

A condition is recommended below which requires the applicant to ensure that any areas of contamination on the site are remediated and the site is made safe for the proposed end use.

Conclusion

With regards to air quality, Environmental Protection would like to have seen more mitigation measures provided within the application and feel it is justified that the developer be asked to do this as the site is very central, has excellent public transport and walking links and is adjacent to an AQMA. However, on balance, as the developer has included other measures (e.g. no gas, PV, air source heat pumps) which assist in reducing the background NO2 levels, Environmental Protection will not object to the application on air quality grounds.

A basic level of noise and cooking odour ventilation measures have been included within the development at this stage to allow the 3 commercial units to operate as Class 1 or 2 in the future. In addition, the application has included an appropriate level of separating wall and floor sound insulation and risers for cooking ventilation flues to

allow for the possibility of Units A and B to operate as Class 3 premises if required in the future. However, as limited information has been provided in terms of ventilation and associated noise, conditions have been recommended to ensure that further information is provided should Class 3 cooking ventilation systems be utilised within units A and/or B in the future to ensure that noise and odours do not impact upon the amenity of surrounding residential properties. The required additional information has been outlined within conditions below.

Therefore, Environmental Protection does not object to the application subject to the following conditions:

Conditions

Noise from Commercial Units (internal)

1. The following minimum octave band noise reductions to be provided by the partitions (walls and floors) between the proposed commercial units and the closest proposed noise sensitive receptor at each octave band should be incorporated within the development:

Confirmation should be provided from a suitably qualified building engineer that the above sound insulation levels have been met.

Plant Noise

2. The enclosure proposed for plant located on the roof should be continuous (close boarded with no gaps) and have a density of at least 10 kg/m³.

3. The maximum cumulative octave band noise levels from roof plant should comply with the following as measured at 1 metre:

Confirmation from a suitably qualified building engineer should be provided to confirm that the above maximum cumulative plant specifications have been met.

Class Uses

4. Units A and B should be restricted to Class Uses 1, 2 or 3 (based on suitable ventilation information provided) only. Unit C should be restricted to Class 1 or 2 only. If units A and/or B are taken up as a Class 3 then the following information should be provided and agreed with Planning in advance of the premises beginning operations:

Noise

A noise impact assessment should be provided which confirms that noise from the fan, flue and extraction point will all be within NR25 noise level;

a. inside the nearest residential property with the window open for ventilation purposes (for external noise coming into the nearest residential property) and;

b. within the upstairs/adjacent residential properties with the window closed (for internal noise transference through the floor/wall) and;

c. all noise mitigation measures required to meet the NR25 criterion are shown on a referenced and dated drawing including all specifications (including position and

specification of silencers/attenuators, fan specifications including maximum noise levels).

Ventilation

In any case where Units A and/or B operate as a Class 3 premises, then the ventilation details as shown on drawing L(PL)058 and dated 2020 12 04 (including risers to roof through all floors) and drawing L(PL)059 and dated 2020 12 04 (including roof extraction area) should be installed and operational prior to start of operations on site. Confirmation from a suitably qualified ventilation specialist which confirms the following should also be provided:

- a. The system will be able to attain a minimum of 30 air changes per hour.*
- b. All internal ventilation system features and requirements (including fan(s) positions, specifying/showing number of fans, flue exit point from Class 3) are all shown on a referenced and dated drawing.*

All noise and ventilation measures specified within a noise impact assessment and on drawings should be installed and operational prior to the start of operations beginning on site with written confirmation provided by a suitably qualified person that the above requirements have been achieved.

Site Contamination

5. 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.

6. The electric vehicle parking spaces (as shown on drawing L(PL)051 and dated 04/12/2020) shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.

Affordable Housing - Scheme 2

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

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

- The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:
<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>

2. Affordable Housing Provision

This application is for a development consisting of 50 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (12) homes of approved affordable tenures. The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

The applicant has submitted an Affordable Housing Statement which proposes the delivery of 12 affordable homes on-site. Housing Management and Development is supportive of the proposal as it will help to address local housing needs by delivering on-site affordable homes in a prominent location close to the city centre.

There will be a mix of eight one-bedroom flats and four two-bedroom flats within a contained stairwell. The homes will be close to regular public transport links and next to local amenities. The affordable homes will be tenure blind and fully integrated with the rest of the development.

The original scheme has been amended from 44 units to 50 units in total. All units in the initial scheme had large floor areas which far exceeded the minimum space requirements in the Edinburgh Design Guidance. The construction cost per unit was high which limited the interest from Registered Social Landlords (RSLs) in delivering on-site affordable housing.

Housing Management and Development asked the applicant to review the floor plans to see if more, but smaller units that would be more viable and better suited to RSLs could be delivered. The applicant developed a revised scheme which proposes 12 smaller flats within a contained stairwell for delivery as affordable housing. It should be noted that all the units continue to meet the minimum internal floor areas set out in the Edinburgh Design Guidance. The revised proposal will deliver one more affordable housing unit than would have been required for the initial scheme (12 affordable units rather than 11).

Although the proposal will not deliver a representative mix, the revised proposal has been more attractive to RSLs. The applicant has engaged with an RSL who is interested in delivering the 12 units as mid-market rent. A letter of support has been submitted by the RSL which confirms that the proposed affordable units will make a positive addition to the provision of affordable housing in the area. The detailed design of the affordable housing should be informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides and we require that applicants work with the RSL to achieve this.

The applicant has submitted a cost plan for review which shows that the construction costs for the revised scheme will still be higher than for other residential schemes across the city because of site constraints and that the design and materials reflect the prominent location of the development within the New Town Conservation Area and adjacent to the World Heritage Site.

Initial discussion between the developer, the RSL and Housing Management and Development has indicated that the delivery of on-site affordable housing could still be viable based on the current cost plan. However, the use of commuted sums is likely to be required. This could be justified because of the opportunity to get affordable housing in a location this close to the city centre. The site is within the Inverleith ward but immediately adjacent to the City Centre ward.

It should be noted that the RSL and applicant is yet to agree a price for the affordable units. This is partly because the scheme is unlikely to be delivered for a few years (potentially 2024) and costs and sales prices could change. Further engagement on this issue will therefore be required, taking account of the need for the scheme as a whole to be viable for the developer.

If future agreement on the delivery of the on-site affordable units cannot be reached, any subsequent proposal to pay a commuted sum in lieu of on-site delivery would require further planning approval based on the information available at that time.

3. Summary

The applicant has proposed to provide 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement. Housing Management and Development is supportive of the proposal as it will help to address local housing needs by delivering on-site affordable homes in a prominent location close to the city centre.

The applicant has engaged with an RSL and amended the original scheme to propose 12 on-site affordable homes, comprised of 8 one-bedroom flats and 4 two-bedroom flats for mid-market rent. The homes will be tenure blind and fully integrated with the rest of the development.

In order to make sure that onsite delivery is viable, the use of commuted sums is anticipated. Further detailed discussion with the RSL and the Council will be required.

Roads Authority - Scheme 1

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

- 1. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision one car club vehicles in the area;*
- 2. The applicant will be required to upgrade the footway on the east side of Henderson Place fronting the proposed development/existing car park to concrete pavement to tie in with the concrete paved footway to the immediate north;*
- 3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 4. 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/TransportandEnvironmentCommittee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category A - New Build);

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

6. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits;

<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

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

Note:

a) The applicant proposes 108 cycle secure cycle parking spaces (2- tier cycle racks in the basement via ramped access onto Henderson Place and complies with the minimum requirement of 106 spaces;

b) 32 car parking spaces including 3 accessible bays and 7 EV charging spaces are proposed in Zone 1;

c) Refuse Collection to be undertaken from Henderson Place;

d) The proposed development is accessible by public transport - tram, rail, Lothian services 23, 27, 8, 42, 36

e) The proposal reduces existing level of car parking from 35 to 32 spaces;

f) The site is well connected to the wider footway network and accessible to key facilities in the city centre;

g) It is predicted that the development will generate 8 and 9 vehicle trips in the weekday morning and evening peaks respectively.; representing an overall net reduction in vehicle trips relation to the office use which also provided more car parking spaces;

h) Existing footway on north side of Fettes Row at the proposed entrance to residential unit is 1.6m wide.

Waste Management - Scheme 2

The proposals fit within the Council's parameters for collection and the waste strategy is approved.

Education - Scheme 2

Assessment based on 40 Flats (8 one-bed flats excluded).

This site falls within Sub-Area CB-3 of the 'Craigroyston/Broughton Education Contribution Zone'.

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

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

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

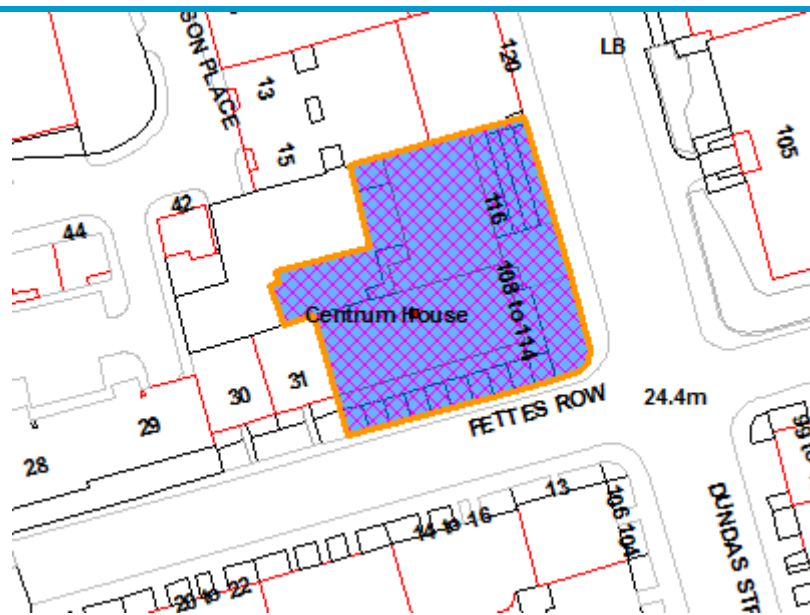
If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£39,200

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.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

END

This page is intentionally left blank

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Conservation Area Consent 20/05646/CON
At Centrum House, 108 - 114 And 116 Dundas Street,
Edinburgh
Complete demolition of existing buildings**

Item number

Report number

Wards

B05 - Inverleith

Summary

The demolition of existing buildings will preserve the adjacent listed buildings and their settings including any special architectural or historic interest they possess, with reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and in compliance with LDP Policy Env 3. The removal of the existing buildings and redevelopment of the site will preserve the character and appearance of the conservation area, with reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and in accordance with LDP Policy Env 5.

Links

[Policies and guidance for this application](#)

LDPP, LEN02, LEN05, NSG, NSLBCA, CRPNEW, HES, HESAC, HESSET,

Report

Application for Conservation Area Consent 20/05646/CON At Centrum House, 108 - 114 And 116 Dundas Street, Edinburgh Complete demolition of existing buildings

Recommendations

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

Background

2.1 Site description

The application relates to a site measuring approximately 0.167 hectares in area located at the north-west corner of Dundas Street and Fettes Row, bounded by Henderson Place to the rear (west).

The existing buildings on site comprises two adjoining office blocks: 108-114 Dundas Street 116 Dundas Street, dating from the 1980s. Both blocks are seven storeys high in total with a combined internal floor area of approximately 4,600sqm and two below ground levels including a car park with 35 spaces at basement level.

Several category B listed buildings are in proximity to the site, the nearest being the adjacent buildings to the south at 13-24 Fettes Row (inclusive numbers) and 104 and 106 Dundas Street (reference: LB28755, listed on 10 November 1966). The other listed buildings are on the opposite corner to the site at 1-12 Fettes Row (inclusive numbers) and 99-103 Dundas Street (reference: LB28754, listed on 15 July 1965), 87-97A Dundas Street (reference: LB28712, listed on 13 September 1964) and 79-85 Dundas Street and 34B Cumberland Street (reference: LB28711, listed on 13 September 1964). All these buildings are category B listed. The Old and New Towns of Edinburgh World Heritage Site boundary runs adjacent to the southern edge of the site.

The former Royal Bank of Scotland offices occupy the corner site opposite on the east side of Dundas Street and north side of Fettes Row. A recent residential development at 120 Dundas Street, built around 15 years ago, adjoins the site to the north and there are residential flats to the north-west of the site on Henderson Row.

The site is mainly level, with a gradual rise from north to south up Dundas Street. There are nine street trees located within the hard landscaping of the basement lightwell to the front of the buildings which is enclosed by a plinth with railings. The land to the rear of the site comprises a tarmac car park and the north boundary is marked by a residential block and its communal garden wall.

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

2.2 Site History

2 October 2020 - Proposal of Application Notice approved for demolition of existing building and erection of mixed-use development including residential, office, retail and café/restaurant uses (application number 20/03923/PAN).

Related Planning History

Former RBS site (on the opposite corner of Dundas Street/Fettes Row)

26 February 2021 - planning permission minded to grant for demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office and other commercial uses, with associated landscaping/public realm, car parking and access arrangements at 34 Fettes Row (application number 20/03034/FUL).

26 February 2021 - conservation area consent granted for complete demolition in a conservation area at 34 Fettes Row (application number 20/03661/CON).

120 Dundas Street (adjacent the application site to the north)

19 January 2009 - planning permission granted to demolish office building and erect mixed used residential (24 units) and commercial development (classes 1, 2 and 4) at 118 Dundas Street (formerly 120 Dundas Street) (application number 06/00946/FUL).

18 July 2006 - conservation area consent granted for demolition of office building at 118 Dundas Street (formerly 120 Dundas Street) (application number 06/00946/CON).

Main report

3.1 Description Of The Proposal

The application is for the demolition of the existing buildings on the site comprises two adjoining office blocks: 108-114 Dundas Street 116 Dundas Street, dating from the 1980s.

An associated application for planning permission has been submitted for the demolition of the existing buildings on the site and erection of a mixed-use development comprising 48 flats, including 12 affordable units, with three commercial units in Class 1 (retail), 2 (office) and 3 (café/restaurant) uses at ground and lower ground level, private and communal amenity space, landscaping and basement level car and cycle parking (application number 20/05645/FUL).

Supporting documents

- Heritage Statement
- Planning Statement
- Design and Access Statement; and

– Tree Survey and Report

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

3.2 Determining Issues

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

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

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

3.3 Assessment

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

- a) the demolition will seriously detract from the character and setting of adjacent listed buildings;
- b) the demolition will adversely affect the character and appearance of the conservation area;
- c) the proposal replacement development is acceptable; and
- d) comments raised have been addressed.

a) 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."

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The document states that where development is proposed it is important to:

- *"identify the historic assets that might be affected;*
- *define the setting of each historic asset; and*
- *assess the impact of any new development on this".*

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

The listed buildings affected to any significant extent by the proposed demolition in terms of setting comprise those at 13-24 Fettes Row (inclusive numbers) and 104 and 106 Dundas Street, 1-12 Fettes Row and 99-103 Dundas Street, 87-97A Dundas Street and 79-85 Dundas Street and 34B Cumberland Street. All these buildings are category B listed.

The south side of Fettes Row/Royal Crescent represents the northern most expansion of the Second New Town in its completed form. The corner blocks within Dundas Street form a visual 'gateway' into the Second New Town from the north.

The character of the south side of Fettes Row is that of a planned classical style residential development built in blonde Craigleith sandstone, dating from the 1820s, with the key characteristics of a monumental palace block with unifying symmetrical and rhythmic elevational treatment, no projecting elements in the wall planes and shallow roof pitches and slightly advanced terminal pavilions that are a storey higher.

The monumental palace designs of the east-west streets of the Second New Town were not possible to achieve on its steep south-north slopes, so the buildings on these streets are mostly tenement blocks. Whilst there is regularity and symmetry within the blocks, they step down as on Dundas Street as emphasised by the eaves and cornice.

The corner blocks of the east-west streets facing Dundas Street are usually on a level and of the same height (for example, in Great King Street). In order to deal with the Dundas Street slope, some east-west streets did not include terminal pavilion blocks, such as Cumberland and Northumberland Streets and the downwards 'step' continues on the north side of the street.

In contrast, the current and previous buildings on this site have not formed part of any planned development, although a residential development was planned for the area between Fettes Row and Henderson Row, probably by William Burn in the 1820s. Only a small part of this scheme was built and the remainder of the area became occupied by an assortment of light industrial buildings constructed in the later 19th century and replaced by the current offices in the 1980s.

The existing structures on the site are not particularly sensitive to the setting of the nearby listed buildings and their demolition is acceptable on this basis.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the adjacent listed buildings and their settings including any special architectural or historic interest they possess. The proposals are acceptable and in compliance with LDP Policy Env 3.

b) Character and Appearance of Conservation Area

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

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

Historic Environment Scotland's, Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (April 2019) outlines criteria to assess the acceptability of the demolition of unlisted buildings within conservation area, including:

- the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site;
- if the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated;
- where demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult, consent to demolish should be given only where there are acceptable proposals for the new building.

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) only supports the demolition of unlisted buildings in conservation areas which are considered to make a positive contribution to the character of the area in exceptional circumstances. If the building does not make a positive contribution, its removal is considered acceptable in principle so long as the replacement. If it does make a positive contribution, then reference is made to taking into account the considerations set out in Policy Env 2 (Listed Buildings - Demolition).

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

- grand formal streets lined by fine terraced buildings expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views;
- the generally uniform height ensuring that the skyline is distinct and punctuated only by church spires, steeples and monuments; and
- the important feature of terminated vistas within the grid layouts and the long-distance views across and out of the conservation area.

The existing buildings forming Centrum House form part of a small group of early 1980's structures of corporate character that are at odds with their predominantly residential context. BUPA house and Centrum House were design by Ian Burke Associates. The group includes the former Royal Bank of Scotland Computer Centre by Michael Laird and Partners, dating from 1978 on the opposite side of Dundas Street and Fettes Row, the subject of a recently granted application for conservation area consent to demolish the building (reference 20/03661/CON). "The Buildings of

Scotland: Edinburgh" by Gifford, McWilliam and Walker, 1985 describes Centrum House and its adjoining office BUPA House as parodies of the RBS Computer Centre.

Some features of the buildings are unsympathetic to their location, particularly in terms of building lines design and landscaping. On Dundas Street, the two buildings are set back approximately 9.5 metres from the building line of the recent flatted block at No. 120. Whilst this line equates to that of the RBS Computer Centre opposite, it does not relate to the historic building line of the late Victorian tenements at 122-160 Dundas Street, nor to the Second New Town tenements at 78-106 Dundas Street.

The existing structures on the site are not without merit in terms of their natural sandstone frontages and inclusion of modern interpretations of traditional features, including basement lightwells, entrance platts and boundary railings. However, they are not particularly sensitive to the character or appearance of the conservation area and should not provide design precedents for any replacement buildings. In particular, the mansard roofs are out of character with the shallow-pitch roofs of the listed Georgian buildings and later tenements.

The loss of the buildings will not have an adverse impact on the character and appearance of the conservation area and their demolition is acceptable.

As the buildings are of limited importance to the character and appearance of a conservation area, a condition survey or the marketability of alternative uses is not required be demonstrated. Also, the determining ssues for assessing applications for conservation area consent do not include sustainability.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area, in compliance with LDP Policy Env 5.

c) Replacement Development

The HES interim guidance and the similar advice in LDP Policy Env 5 (Conservation Areas - Demolition) sets out that consent should generally only be given where there are acceptable proposals for the new building.

As detailed under planning application 20/05645/FUL, the proposals would enable the development of the site in a coherent and positive way.

A condition is recommended to ensure that the buildings are not demolished before a detailed scheme has been granted and the Notification of Initiation of Development has been received with a start date for the detailed development.

d) Public Comments

Material Representations - Objection

New Town and Broughton Community Council

- the case for the demolition of the buildings on the site has not been fully explored or the necessary reasoning behind the proposal for complete

demolition being included in the accompanying documents, including what steps have been taken to explore options for re-purposing the existing buildings and why retention of part (or all) of them is not possible; and

- repurposing the existing building would also retain the majority of the existing trees along the western edge of Dundas Street which would provide a more consistent, relevant and subservient streetscape leading to the entrance of the World Heritage site at Fettes Row/Dundas Street junction.

Other Material Objections

- the existing buildings on the site represent a specific time and style and should be retained
- the existing buildings make a positive contribution to the character of the area
- loss of trees

These points have been assessed in sections 3.3 a and b).

The following grounds of objection are relevant only to the associated application for planning permission (reference 20/05645/FUL):

- more sustainable to retain existing buildings
- loss of employment space
- proposed uses
- impact on local amenities/services
- banal/monolithic architecture
- proposed building out of keeping with surrounding area
- negative impact on daylighting and overshadowing
- increased noise and disturbance
- loss of privacy and outlook
- pressure on existing waste/recycling facilities
- increased traffic congestion and detrimental to road safety
- added pressure on existing on-street parking difficulties

Non-Material Representations

- noise and disruption during construction works
- potential damage to property as a result of construction works
- lack of response from applicant during PAC process

Conclusion

The demolition of existing buildings will preserve the adjacent listed buildings and their settings including any special architectural or historic interest they possess, with reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and in compliance with LDP Policy Env 3. The removal of the existing buildings and redevelopment of the site will preserve the character and appearance of the conservation area, with reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and in accordance with LDP Policy Env 5,

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation of Development for planning permission application reference 20/05645/FUL.

Reasons:-

1. In order to safeguard the character of the conservation area.

Informatives:-

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. As this application involves the demolition of unlisted buildings in a conservation area, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow us the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the Consent Application Referral Form found at www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was originally advertised on 18 September 2020 . A total of 16 representations were received, all objecting to the proposals.

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

Background reading/external references

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

Statutory Development

Plan Provision

The site is within an urban area and Local Centre as defined in the Edinburgh Local Development Plan (LDP).

Date registered

16 December 2020

Drawing numbers/Scheme

01,02A,03,04,05B,06A,07A,08B-12B,13A,14B,15B,16A,17-19,20A,,21A,22B,23,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

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

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

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

Relevant Non-Statutory Guidelines

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

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

Relevant Government Guidance on Historic Environment.

HES Interim Guidance on Conservation Area Consent sets out Government guidance on the principles that apply to the demolition of unlisted buildings in conservation areas

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 Conservation Area Consent 20/05646/CON At Centrum House, 108 - 114 And 116 Dundas Street, Edinburgh Complete demolition of existing buildings

Consultations

Historic Environment Scotland

Centrum House, 108 to 114 Dundas Street, consists of two separate office buildings (originally BUPA House and Sutherland House) constructed during the 1980s. The unlisted buildings are situated within the New Town Conservation Area, with the boundary of the Old and New Towns of Edinburgh World Heritage Site immediately adjacent to the south, running along the middle of Fettes Row.

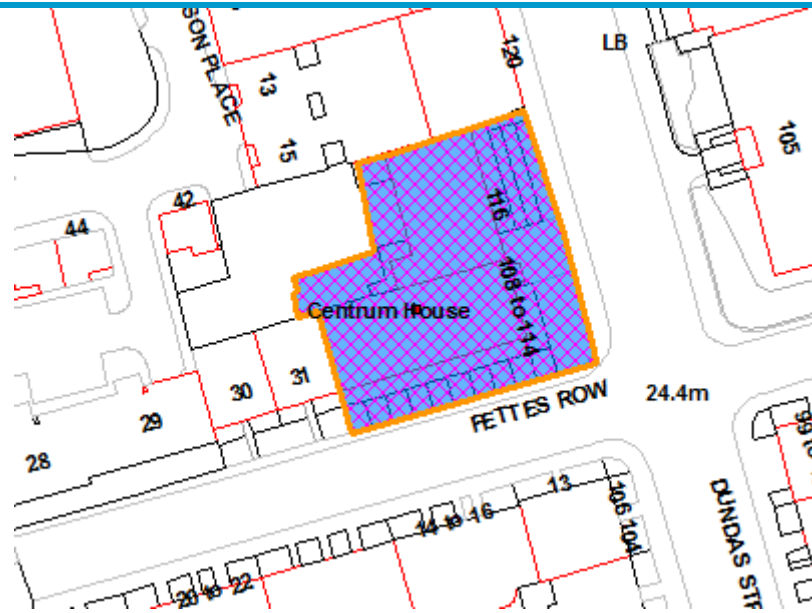
We consider that the existing buildings make a very limited contribution to the New Town Conservation Area and therefore we have no concerns with their redevelopment. We will assess the impact of the new building on the World Heritage site and adjacent A listed buildings under the separate consultation for planning permission.

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.

Archaeology

Although occurring with Edinburgh's New Town and within an area associated with medieval industry and farming, the construction of the 1980's office blocks making up Centrum House has almost certainly removed any significant archaeology across the site. Therefore, it has been concluded that in this instance there are no known, significant, archaeological implications regarding these linked applications.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END