

# Notice of meeting and agenda

## Development Management Sub-Committee

**1.00 pm Wednesday, 23rd 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

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## 1. Order of business

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- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 21 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

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

## 3. Minutes

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- 3.1 None.

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

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

### Pre-Applications

- 4.1 Report for forthcoming application by West Craigs Ltd c/o Cardross Asset Management for Proposal of Application Notice at site 100 metres East of 194, Glasgow Road, Edinburgh. Mixed use development incorporating class 4 (business), class 5 (general industrial), class 6 (storage or distribution), class 9 (houses), flatted development (sui generis), active travel routes, landscaping, access, and associated ancillary development - application no 21/01364/PAN – Report by the Chief Planning Officer 9 - 16
- 4.2 Report for forthcoming application by Ladybank Developments Limited. for Proposal of Application Notice at land 175 metres North of 22, Haymarket Yards, Edinburgh - Student accommodation with associated ancillary development, landscaping and access - application no 21/02263/PAN – Report by the Chief Planning Officer 17 - 22

### Applications

- 4.3 The Old Dairy House, Dundas Home Farm, South Queensferry (at land 405 metres North West of) - Proposed MBNL 25.00m High FLI Tree Mast mounted on 5.50 x 5.50m reinforced concrete base and associated ancillary works - application no 20/05809/FUL – Report by the Chief Planning Officer 23 - 40
- It is recommended that this application be **GRANTED**.
- 4.4 8 Shandwick Place, Edinburgh, EH2 4RP - Change of use from residential and storage to short stay let accommodation - application no 21/02525/FUL – Report by the Chief Planning 41 - 52

Officer

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

## 5. Returning Applications

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

5.1 None.

## 6. Applications for Hearing

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

6.1 None.

## 7. Applications for Detailed Presentation

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

7.1 25 Marine Drive, Edinburgh (At Land 220 Metres North East Of) - Residential flatted development with associated roads, parking and landscaping works - application no 21/00457/FUL – Report by the Chief Planning Officer 53 - 98

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

7.2 1 Middle Meadow Walk, Edinburgh - to erect a temporary outdoor structure to create a performance venue as part of Underbelly's Circus Hub open air event site for the Edinburgh Festival Fringe. The venue will host a programme of world class circus performance by Middle Meadow Walk on the North side of the Meadows. The venue will be a recognised temporary structure, 99 - 112

regulated under temporary demountable structures V4 -  
application no 21/02736/FUL – Report by the Chief Planning  
Officer

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

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

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

8.1 None.

### **Andrew Kerr**

Chief Executive

## **Committee Members**

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

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

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

## **Further information**

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

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

## **Webcasting of Council meetings**

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

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

## Development Management Sub Committee

**Wednesday 23 June 2021**

**Report for forthcoming application by**

**West Craigs Ltd c/o Cardross Asset Management for  
Proposal of Application Notice**

**21/01364/PAN**

**at site 100 metres East of 194, Glasgow Road, Edinburgh.  
Mixed use development incorporating class 4 (business),  
class 5 (general industrial), class 6 (storage or distribution),  
class 9 (houses), flatted development (sui generis), active  
travel routes, landscaping, access, and associated ancillary  
development.**

**Item number**

**Report number**

**Wards**

B01 - Almond

### **Summary**

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The purpose of this report is to inform the Development Management Sub-committee of a forthcoming application for Planning Permission in Principle for a mixed use development incorporating Class 4 (Business), Class 5 (General Industrial), Class 6 (Storage or Distribution), Class 9 (Houses), flatted development (Sui Generis), active travel routes, landscaping, access, and associated ancillary development at site 100 Metres East Of 194 Glasgow Road Edinburgh.

## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## Recommendations

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

## Background

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### 2.1 Site description

The site is located immediately to the north of Glasgow Road (A8). The south west corner of the site is occupied by the Gogar Burn tram stop and the red line extends across the A8 to include the Gogar Station Road junction with the A8. Edinburgh Airport lies to the north of the application site and the Edinburgh Tram depot, Gogar Roundabout and Edinburgh Gateway station are located to the south and south east of the site. The site is bound to the east by the east coast mainline railway and the Edinburgh Tram line and Gogar Burn are located to the west of the site.

The site is currently vacant arable land and the prevailing land levels across the site generally rise from the Edinburgh Tram Depot and the tram line in the vicinity of the Edinburgh Gateway Interchange, to the western and northern peripheries of the site.

There are numerous physical features within the site including a Category B listed church and graveyard, landscape setting and trees. In addition to these features the site also contains existing access roads including Myreton Drive and a tree-lined avenue providing access to Castle Gogar which lies to the north-west of the site on the western side of the Gogar Burn.

### 2.2 Site History

- 14 October 2014 - Proposal of application notice was approved for 'Mixed use development incorporating Class 4 (excluding offices), Class 5, Class 6 and residential development, landscaping, associated access, and all ancillary development' at a Site 100 Metres East Of 194 Glasgow Road, Edinburgh (application reference: 14/04157/PAN).
- 15 March 2016 - Proposal of application notice was approved for 'mixed use development incorporating Class 4 (Business), Class 5 (General Industrial), Class 6 (Storage and Distribution), Class 7 (Hotel), Class 9 (Houses), Class 11 (Leisure), Student Accommodation (Sui Generis), landscaping, associated access and all ancillary development' at a site 100 Metres East of 194 Glasgow Road, Edinburgh (application reference: 16/00927/PAN).

6 August 2020 - an application for planning permission in principle is pending consideration for 'Mixed use development including business and employment uses (use classes 4, 5 and 6); residential (class 9) and sui generis flatted development (including affordable and student accommodation); hotels (class 7); ancillary uses including retail (class 1), financial and professional services (class 2), food and drink (class 3 and sui generis), non-residential institutions (class 10), assembly and leisure (class 11) and associated works including car parking, servicing, access and public realm at Land to South West Of Meadowfield Farm, Turnhouse Road (application reference: 20/03219/PPP). The application is currently subject to an appeal to the Scottish Ministers.

- 18 March 2021 - an application for the approval of matters specified in conditions in respect of conditions 1, 4, 5 and 6 of planning permission in principle 18/07600/PPP was approved (application reference: 20/01148/AMC). The application relates to details for a pedestrian and active bridge crossing over the railway.
- 18 January 2021 - an application for full planning permission for the 'formation of new access road and active travel route from east of terminal building to Gogar Roundabout' at Main Terminal 1, Edinburgh Airport, Jubilee Road is currently pending consideration (application reference: 21/00217/FUL).

## Main report

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### 3.1 Description of the Proposal

The applicant proposes mixed use development incorporating Class 4 (Business), Class 5 (General Industrial), Class 6 (Storage or Distribution), Class 9 (Houses), flatted development (Sui Generis), active travel routes, landscaping, access, and associated ancillary development.

Detailed information relating to master planning and site layout, the extent of the uses proposed, access and other matters is not submitted at this stage.

### 3.2 Key Issues

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

#### **a) The principle of the development would be acceptable in this location.**

The application site is located in the urban area as identified by the Local Development Plan (LDP). The site also lies within the area designated in the LDP as an International Business Gateway (IBG). Requirements for development proposals in the IBG are set out in LDP policy Emp 6 (International Business Gateway) and Table 2 of the LDP with additional matters to be addressed specified in the LDP Development Principles for the IBG.

Other notable LDP policy and considerations that will need to be addressed at this site include the Road Safeguard Improvement T9 (Gogar Link Road) which is shown in the LDP proposals map to be within the site boundary, the Existing Tram Route T1 and the Cycleway Footpath Safeguard T7 (Maybury - Edinburgh Gateway Station). The Gogar Burn Local Nature Conservation Site which is located to the west of the site boundary and bounds its northwest corner and must be considered in the context of LDP policy Env 15 (Sites of Local Importance).

An area of land allocated for airport use interfaces with the northern site boundary and the applicant will be required to consider how the proposal will be compatible with this neighbouring land use. A small portion of the proposed red line boundary extends across the A8 at the southern boundary at Gogar Station Road; this is an area of green belt, part of the Gogar Special Landscape Area and part of the RBS Headquarters at Gogarburn and any inter-relationships with these allocated land uses should be addressed by the applicant where applicable.

**b) The design, scale and layout are acceptable within the character of the area.**

The proposal will be considered against the provisions of the LDP design policies and the Edinburgh Design Guidance.

The LDP allocates the site as part of the IBG and safeguards a route for the Gogar Link Road within this area. Development Principles for the IBG allows for business-led mixed-use proposals in this area and the applicant must consider the proposal in this context. Important considerations will include phasing and integration with surrounding land uses in relation to other parts of the IBG. Other matters including constraints and opportunities presented by existing trees, landscaping, the Gogar Burn and historic buildings as well as nearby infrastructure including the A8, tram depot and operational airport land will be important design considerations.

The amount of space dedicated to each of the land uses that the applicant proposes as part of any application will need to address a wide variety of LDP policies and the Edinburgh Design Guidance.

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

The applicant will be required to provide transport information that demonstrates how the proposal prioritises active travel and is aligned with parking standards, including service arrangements and cycle parking provision.

Detailed information will also be required on the impact on traffic flow on local roads such as the Gogar roundabout and access to public transport which includes nearby bus routes, Gogarburn tram stop and the Edinburgh Gateway train station in this area.

In addition to the LDP, the application must demonstrate how the proposal will comply with the Edinburgh Design Guidance and the Edinburgh Street Design Guidance.

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

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

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Site masterplan to include proposed quantum of uses, access routes, block structure, open spaces, building heights and form. The design relationship with surrounding IBG masterplan proposals to the west must be demonstrated;
- Transport Assessment;
- Landscape and visual impact assessment (LVIA);
- Landscape masterplan and strategy;
- Flood Risk Assessment, Drainage Strategy and Surface Water Management Plan;
- Ecological Impact Assessment and any subsequent surveys and mitigation;
- Archaeological and heritage information;
- Ground Contamination Report;
- Air Quality Impact Assessment;
- Noise Impact Assessment;
- Tree Survey and resulting protection and/or mitigation measures and
- Sustainability information.

The above is not an exhaustive list and other supporting details, or assessments may be identified prior to the application being submitted or during the application assessment stage.

*Environmental Impact Assessment*

The proposal and site will need to be screened under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, to determine whether an Environmental Impact Assessment is required.

**3.3 Assessment**

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

## Financial impact

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## Risk, Policy, compliance and governance impact

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

## Equalities impact

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

## Sustainability impact

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

## Consultation and engagement

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### 8.1 Pre-Application Process

Pre-application discussions took place on this application.

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

In light of the ongoing Covid-19 situation, Scottish Government guidance on pre-application consultation makes provision for public consultation to be carried out without the need for a face to face public event.

Following receipt of the proposal of application notice (PAN) the applicant has given details of a dedicated project website ([www.westcraigssouth.co.uk](http://www.westcraigssouth.co.uk)) where members of the public can view proposals and submit comments or questions. The website was launched on Monday 07 June 2021. In addition, a live event between 3pm and 7pm on Thursday 17 June 2021 will be held with members of the project team available to answer questions via email, phone or webchat. The event was advertised in the Edinburgh Evening News on 07 June 2021 which is more than seven days prior to the event being held. The applicant confirms that posters advertising the event will be placed in nearby public places where possible in advance of the event. The final date for comments/questions from interested parties will be Thursday 01 July 2021.

The results of this consultation will be submitted with the future planning application as a Pre-application Consultation Report.

Ratho and District Community Council and Corstorphine Community Council have been notified of the proposal. Councillors and other parties who have been notified by the applicant of the PAN by the applicant are: The Lodge House; Castle Gogar; Gogar Cabinet Workshop; Friends of Cammo; New Ingliston Ltd; Network Rail; Edinburgh Trams; Edinburgh Airport; RBS Gogarburn; North West Locality Community Planning Partnership; Alex Cole-Hamilton MSP; Cllr Graham Hutchison (Almond Ward); Cllr Kevin Lang (Almond Ward); Cllr Norman Work (Almond Ward); Cllr Louise Young (Almond Ward).

## Background reading/external references

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

### David Givan

Chief Planning Officer

PLACE

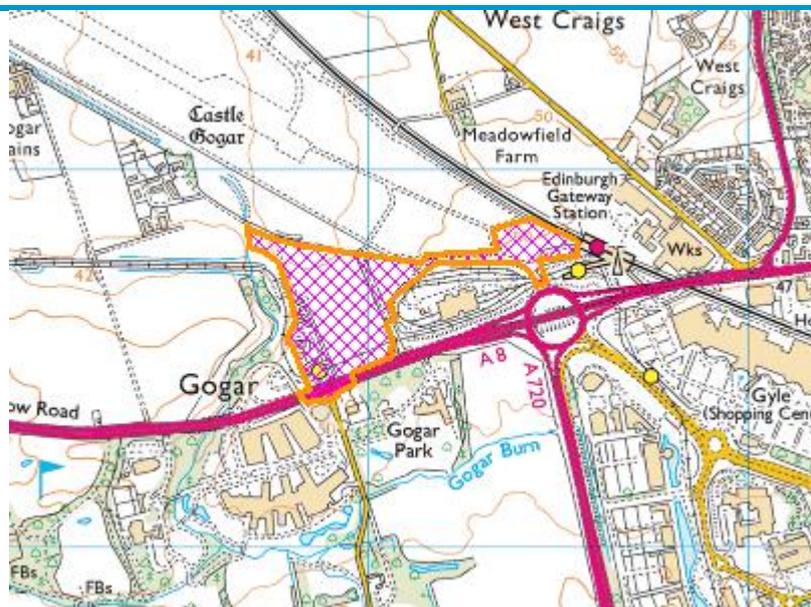
The City of Edinburgh Council

Contact: Sean Fallon, Planning Officer

E-mail: [sean.fallon@edinburgh.gov.uk](mailto:sean.fallon@edinburgh.gov.uk) Tel: 0131 469 3723

## Location Plan

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END

## Development Management Sub Committee

**Wednesday 23 June 2021**

**Report for forthcoming application by**

**Ladybank Developments Limited. for Proposal of Application Notice**

**21/02263/PAN**

**at land 175 metres North of 22, Haymarket Yards, Edinburgh.  
Student accommodation with associated ancillary development, landscaping and access.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for full planning permission at land 175 metres North of 22 Haymarket Yards, Edinburgh, for student accommodation with associated ancillary development, landscaping and access.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice (planning reference: 21/02263/PAN) on 23rd April 2021.

### Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## **Recommendations**

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

## **Background**

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### **2.1 Site description**

The application site is an area of vacant land located between Haymarket Terrace, Haymarket Yards and Devon Place.

To the north of the site is Apex House a purpose built office accommodation constructed in the 1990's. This building has a stepped profile ranging from five to six storeys and is clad in aluminium curtain walling.

To the south is two modern office developments, Interpoint building and Elgin House. Five storey residential properties lie to the north east of the site.

The topography of the site is relatively flat. There is approximately 3 metres of a difference in level between Devon Place and the south west corner of the application site.

Within 200 metres of the site is Haymarket railway station.

### **2.2 Site History**

08th Feb 2018 Granted planning permission for the erection of student housing with associated ancillary development including landscaping and access works (as amended) (planning reference 16/04400/FUL).

## **Main report**

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

The applicant proposes to apply for planning permission for student accommodation with associated ancillary development, landscaping and access.

### **3.2 Key Issues**

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

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

The application site is located within the urban area allocation within the Edinburgh Local Development Plan. The application will be assessed against the relevant policies, including LDP Hou 1 and Hou 8, in addition to the non-statutory guidance in respect of Student Housing.

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

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

A Design and Access Statement will be required to support the planning application.

**c) Occupier and Neighbouring Amenity**

Supporting information is required to show the site's relationship to the various surrounding land uses to ensure that neighbouring amenity is adequately protected, and a good level of residential amenity can be achieved for future occupants of the site.

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

Daylighting, Privacy and Sunlight Analysis will be required.

**d) The proposed access arrangements, connectivity and parking levels are acceptable.**

Requirements set out in the Council's Student Housing Guidance relating to location for student accommodation and LDP transport policies will apply to the proposal.

The application will be supported by a Transport Statement.

The applicant will be required to demonstrate vehicular access and how the proposal complies with parking standards including service arrangements and cycle parking provision. The proposal should make provision for car, cycle, electric and disabled vehicles as set out in the Council's Parking Standards.

**e) The proposal has acceptable impacts on infrastructure**

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

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

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

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Viewcones of Protected Views
- Sustainability Form S1;
- Daylight, privacy and overshadowing information;
- Transport Statement;
- Waste management information;
- Protected species information/extended phase 1 survey;
- Ground investigations/Site investigations;
- Flooding risk and drainage information;
- Noise/air quality information;
- Detailed hard and soft landscape plan and planting schedule;
- Surface Water Management Plan;

The proposals will be required to be screened under Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **3.3 Assessment**

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

### **Financial impact**

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

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

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

### **Equalities impact**

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

### **Sustainability impact**

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

## Consultation and engagement

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### 8.1 Pre-Application Process

Pre-application discussions took place on this application.

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

The Proposal of Application Notice outlined arrangements for a public consultation comprising an interactive virtual event to take place on the 9th June 2021.

The event was advertised in the Edinburgh Evening News at least seven days prior. Notices detailing the event and proposal were displayed at the site as well as an information link accessible online.

On 23rd April 2021 the applicant submitted a copy of the Proposal of Application Notice (PAN) to the West End Community Council and Murrayfield Community Council, along with a copy to Cllr Doran, Cllr Miller, Cllr Mowat and Cllr Rankin.

### Background reading / external references

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

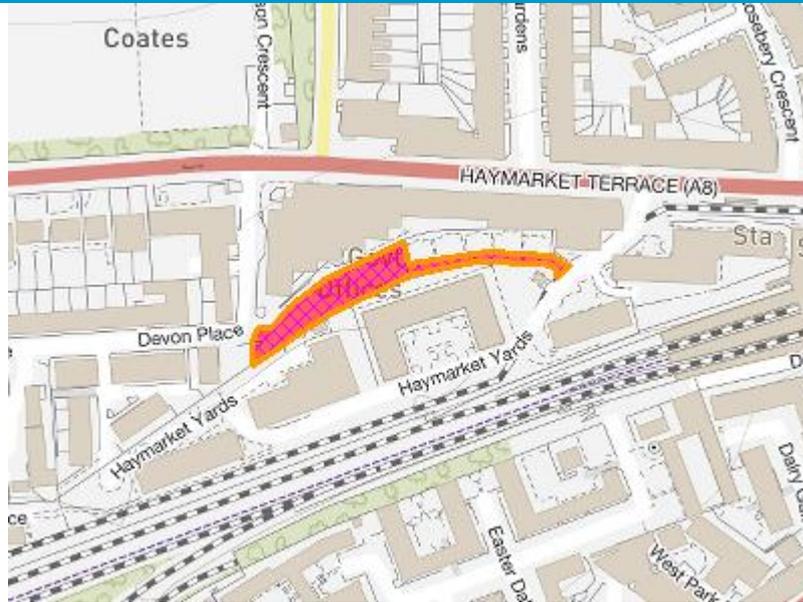
#### David Givan

Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Sonia Macdonald, Planning Officer  
E-mail: [sonia.macdonald@edinburgh.gov.uk](mailto:sonia.macdonald@edinburgh.gov.uk) Tel: 0131 529 4279

## Location Plan

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**END**

## Development Management Sub Committee

Wednesday 23 June 2021

**Application for Planning Permission 20/05809/FUL  
at land 405 metres North West of The Old Dairy House,  
Dundas Home Farm, South Queensferry.  
Proposed MBNL 25.00m High FLI Tree Mast mounted on  
5.50 x 5.50m reinforced concrete base and associated  
ancillary works.**

**Item number**

**Report number**

**Wards**

B01 - Almond

### Summary

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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 will also comply with the adopted Edinburgh Local Development Plan and will not detract from the landscape quality and/or rural character of the area. It will not have a significant adverse impact upon the Special Landscape Area or cause a detrimental impact upon the site recorded in the inventory of Gardens and Designed Landscapes. It has been shown that all practicable options and alternative sites have been considered and that the visual impact of the proposal has been minimised.

There are no material planning considerations which outweigh this conclusion.

### Links

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[Policies and guidance for this application](#)

LDPP, LRS07, LDES01, LDES05, LEN03, LEN07, LEN09, LEN10, LEN16,

# Report

**Application for Planning Permission 20/05809/FUL  
at land 405 metres North West of The Old Dairy House,  
Dundas Home Farm, South Queensferry.  
Proposed MBNL 25.00m High FLI Tree Mast mounted on 5.50  
x 5.50m reinforced concrete base and associated ancillary  
works.**

## Recommendations

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

## Background

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### 2.1 Site description

The application site occupies an area of an open wedge-shaped field within the green belt to the north-east of Dundas Castle and south of the M90 extension. The centre of South Queensferry is approximately 1.5km north-east of the site. The site sits north of a farm track and a single-track road which runs through Dundas Home Farm off the B800. The application site forms part of the Dundas Special Landscape Area (SLA) and the Dundas Castle Historic Gardens and designed Landscape (designated 31 March 2001, ref GDL00151).

Dundas Castle is a category A listed Gothic style mansion house, dating from 1818 (listed 22 February 1971, ref. 45474) alongside a 15th century keep (listed 22 February 1971 ref. 5512).

The surrounding area is rural in nature and there are existing residences occupying the former steading of Dundas Home Farm approximately 300-400 metres to the east of the site. This building is category B listed (listed 30 January 1981, ref. 5520). There are also a number of more modern properties near to Dundas Home Farm.

Across the road from the site is also a modern livery stable business comprising stable block, cabin and bedding store and a two-storey dwelling house.

### 2.2 Site History

5 October 2020. Planning permission refused for slimline lattice tower and associated ancillary works. Application Number: 20/01409/FUL.

10 March 2016. Planning permission granted for the change of use from agricultural field to form livery stable business comprising stable block, cabin and bedding store and erect associated two-storey dwelling house (as amended), on the other side of the road to the south east of the site. Application Number: 15/04910/FUL

## **Main report**

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

The application is for planning permission for the erection of a 25-metre-high telecommunications mast, mounted on a concrete plinth, with ancillary apparatus. This includes 6 cabinets that shall be installed on a secondary concrete base. The mast would be finished with mock tree foliage and will be coloured to blend in with the nearby trees. A 3-metre-wide stone access track would also be formed, with an entrance gate and a 2.4 m high fence erected around the site.

#### Supporting Documents

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

- Visualisations;
- Justification for site selection and 5G requirements.

### **3.2 Determining Issues**

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

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 this location in principle;
- b) the proposal would affect the setting of listed buildings,
- c) the proposal would have an adverse effect on the Dundas Castle Garden and Designed Landscape;

- d) the proposal would affect the character of the Dundas Castle Special Landscape Area;
- e) the proposal would have an adverse effect on protected species;
- f) the proposal would adversely affect road safety;
- g) other material considerations have been addressed and
- h) any comments received have been addressed.

(a) Principle

LDP policy Env 10 (Development in the Greenbelt and Countryside) states that within the greenbelt and countryside development will only be permitted where it meets one of four criteria and would not detract from the landscape quality and/or rural setting of the area.

*Criteria (a) states for the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any structures are of a scale and quality of design appropriate to their use.*

LDP policy Rs 7 (Telecommunications) states that *Planning permission will be granted for telecommunications development, provided*

*(a) the visual impact of the proposed development has been minimised through careful siting, design and where appropriate, landscaping*

*(b) it has been demonstrated that all practical options and alternative sites have been considered, including the possibility of using existing masts, structures and buildings and/or site sharing*

*(c) the proposal would not harm the built or natural heritage of the city*

The applicant has stated that this is the only practicable location in which the proposal could be sited in order to provide the required 5G signal for the nearby area and to minimise its impact on the surrounding area. All alternative sites have been considered, including the possibility of using existing masts, structures and buildings and/or site sharing. The applicant has confirmed that the existing site for the mast is no longer viable as it is within an area designated for mixed uses. They have confirmed that the cell search areas for 5G are extremely constrained with a typical radius of 250 metres, meaning it would not be feasible for the proposal to be positioned out with this locale.

Therefore, in order for the directly surrounding area, including South Queensferry, to receive a Three and EE 5G signal this countryside location is essential. The proposal complies with criterion (a) of LDP policy Env 10.

Whilst the application site is sensitive, being located within a Special Landscape Area and a Designated Garden and Designed Landscape, the visual impact of the proposal has been minimised by several factors.

The field in which the development is proposed is relatively plain. The recent extension to the M90 motorway has been constructed at the bottom of this field, to the north, approximately 120 metres from the site. The motorway is located up a raised embankment which has been planted with trees. This provides the site with some screening and this level of screening will increase over time as these trees grow.

The nearest properties to the north, within South Queensferry, which shall directly face the proposal, are located approximately 500 metres away from the site. It is acknowledged that there is a planning permission in principle application for housing, to the north of the motorway, which is currently minded to grant, but this development will be a minimum of approximately 200 metres away from the site.

Directly to the east and west of the site is an expansive farmers field. The properties which make up Dundas Home Farm are a minimum of approximately 300 metres to the east of the site and these dwellings are screened by mature trees which line the edge of the field. The proposal will not be overly noticeable from this cluster of dwellings. It should also be noted that the properties at Dundas Home Farm are accessed off the B800 and residents will not have to pass the site in order to get to their dwellings.

To the rear of the site is an area of land which in 2015 was granted planning permission for the change of use from agricultural field to form livery stable business comprising stable block, cabin and bedding store and erect associated two-storey dwelling house. However, the dwelling house is sited approximately 180 metres from the application site and will not directly face the proposal.

The land to the south of the site continues to slope upwards towards a line of large, mature trees which are approximately 150 metres away. These trees are part of a local nature conservation area. They largely cover the northern boundary of Dundas Castle. These trees are substantial and as the visualisation provided shows the height of the mast will not greatly extend above the line of these trees. The proposal shall therefore not significantly break the skyline. The castle itself is located approximately 550 metres away from the site and it and the most valuable part of its gardens are screened by these trees.

The plans that have been submitted with the application show that the element of the road which is public ends around the Dundas Home Farm buildings and is then a small, private, single track road. This road is not in the best of condition and it is unlikely to be regularly utilised as a route to Dundas Castle.

The applicant has also proposed to disguise the mast as a tree. The Edinburgh Guidance for Communication Infrastructure states in its good design guidance that *In all locations techniques to disguise or conceal equipment shall be encouraged*. It shows a photograph of a mast which has been disguised as a tree as a good example of a solution.

The proposal is of a scale and quality of design that is appropriate for its use.

The proposal will largely be seen from distant views only. As it will be disguised to look like a tree, at a distance it will blend in with the large line of trees within the local nature conservation area to the south (rear) of the site. It must also be acknowledged that the directly surrounding landscape quality and rural character of the area has already been significantly altered by recent developments such as the motorway extension and livery stable business. The proposal on balance will not detract from the landscape quality/or rural setting of the area.

As will be discussed below in detail, the proposal will not harm the built or natural heritage of the city.

The proposal complies with LDP policy Env 10 and Rs7.

#### (b) Impact on 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 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.

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

Dundas Castle, which is a category A listed building, is located approximately 550 metres from the application site. It is also noted that there is a tall mature bank of trees that form the local nature conservation area between the application site and the castle. The visualisation supplied shows that the height of the mast will not significantly intrude over the height of these trees. The development will also not be constructed on the main approach to the listed building.

Dundas Home farm, a category B and C listed group of buildings is located a minimum of approximately 300 metres from the site. The site is also screened from these buildings by a tall, mature line of trees to the east. The proposal will not have an adverse impact on the setting of the listed buildings given its position and distance from the grouping. It should also be noted that the properties at Dundas Home Farm are accessed off the B800 and will not have to pass the site in order to get to their properties.

Historic Environment Scotland offered no comments or objections to the proposal.

The proposal will not affect how the historic buildings are understood, appreciated or experienced. The proposal complies with LDP policy Env 3 and HES Managing Change in the Historic Environment guidance notes on setting.

### (c) Impact on Historic Garden

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Gardens and Designed Landscapes states that *Gardens and designed landscapes are by their nature evolving. Including a site on the Inventory helps to ensure that change is managed in an appropriate way. It encourages owners, developers and decision makers to protect and enhance the positive qualities and significance of a site and its constituent elements. This means seeking to retain key landscape features and characteristics for the future, while allowing the landscape to adapt. Carefully managed change will ensure that the elements which justify the designation of a site are protected and, where appropriate, enhanced.*

*Inventory sites often have a planned relationship with landscape features beyond their boundaries, and these surroundings may contribute to the way they are experienced, understood and appreciated. Land out with the boundary may provide a backdrop to a mansion house or terminate a vista. This 'borrowed' land is used as a feature to be enjoyed from the Inventory site.*

*Development outside an Inventory site boundary may therefore impact on the site's setting - for example, if it would affect a deliberately planned outward view. Proposals should be carefully designed and located to minimise any such impacts.*

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

Historic Environment Scotland's Inventory of Gardens and Designed Landscapes states of Dundas Castle *A significant, well-documented 18th century landscape remodelled in the 19th century. The 19th century picturesque landscape, incorporating 18th century features, is still largely intact with notable picturesque walks and views around the loch*

The application site is within a secondary area of the Historic Garden and Landscape, set away from the castle and its main areas of gardens which are screened by a line of tall mature trees. The field in which the development is proposed is relatively plain. It must be noted that there is also the new motorway extension directly to the north of the site and a large area of land which is now allocated for a mixed use development is also located within the northern element of the Historic Garden and Landscape.

Historic Environment Scotland and Nature. Scot were consulted and offered no comments or objections to the proposal in this regard.

The proposal complies with LDP policy Env 7 and HES Managing Change in the Historic Environment guidance notes on gardens and designed landscapes.

### (d) Impact on Special Landscape Area

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

With regards to the defined Dundas SLA, The Edinburgh Review of Local Landscape Designations states

*An extensive, wooded, designed landscape, centred around the low rise of Dundas Hill (110 m AOD) and country house of Dundas Castle. Dundas' parkland trees, roundels and perimeter woodlands coalesce to form a wooded mount flanked by farmland, which is a recognisable and scenic feature in views from the main arterial routes of the A904, B800, A8000, A90 and M9 to the northwest of the city. Dundas also provides a verdant backdrop to South Queensferry in views from the southbound carriageway of the Forth Road Bridge, echoing the wooded landform of Dalmeny Estate to the east.*

*Dundas is a relatively intact example of the designed landscapes found on Edinburgh's periphery. Extensive woodlands, ornamental woodland gardens and the Lily Loch are set out in the 19th century Picturesque manner below the dramatic crag and southwest scarp of Dundas Hill. The main parkland, now in use as golf course, is laid out on long east-facing slopes below the 'A' listed Dundas Castle. This gives way to well managed farmland structured by shelter belts and woodland to the east, which contribute to the setting of Dundas and form visual links with the policies influences across the B800.*

*Access is limited to occasional public events, during which the sense of naturalness and tranquillity provided by the perimeter woodlands can be experienced. Outward vistas focus towards the Pentland Hills, Firth of Forth and Forth bridges.*

The application site is near the edge of the defined SLA. Whilst the proposal will be seen, this will largely be in distance views and it will be disguised by being designed to look like a tree against the backdrop of the trees in the local nature conservation area. It will not have a significant adverse effect on the defined SLA.

In order to ensure the safety of aircraft approaching or departing from Edinburgh Airport, the mast would have a safety beacon attached to the top of it. It is acknowledged that the light would be a visible feature of the development during the hours of darkness, particularly in the semi-rural context of the location. However, given it is required for aircraft safety, and would only be readily discernible at certain times, the visual impact is justified and acceptable.

The proposal complies with LDP policy Env 11.

#### (e) Protected Species

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.

The proposal does not involve the removal of any trees. With regards to the operation of the site the applicant has stated that bats, like all other mammals, are safe to occupy the space around the site without any impact to their well-being. They state that masts operate on low power levels and equally any transmission from the site does not affect bats as they use eco-location which is completely different to radio frequency. The applicant has stated that there are tens of thousands of telecoms sites in the UK none of which have any impact on bats.

The proposed mast will have no impact on protected species and complies with Policy ENV 16.

#### (f) Roads

The proposal would constitute functional, operational development and would not generate a significant level of traffic. The Roads Authority has stated that it has no objections to the proposal. It would have no adverse impact on road safety.

#### (g) Other Material Considerations

##### *Importance of telecommunication infrastructure*

Scottish Planning Policy (SPP) states that the planning system should support:

- development which helps deliver the Scottish Government's commitment to world-class digital connectivity;
- the need for networks to evolve and respond to technology improvements and new services;
- inclusion of digital infrastructure in new homes and business premises; and
- infrastructure provision which is sited and designed to environmental impacts to a minimum.

Paragraph 306 of the LDP states that *the provision of new telecommunication infrastructure is essential to economic competitiveness.*

It is noted that the roll out of 5G is a Scottish Government priority and that the provision of telecommunication infrastructure is essential for not just economic competitiveness but also for social inclusivity and well being.

##### *Edinburgh Airport*

Edinburgh Airport were consulted as part of the assessment of the application. It has confirmed that it has no objections subject to a condition being attached to the consent in relation to the obstacle light proposed to be installed to the top of the mast and an informative being applied in relation to the potential use of cranes.

## (g) Representation

### **Material Objections**

- the proposal would have an adverse effect on the character of the area, the Special Landscape area and the Historic Gardens and Designed Landscapes- this is addressed in section 3.3 a, c & d)
- the proposal would have an adverse impact on the setting of the nearby statutorily listed buildings- this is addressed in section 3.3 b)
- the proposal would adversely impact neighbouring residential amenity- this is addressed in section 3.3 a &c)
- the proposal would have an adverse effect on protected species- this is addressed in section 3.3. e)
- the proposal would adversely affect road safety and access- this is addressed in section 3.3 f)
- The proposal is not in compliance with LDP policy Env 10- This is addressed in section 3.3 a
- The proposal is not in compliance with LDP policy Rs7- This is addressed in section 3.3 a.

### **Non-Material Objections**

- Impact on health; potential health issues are non-material in the assessment of a planning application relating to telecommunications apparatus. The application has been accompanied with an ICNIRP certificate. It should also be noted that National Planning Guidance (SPP) makes it clear that issues such as health in the context of telecommunications are matters that are controlled and regulated by other legislation, not the planning system. It is not necessary for planning authorities to treat radiofrequency radiation as a material consideration.
- Accuracy of the drawings submitted as part of the application. The drawings and supplementary information is sufficient to allow the planning authority to determine the application.
- The road leading up to the site is private- This is a civil matter between interested parties.

### **Community Council**

The Queensferry and District Community Council submitted a late letter of support for the proposals.

### **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 will also comply with the adopted Edinburgh Local Development Plan and will not detract from the landscape quality and/or rural character of the area. It will not have a significant adverse impact upon the Special Landscape Area or cause a detrimental impact upon the site recorded in the inventory of Gardens and Designed Landscapes.

It has been shown that all practicable options and alternative sites have been considered and that the visual impact of the proposal has been minimised.

There are no material planning considerations which outweigh this conclusion.

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

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

#### **Conditions: -**

1. In the event that equipment becomes obsolete or redundant, it must be removed, and the site reinstated to its previous condition within 3 months of the decommissioning date.
2. The proposed mast shall be painted to match that of the nearby trees prior to it becoming operational. Further details of this proposed colour shall be submitted for the written approval of the Planning Authority, prior to work commencing on site.
3. Obstacle light shall be placed on the highest part of the mast. The obstacle light must be steady state red light. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome)).
4. Further details of the proposed fencing and access gate within the site shall be submitted for the written approval of the Planning Authority prior to any works commencing on site.

#### **Reasons: -**

1. To minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory standard.
2. In the interests of visual amenity.
3. Permanent illuminated obstacle lights are required to avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport.
4. In the interests of visual 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. 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](http://www.gov.uk/government/organisations/the-coal-authority)

5. Cranes

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

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

12 letters of representation have been received in objection. The Queensferry and District Community Council submitted a late representation in support of the proposal.

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

The site is identified in the Edinburgh Local Development Plan as being located within the Green Belt.

### **Date registered**

23 December 2020

### **Drawing numbers/Scheme**

01-09,

Scheme 1

## **David Givan**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail: [robert.mcintosh@edinburgh.gov.uk](mailto:robert.mcintosh@edinburgh.gov.uk)

## **Links - Policies**

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### **Relevant Policies:**

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

LDP Policy RS 7 (Telecommunications) sets criteria for assessing telecommunication developments.

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 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 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

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

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

# Appendix 1

## **Application for Planning Permission 20/05809/FUL At Land 405 Metres North West Of The Old Dairy House, Dundas Home Farm, South Queensferry Proposed MBNL 25.00m High FLI Tree Mast mounted on 5.50 x 5.50m reinforced concrete base and associated ancillary works.**

### **Consultations**

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#### **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.

#### **Nature.Scot**

In reference to the above consultation, we've got no comment to make on this application.

#### **Transport**

No objections to the application.

#### **Archaeology**

Further to your consultation request I would like to make the following comments and recommendations concerning this application for a proposed MBNL 25.00m High FLI Tree Mast mounted on 5.50 x 5.50m reinforced concrete base and associated ancillary works.

The site lies in open farmland adjacent to the medieval Dundas Estate and within a wider area also of potential prehistoric occupation. As such associated ground-breaking works with this development have the potential for disturbing significant archaeological remains.

However, based upon the largely negative results from the archaeological evaluation in 2016 by ARCHUS (ARCHUS report 234) across the field located directly opposite, to the South, and also the limited scale of this scheme, it has been concluded that there are no known archaeological implications regarding this application.

## *Edinburgh Airport*

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

### Permanent Obstacle Lighting Scheme

Obstacle light shall be placed on the highest part of the mast. The obstacle light must be steady state red light. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome)).

Reason: Permanent illuminated obstacle lights are required to avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport.

We would also make the following observations:

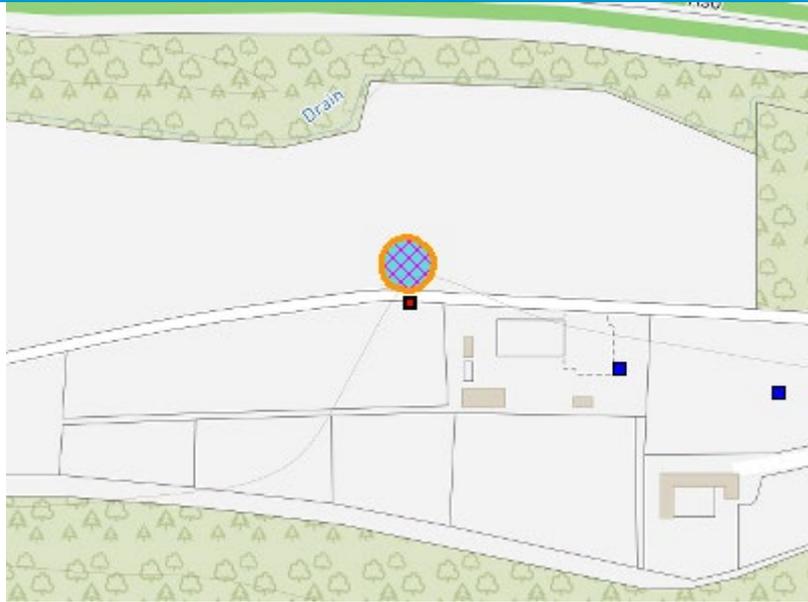
### Cranes

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

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

## Location Plan

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**END**

## Development Management Sub Committee

Wednesday 23 June 2021

**Application for Planning Permission 21/02525/FUL  
at 8 Shandwick Place, Edinburgh, EH2 4RP.  
Change of use from residential and storage to short stay let  
accommodation.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

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The change of use to short stay lets is acceptable in principle in this location and will not harm the special interest of the listed building or the defined character or appearance of the conservation area. The proposal complies with the adopted Local Development Plan. There are no material planning considerations that outweigh this conclusion.

### Links

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[Policies and guidance for this application](#)

LDPP, LHOU07, LEN04, LEN06, LDEL02, NSG, NSBUS, CRPNEW,

# Report

## **Application for Planning Permission 21/02525/FUL at 8 Shandwick Place, Edinburgh, EH2 4RP. Change of use from residential and storage to short stay let accommodation.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application relates to the first, second and third floors above a commercial unit on the north side of Shandwick Place and immediately adjacent to the corner unit on Shandwick Place and Queensferry Street.

The current use of the building is as storage for the unit below on the first and second floors. There are two residential units on the third floor.

The building was designed by Robert Paterson and built in 1880 and was C listed on 22 July 2009 (Listing Reference 51342).

The upper floors of the building to the east are accessed from Queensferry Street and the last use was as a hostel. The upper floors of the building to the west are part of an adult entertainment complex.

Shandwick Place has no car access but is a busy arterial route for buses and the tram and the site sits close to the junction between Lothian Road, Princes Street and Queensferry Street.

The site is located within the World Heritage Site.

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

#### **2.2 Site History**

15 January 1997 - planning permission granted for alterations (Planning reference: 95/13125/FUL)

27 May 2011 - planning permission refused for alterations and part change of use of existing building to form 3 no new flats at first and second floors and retain 2no existing flats at third floor level (Planning reference: 11/01095/FUL)

30 May 2011- listed building consent granted for alterations and part change of use of existing building to form 3 no new flats at first and second floors and retain 2no existing flats at third floor level. Third floor flats to be altered and refurbished (Planning reference: 11/01095/LBC)

13 August 2013 - listed building consent granted for internal alterations to create holiday hostel on 3 floors (Planning reference: 13/02509/LBC)

24 May 2017 - Planning application withdrawn for the change of use from vacant storage of a shop and residential accommodation to a hostel (class 7) (Planning reference: 13/02490/FUL). Although the application was minded to grant, the tram contribution was not paid.

3 July 2017 - no further action taken in enforcement investigation regarding unauthorised hostel use as the use ceased (Enforcement reference: 17/00165/ECOU).

10 May 2021 - listed building consent granted for alterations in relation to formation of short stay let accommodation (Planning reference: 21/00867/LBC)

11 May 2021 - planning permission refused for change of use to provide short stay holiday accommodation on 1st and 2nd floors. (Planning reference: 21/00869/FUL)

## **Main report**

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

The proposal is for change of use to form six self-contained, self-catering short term holiday let units.

Two units would be formed on each floor. The existing toilets would be removed along with some minor walls. The main alteration is on the first floor where a new partition will be formed to separate the bed from the bathroom.

The new units will consist of a double bed, seating area, small kitchen area and bathroom.

### **3.2 Determining Issues**

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

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

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

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- a) the proposed use is acceptable;
- b) the proposals preserve the character and setting of the listed building and
- c) the proposals preserve or enhance the character and appearance of the conservation area.

#### **a) Proposed Use**

The site is within the city centre where Edinburgh Local Development Plan (LDP) policy Del 2 (City Centre) permits development which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city. The policy requires uses or a mix of uses appropriate to the location of the site, its accessibility and the character of the surrounding area.

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.

It is noted that the current authorised use is storage on first and second floors and residential on the third floor. There is no policy relating to loss of residential accommodation.

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.

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.

In terms of the location of the property, the property has its own private access off Shandwick Place. There would be no interaction between local residents and visitors using these short stay properties. There are no nearby residential neighbours which may be affected by the use. Adjacent properties are all in commercial use.

To protect residential amenity a condition is recommended to ensure that the building is not used for short stay let accommodation in the event that any part of it is used as a dwelling.

Shandwick Place is a busy arterial route through the City with commercial premises on the ground floor and above. The introduction of six small self-catering units is unlikely to change the mixed character of the neighbourhood.

The units are small studios for a maximum of two people each. Local services will be used but not intensively and it is unlikely there will be any adverse impacts on the character of the locality where the new use will fit in with the mixed use nature.

The proposal complies with policies Del 2 and Hou 7.

#### b) Listed Building

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

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

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

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

The internal alterations were granted under application 21/00867/LBC.

The proposal complies with LDP Policy Env 4 and the relevant HES guidance.

#### c) Conservation Area

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

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

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

There are no proposed external alterations to the building and the appearance of the conservation area will be unaffected. In addition, there would be little change to the character of the conservation area should the use change to short stay lets.

The proposal complies with LDP Policy Env 6.

#### Conclusion

The change of use to short stay lets is acceptable in principle in this location and will not harm the special interest of the listed building or the defined character or appearance of the conservation area. The proposal complies with the adopted Local Development Plan. There are no material planning considerations that outweigh this conclusion.

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

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

#### **Conditions :-**

1. No occupation of any of building (8 Shandwick Place) as short stay let accommodation shall take place where any part of the building is being used as a dwelling.

#### **Reasons:-**

1. In the interests of protecting residential amenity.

### **Financial impact**

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

There are no financial implications to the Council.

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

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

### **Equalities impact**

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

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

### **Sustainability impact**

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

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

### **Consultation and engagement**

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

There is no pre-application process history.

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

No representations have been received.

## Background reading/external references

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

## **Statutory Development Plan Provision**

**Date registered** 12 May 2021

**Drawing numbers/Scheme** 01-05,

Scheme 1

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

Contact: Nancy Jamieson, Team Manager  
E-mail: nancy.jamieson@edinburgh.gov.uk

## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

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

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

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

# Appendix 1

**Application for Planning Permission 21/02525/FUL  
At 8 Shandwick Place, Edinburgh, EH2 4RP  
Change of use from residential and storage to short stay let  
accommodation.**

## Consultations

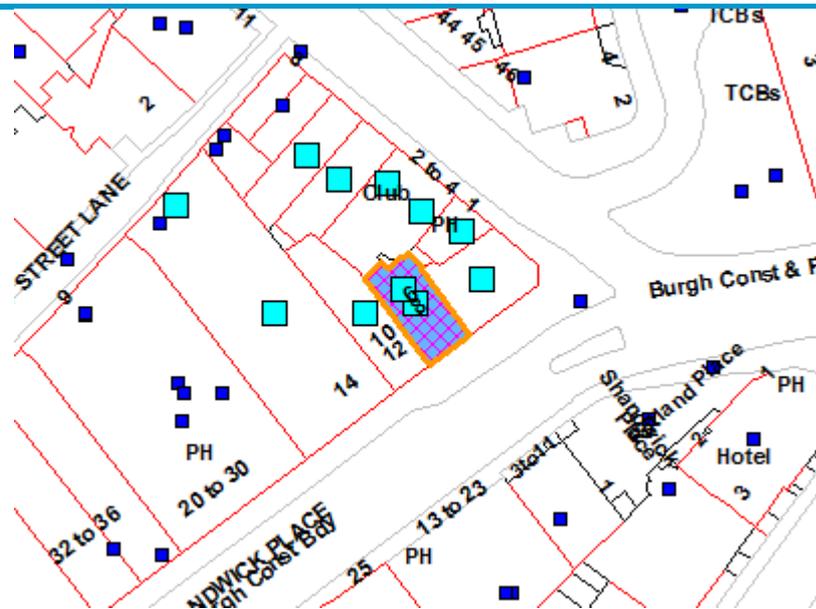
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### Roads Authority

*No objections*

### Location Plan

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**END**

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## Development Management Sub Committee

**Wednesday 23 June 2021**

**Application for Planning Permission 21/00457/FUL  
At Land 220 Metres North East Of , 25 Marine Drive,  
Edinburgh  
Residential flatted development with associated roads,  
parking and landscaping works.**

**Item number**

**Report number**

**Wards**

B04 - Forth

### **Summary**

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The principle of housing led mixed use development is supported by Local Development Plan Policy Hou 1 (Housing Development) and Policy Del 3 (Edinburgh Waterfront). The impact on the area of open space is justified against LDP Policy Env 18 (Open Space Protection) and although a number of trees are to be removed, substantial replanting is proposed.

The historical assets within the area have been assessed against the relevant legislation, guidance and LDP policies. The site was previously developed and is part of wider longstanding regeneration proposal which has an aim of creating new urban quarters in this part of the city. The setting of the adjacent Category B listed Craighroyston House will be altered but replacement planting will aid in softening any impact and the listed building will not be dominated by the proposals. 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.

The proposal provides an acceptable perimeter block layout that links into the wider area, the design, scale, height and density are appropriate for the location with adequate open space and landscaping provided. The proposals will provide an acceptable level of amenity for existing and future occupants. There are no unacceptable issues in relation to transport measures.

In all other aspects the proposal accords with the Development Plan and generally complies with the relevant Non Statutory Guidance. The proposal is acceptable. There are no material considerations that outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LPC, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LEN03, LEN09, LEN11, LEN12, LEN16, LEN18, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA02, LTRA03, LTRA04, LTRA08, LRS01, LRS06, NSG, NSGD02, NSHAFF, NSLBCA, HES, HEPS,
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# Report

## **Application for Planning Permission 21/00457/FUL At Land 220 Metres North East Of , 25 Marine Drive, Edinburgh Residential flatted development with associated roads, parking and landscaping works.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site, covering an area of approximately 8 hectares, lies in the north of Edinburgh and forms part of the Granton Waterfront area (Forth Quarter).

The majority of the existing site comprises an area of brownfield land, bound by Colonsay View, Marine Drive and West Shore Road, and an area of designated open space which forms part of the existing Forth Quarter Park and an additional area of ground to the north of Colonsay View. There are a number of existing trees on site, these are largely within the area of open space on the site and also along the northern and western boundaries of the site.

To the north of the site is green belt, the Southern Forth Coast Special Landscape Area and a local nature conservation site. To the northwest of the site is the B Listed Craigmoynton House (LB reference: LB28048, listed on 14 July 1966).

#### **2.2 Site History**

Relevant planning 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 (application reference: 00/01169/OUT).

30 April 2009 - planning permission granted for the formation of parkland area - landscaping, footpaths, swales and ancillary works at 4 Marine Drive/11 West Shore Road (application reference: 02/04578/FUL).

Land to the south of the site:

9 June 2005 - planning permission granted for 330 residential units (Plots 21 and 22) (application reference: 04/03448/FUL).

24 November 2005 - approval given for flatted housing development consisting of 247 units (in accordance with planning permission 00/01169/OUT) (Plots 18 and 19) (application reference: 04/04601/REM).

27 March 2006 - approval given for 150 affordable housing units (Plot 20) (in accordance with planning permission 00/01169/OUT) (application reference: 05/01971/REM).

## **Main report**

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

The proposal is for 444 residential units split across five blocks. This consists of 124 units for sale, 195 units for social rent, 62 units for mid-market rent and 63 units for market rent.

General:

The buildings are generally laid out as perimeter style blocks set around communal garden areas. The most northern block takes the form of a crescent building with the open space to the south.

The configuration of the streets takes the general configuration of that found within the Granton Waterfront Development Framework arranged around a north/south dogleg route through the site with east/west connections. Vehicular access is proposed from the existing residential area to the south from Colonsay View and from an access point to the west from West Shore Road. Planting has been proposed to break up the routes.

There are a series of footpath / cycle links throughout the site linking it with the adjacent areas.

Car Parking has been located throughout the site with a total of 110 parking spaces proposed, 17 of which are accessible spaces and 30 spaces are electric. Four car club spaces are proposed. Cycle storage provision (978 spaces) is located within the proposed buildings.

Within the area of open space at the south of the site, the proposals include a SUDs pond, planting and paths, a natural play area and an Air Source Heat Pump (ASHP) building. This building is single storey with a green sedum roof and the external walls are proposed to be corten steel sheets with landscaping images and living wall sections.

The proposal includes the removal of 676 trees across the site with replacement planting of 1357 trees included.

Design and Materials:

A holistic approach has been taken to the design of the blocks throughout the site with ordered fenestration used across the proposed development, with grey UPVC windows proposed. There is a mixture of balconies and Juliet balconies proposed. The roofs are sloped into the internal courtyard and photovoltaic panels proposed.

Four different types of facing brick are proposed throughout the site and are used to provide vertical banding to break up the development. Brick detailing is also proposed within the development at certain locations to provide feature elements.

Individual blocks:

Block A1 contains 92 units split into 26 x one bedroom units, 53 x two bedroom units and 13 x three bedroom units. All the units are for social rent. It contains a courtyard of 1159 sqm.

The block is located at the southern edge of the site and is set out in a horseshoe shape. The eastern elevation is more open with development only at the ground floor level which ties in with the existing development to the east. The heights vary from between six and four storeys, with the six storeys located on three of the corner sections.

Block A2 contains 103 units split into 10 x one bedroom units, 52 x two bedroom units and 41 x three bedroom units. All the units are for social rent. The block is to the north of Block A1 and set around a courtyard of 1495 sqm. The majority of the block is four storeys rising to six on the north western section adjacent to Marine Drive.

Block A3 contains 94 units into 12 x one bedroom units, 62 x two bedroom units and 20 x three bedroom units. Sixty-eight of the units are for sale and the remaining 26 are for market rent. This contains a central courtyard area measuring 876 square metres. The block is predominately four storeys with the two southern corners rising to six storeys.

Block A4 contains 56 units split into 4 x one bedroom units and 52 x two bedroom units. All the units are for sale. This is a crescent shaped block located at the north of the site. At the southern edge of the block is an area of open space covering 545sqm. The east and west wings are four storeys with the central section six storeys in height.

Block A5 contains 99 units split into 27 x one bedroom unit, 56 x two bedroom units and 16 x three bedroom units. Thirty-seven of the units are for market rent and 62 units are for mid-market rent. This contains a central courtyard area measuring 1120 square metres. This block is located to adjacent to the Forth Quarter park. It is four storeys in height with the exception of the south eastern corner section which is six storeys.

### **Supporting Documents:**

- Pre-Application Consultation Report
- Design and Access Statement
- Landscape Design Report
- Sustainability Form and Energy Report
- Site Investigation Report
- Flood Risk Assessment and Drainage Strategy
- Ecological Assessment

- Tree and Natural Heritage report
- Landscape and Visual Impact Assessment
- Air quality statement
- Archaeologist statement
- Secure by Design report
- Transportation Assessment
- Environmental waste study
- Acoustic 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.

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 and enhance the setting of the neighbouring listed buildings;
- b) the principle of development is acceptable on this site;
- c) the proposal will not have a damaging impact upon trees;
- d) the design, scale and layout are appropriate to the site;
- e) the proposals safeguard the amenity of existing occupiers and provide a satisfactory standard of amenity for future occupiers;
- f) there are any transport issues;
- g) any other material considerations are addressed;
- h) any impacts on equalities or human rights are acceptable; and
- i) representations raised have been addressed.

#### **a) Listed Buildings**

Section 59 (1) and (3) of the Listed Buildings and Conservation Areas Act provides:

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

(3) In this section, 'preserving', in relation to a building, means preserving it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character, and 'development' includes redevelopment."

If listed buildings or their settings are affected, it is necessary to consider whether the proposed development would adversely affect any of the listed buildings on the site, or any features of special architectural or historic interest which they possess, or the setting of any listed building outwith the site.

If it is found that the development would adversely affect any listed buildings, a strong presumption against the proposed development arises and it is necessary then to consider whether this development is an exceptional case where the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.

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

To the east of the site is the B listed Craigmoynton House (reference LB28048, listed 14 July 1966), this is a large mansion sitting in a wooded landscape. An objection has been received in relation to the setting of the listed building.

With the removal of some mature trees within the application site and a development of between four and six storeys there will be some localised changes arising from proposal.

The submitted Landscape and Visual Impact Assessment shows views from the seafront looking south towards the site. The proposed development will be visible through the wooded landscape. The western blocks of the development are shown as being visible behind the listed house and therefore there will be a change to the setting of the listed building from this viewpoint.

However, they are shown sitting lower than the listed house and although will fill in some of air space around the house the new development does not compete with it and the house can still be viewed and read from this location.

The LDP allocates the land for development and the Granton Waterfront Development Framework (GWDF) aims to create high density urban quarters at this location, alongside creating principle frontages to West Shore Drive. It is anticipated that development will occur on this site and the potential impact on the listed building is largely limited from the views from the north, although this will be softened by future replacement planting.

The category B listed Gas Holder (reference LB45793, listed 10 November 1998) is located some distance to the east of the site. Its environment has been greatly altered in recent years with the demolition of the majority of the associated gas works buildings, and the ongoing re-development of the locality for a variety of uses.

A view has been provided looking east from the core path within Silverknowes Golf Club. This shows development in front of the gasholder at the lower levels, but leaves the upper sections of the gas holder clearly visible. Although the development will be visible it does not diminish the structure as a landmark from this part of the city.

Furthermore, the GWDF identifies the land around the Gas Holder for development. Consequently, there will be future development of potentially three to six storeys between the application site and the gasholder. This will further urbanise the wider area adjacent to the development and therefore the proposed development on this site will not have a detrimental impact on the setting of the Gas Holder.

There will be some impacts on the setting of the listed buildings within the area with the development becoming visible from some viewpoints, particularly with regards to the relationship of the development with Craigroyston House. It is acknowledged that the character of the area (and wider area) will change, and hence there would be some impact on the setting of the listed buildings. However, when viewed in the context of a longstanding vacant, previously developed site which is part of a wider longstanding regeneration proposal which aims to create high density urban quarters the limited impact on part of the backdrop of the view to Criagroyston House is considered to have a neutral impact. Over time, replacement planting will aid in softening any impact.

The site is previously developed and is part of wider longstanding regeneration proposal which has an aim of creating urban quarters in this part of the city. Over time, replacement planting will aid in softening any impact.

Therefore, the proposals preserve the setting of the listed buildings, and are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 3 (Listed Buildings - setting).

#### b) Principle

The site is within the Edinburgh Waterfront: Forth Quarter (EW 2a) in the Edinburgh Local Development Plan (LDP). This is part of an identified housing proposal site for a major housing-led mixed use regeneration opportunity.

The LDP sets out a number of Development Principles including completing the approved street layout and perimeter block urban form and 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.

LDP Policy Del 3 (Edinburgh Waterfront) sets out that planning permission for development which will contribute towards the creation of new urban quarters at Granton Waterfront. This requires (amongst other matters) comprehensively designed proposals which maximise the development potential of the area, the provision of a series of mixed use sustainable neighbourhoods, proposals for a mix of house types,

sizes and affordability and transport measures such as the provision of a network of paths for pedestrians and cyclists.

Housing:

LDP Policy Hou 1 (Housing Development) states that priority will be given to the delivery of housing land supply and relevant infrastructure including as part of the mixed use regeneration proposals at Edinburgh Waterfront.

The approved Granton Waterfront Development Framework (GWDF) principles (February 2020) shows the site for housing-led mixed-use development.

The principle of housing on this site is supported by the LDP and the GWDF.

Open space:

The application site boundary includes a section of the Forth Quarter Park. However, aside from the creation of linkages and tree planting the application does not propose development on the main park area.

The smaller area of open space within the main part of the site is also shown as open space within the LDP Proposals Map and has been audited as part of the Forth Quarter Park in the Open Space Strategy. It is shown within the Granton Waterfront Development Framework (GWDF) as a 'local scale' open space named Western Villages Park.

Within this section of open space the proposal contains SUDs, Air Source Heat Pumps plus associated building and also sections of car parking on the fringes.

The existing area of open space is 8,901 sqm. Measuring the reconfigured area of open space to exclude the ASHP and the car parking, but retaining the SUDs pond, comes to approximately 8,140 sqm. Meaning a reduction by 761 sqm.

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

a) there will be no significant impact on the quality or character of the local environment;

The current area of open space has an appearance of being unmanaged and consists of a number of trees, including some self-seeded ones. It has informal paths and it does have an appeal as a relatively wild area. Overall, the general footprint of the area of open space will be retained and appear as green. The proposals will not impact on the character of the local environment.

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;

The site is adjacent to the wider Forth Quarter Park which is included as a large greenspace in the open space audit. The North West Locality Action Plan shows that there are no deficiencies in access to open space in this general area. The area is well

served by open space. As described above, the area, although of some value, is generally unkempt. Trees, new planting, new seating and informal play areas will continue to provide amenity value to the area.

c) the loss would not be detrimental to the wider network including its continuity or biodiversity value;

The area of open space is to be retained to some degree and will be re-landscaped. The area of open space will continue to physically link to the wider Forth Quarter Park. New formalised paths are proposed through the open space providing greater accessibility.

Section 3.3f) considers the ecological impacts of the proposals and the information submitted in the various reports. This concludes that the proposals will not have a detrimental impact on protected species.

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;

It is a relatively small area of open space that is being lost and the ASHP will result in clean, renewable, locally generated energy aimed at achieving net zero carbon for the development. The applicant's supporting information also includes the concept of 'park power' which looks at using urban green (and blue) spaces to help provide green energy and rethinking how parks are used to serve the community.

The ASHP will result in a loss of approximately 761 sqm within the current designated open space, the wider development will see the creation of approximately 5,000 sqm of new dedicated amenity space delivered within the urban blocks.

New accessible paths will provide more formal, enhanced access to the remaining area of open space, whilst the inclusion of the SUDs pond means the avoidance of underground tanks within the blocks. Wider benefits will be achieved by the proposed planting into the larger park area.

Overall, there is some impact on the existing area of open space by the inclusion of the ASHP, SUDs pond and car parking areas. However, the proposed new landscaping within the open space will have some benefits with relatively limited open space being lost to development. As green space is being retained it will not have a large impact on the character of the area, there is good access to open space in the vicinity of the site, it will continue to link in with the open space network and the proposals seek to provide clean energy for the site whilst also providing a new landscaped form. This element of the proposals is acceptable.

The principle of the proposed development is acceptable.

c) Trees

Local Development Plan Policy Env 12 (Trees) states that development will not be permitted if it is likely to have a damaging impact on these trees, unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

The tree survey states that there are 427 individual trees on the site (30 category A, 95 category B, 300 category C and 2 category U) and a further seven groups of trees containing what is described as 200 young to middle age mixtures of self-sown specimens and 405 young self-sown specimens. None of the trees within the site are covered by a Tree Preservation Order.

The majority of the trees are on the perimeter of the site, at the northern section near to West Shore Road and on the eastern part of the site adjacent to Marine Drive. There are also a number of trees within existing area of open space adjacent to Colonsay View.

A total of 676 trees are proposed to be removed. The proposals indicate that this consists of 271 individual trees (16 category A, 67 category B, 186 category C and 2 category U) with the remaining trees to be removed coming from the groups.

The proposals contain a total of 1357 replacement trees across the application site. This is split into 221 large specimen trees, 40 small trees within planting beds and 1,096 trees within the parkland woodland blocks. This represents a 1:2 replacement strategy.

The site is predominately previously developed and has been allocated for development for a number of years, with an earlier outline planning permission in place for its redevelopment.

A number of the trees are self-seeded, and the GWDF shows a general block arrangement with frontages around the perimeter where a number of the existing trees are located.

The loss of the trees will be offset by replacement tree planting, with planting being located within the parkland area, which allows the site to be developed for an acceptable urban density.

Conditions are recommended in relation to tree protection measures to safeguard the retained trees during the construction period.

#### d) Design, Scale and Layout

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

Proposals should accord with the approved Granton Waterfront Development Framework principles (February 2020), which state that the site is identified for

housing-led mixed-use development. An earlier approved master plan has been partly implemented and therefore integration with the existing adjacent flats is important.

### **Design and Layout:**

Policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

The character of the area is one of ongoing regeneration with several flatted developments recently completed to the south of the application site. The layout of these dictate the pattern of the roads for the southern part of the site. The proposed development links in with these streets.

The proposal establishes a perimeter block urban form, as set out in the LDP development principles. The layout also generally aligns with that contained within the GWDF.

The hierarchy of streets allows for primary and secondary frontages to be formed. The framework places an emphasis on the importance of frontages onto the park and also to the north onto West Shore Drive. The location of the proposed buildings ensures that spaces are overlooked. Where possible, ground floor flats have been provided with individual front door access, which will aid in providing activity to the streets.

Car parking has been dispersed around the site allowing the rear courtyard areas to be used as open space for the flatted blocks. The position of buildings is appropriate.

The elevational design is modern in appearance with ordered fenestration and feature details on the walls created by the brick work. Recessed corners and inset balconies provide visual interest. Roof parapets have been introduced and these will hide the photovoltaic panels from external views.

### **Materials:**

The GWDF sets out that a palette of robust, natural materials, which are appropriate for the waterfront conditions, should be developed. The material palette should provide coherency across character areas but allow for variety to be incorporated in terms of colour, tone, texture and mixed materials. Materials should be durable and suitable for the marine climate, e.g. brick, stone, metal panels.

The main materials proposed are a palette of four facing bricks which are used to visually subdivide the blocks and provide a vertical emphasis. The use of four types of brick will allow for a co-ordinated approach across the blocks. Details such as projecting facing brick is also proposed to add interest.

Windows are proposed to be grey in colour across the site. Double height entrances with canopies and corten cladding are also proposed.

Subject to a condition which requires details to be submitted and agreed, materials are acceptable.

## **Height**

The LDP sets out, amongst other matters, that development at Edinburgh Waterfront should create distinctive, high density urban quarters.

The adjacent development to the south of the site ranges from range from 6-8 storeys. The GWDF sets out that the majority of the site should have a height range from 3-5 storey blocks (four storey average) with some six storey blocks at key locations. The northern most block is highlighted as 4-6 storey blocks with a five storey average.

The proposed development fits in with the heights advocated within the GWDF. The main height across the site is four storeys. Higher elements have been placed on more strategic corner elements of the blocks. This includes the six storey elements that mark the entrance from Marine Drive, and also on the secondary entrance to the south where six storey corners have been used to help step the proposed development down to four from the adjacent existing 6/8 storeys.

This is largely shown by the nearby views into the site contained within Landscape and Visual Impact Assessment. This shows the site as an urban extension of the existing residential area. The proposed heights will sit comfortably with the context of the existing development to the south.

To the north of the site is land designated as greenbelt and a special landscape area. The development will not impact on the greenbelt boundary, which is formed by the existing road and trees to the north of the site at this location.

The Special Landscape Area (SLA) at this part of the city is large and wide ranging from Queensferry along to Gypsy Brae adjacent to the site. Part of the characteristics referred to in the SLA is the urban waterfront, whilst also retaining a rural feel within the urban context.

The development will rise above the existing trees in parts as shown in the submitted LVIA. This is appropriate as the development sits within the landscape context, while creating an attractive new urban area.

As the SLA sweeps towards the northern part of the city, it is inevitable that the land is more urban in character. However, the trees to the north of the application site are retained, as well as the recreational value of the wider area. The creation of new cycle ways around the edge of the site will enhance movement around this part of the city and into the greenbelt.

Density:

LDP Policy Hou 4 (Housing Density) states that the Council will seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environmental, accessibility and need to encouraging local services.

The density of the proposal is 101 dwellings per hectare (dph) when comparing the number of units 444 against the development site area of 4.38 hectares discounting the area of parkland, but not the smaller area of open space, contained within the application site.

The GWDF states that the proposed density and massing of development should ensure Granton has an urban feel, pleasant streets, well-lit back courts and people-centred spaces.

For comparison purposes, the density is comparable to that of the Marchmont tenements which the Edinburgh Design Guidance states is 99 dph.

The proposed density is acceptable for the location.

Housing Mix and Sizes:

LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical.

A range of one, two and three bedroom units are proposed across the site. A total of 90 units (20%) contain three or more bedrooms designed for growing families, which meets the requirements of the Edinburgh Design guidance.

The Edinburgh Design Guidance includes recommended internal floor areas for flat sizes. The proposal complies with these recommended minimum sizes.

The Design and Access Statement also states that the affordable housing in blocks A1 and A2 have been designed to comply with the Housing for Varying Needs standards

The Edinburgh Design Guidance states that single aspect dwellings should not make up more than 50% of the overall dwelling numbers. Across the whole of the site, 24% of the residential units are single aspect.

Overall, the design, scale and layout are acceptable. The design and layout of the proposals complies with the Policy Des 2 (Co-ordinated Development) and Policy Des 7 (Layout Design) meets the development principles set out in the LDP for the site. The height and materials proposed acceptable for the locality in line with Policy Des 4 (Development Design - Impact on Setting). The proposed housing mix and density complies with Policy Policies Hou 2 (Housing Mix) and Hou 4 (Housing Density). The proposal also accords with the principles set out in the Granton Waterfront Development Framework.

#### e) Amenity

LDP Policy Des 5 (Development Design - Amenity) 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.

Noise:

A noise assessment has been provided in relation to the potential impact from the proposed air source heat pump plant. The assessment states that the predicted noise levels will be below NR25 inside the nearest dwellings. The applicant has also confirmed that the ASHP will be controlled by way of a factor allowing any noise issues going forward to be addressed. Environmental Protection does not object to the application.

#### Privacy:

Privacy distances have been taken into account when setting out the position and orientation of the proposed buildings within the site. The internal street distances are at least 18 metres wide, and the proposed internal courtyards have generous window to window distances.

Block A1 at the south of the site is closest to the existing flatted development. This is 20 metres from the block to the south and 24 metres to the block to the east. Craigroyston House is over 50 metres away and therefore such a distance will be acceptable in terms of privacy.

The privacy distances are acceptable.

#### Daylighting:

The new blocks have been designed to ensure compliance with the 'no skyline method' where direct sunlight will penetrate at least halfway into the habitable rooms.

Vertical Sky Component (VSC) modelling has been provided to consider the potential impact of the development on the existing residential block to the south of the site.

This considers 61 existing windows. The study notes that pre-development there are 15 existing windows that fail the VSC requirement due to the design and geometry of the block.

Out of the 61 windows, and in addition to the 15 windows that already fail, there are 16 windows that will not meet the VSC test due to the proposed new development. The VSC test also allows for a comparison of the post development scenario against the pre development scenario. This shows that a further 4 windows pass the test, meaning that there are 12 windows that do not meet the VSC criteria. The rooms that fail the VSC test are in the majority either kitchen or bedrooms.

The layout of the proposed development continues the urban block form already put in place by the existing streets and block layout. The proposals match the layout shown within the LDP Development Principles diagram and the GWDF.

The central part of the nearest block sits at four storeys which aids in mitigating daylight loss to the adjacent six storey block, whilst providing a dense urban streetscape.

#### Overshadowing:

The Edinburgh Design Guidance sets out that new amenity areas should receive two hours of sunlight to at least 50% of their area at the Spring Equinox (March 21).

Shadow path analysis has been provided to demonstrate that the proposed garden areas meet this requirement.

Open space:

LDP Policy Hou 3 (Private Green Space) sets out that for flatted developments there should be 10 sqm of open space provision per flat except where private space is provided. A minimum of 20% of the site should be greenspace.

Private and communal gardens should be designed for use by residents for a range of functions, including space for play, seating, food growing, tree planting and drying laundry.

The flatted blocks all have access to open space. The perimeter blocks are arranged around central courtyards. The ground floor flats have direct access to a private garden area within the courtyards. A number of flats have also been provided with balconies.

The courtyards have been designed with to allow for a range of functions to take place including landscape planting and grassed areas, drying areas, garden spaces and areas to allow for play. The size of the open space meets the Council's policy and the areas have been designed for a range of uses.

The information provided with the application states that the residential amenity areas amount to 5,195 sqm of open space. This added to the area of re-landscaped open space at the south of the site equates to 13,860 sqm. Taking the development area of the site to be 4.38 hectares, this is above the 20% requirement at approximately 30% of the development site area.

A comprehensive landscape plan and maintenance schedule has been provided detailing the proposed plants within the scheme. The area of existing open space has been designed with areas for play (including the re-utilisation of felled tree trunks), seating and new paths through the site alongside planting. Planting will be used to soften and screen the ASHP.

In summary, the development will provide an acceptable level of residential amenity in accordance with LDP Policy Des 5 (Development Design - Amenity) with some limited infringements on daylighting. The proposal also meets the requirements of Hou 3 (Private Green Space).

## f) Transport

The transport objectives set out in the Local Development Plan (page 126) state that development should:

- Minimise the distances people need to travel;
- Promote and prioritise travel by sustainable means, i.e. walking, cycling and by public transport; and
- Minimise the detrimental effects of traffic and parking on communities and the environment.

### **Access and Traffic Generation:**

A Transport Assessment (TA) has been provided. This provides an assessment of the transport considerations associated with the proposal.

Vehicular access is proposed from the existing residential area to the south from Colonsay View and from an access point to the west from West Shore Road.

The TA has been assessed by the Roads Authority and it concludes that it is an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The Roads Authority response indicates that the nearby junctions are to function within capacity. Though a number of contributions to transport improvements within the local area are recommended (see section 3.3f).

The site is also accessible by public transport with good footway connections to the external footway network (Lothian service 8, 14, 16, 24, 27, 200)

The proposals include new paths and cycle link upgrades with links to the adjacent park. The proposals will also deliver a new cycle way around the perimeter of the site.

### **Parking:**

LDP Policy Tra 2 (Private Parking) requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance. The supporting text to Policy Tra 2 sets out that a purpose of the policy is to generally fulfil the wider strategy of encouraging sustainable, non-car modes.

The parking standards contain no minimum amounts for car parking. The standards for zone 2 allow for a maximum of one car parking space per unit. The proposed 110 car parking spaces are within the Council's standards.

LDP Policy Tra 3 (Private Cycle Parking) requires that cycle parking and storage within the development complies with Council guidance.

A total of 978 cycle parking spaces are proposed and distributed throughout the blocks. This complies with the Council's minimum standards.

In summary, the site is within an accessible location with good access to public transport. The access to the site is acceptable and the level of parking proposed is within the standards.

#### g) Other Material Considerations

##### **Air Quality:**

LDP Policy Env 22 (Pollution, Air, Water and Soil Quality) aims to ensure that no development will result in significant adverse effects for health, environment or air quality and appropriate mitigation measures can be provided to minimise the adverse impacts. Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the local development plan.

The submitted Air Quality Impact Assessment (AQIA) estimates that the scheme will not have any adverse impact on the air quality of the neighbouring area.

Environmental Protection notes that the site will feed traffic into areas/existing roads already affected by poor air quality and an AQMA is situated 2.65km away on Inverleith Row.

The development proposes a relatively low level of car parking at 25% which is within the Council's standards. There are also four car club spaces, 30 electric vehicle charging points (alongside underground ducting to be installed to balance of car parking spaces for future installation of electrical charging points) and green travel packs. Furthermore, the development is to be served by the central ASHP system and photovoltaics with no gas heating within the development.

Based on the above measures, coupled with the fact that the site is well served by public transport options, Environmental Protection does not object to the application on air quality grounds.

##### **Archaeology:**

LDP Policy Env 8 (Protection of Important Remains) seeks to protect archaeological remains from being adversely impacted from development.

The applicant undertook a programme of archaeological works in advance of the development to consider any archaeological implications of developing the site.

The Archaeology Officer has reviewed the information provided and has concluded that there are no significant archaeological implications regarding this application.

##### **Ecology:**

In terms of bats, the extended Phase 1 habitat survey identified seven trees on the site with having a low or moderate suitability for roosting bats. Further inspections of the trees were carried out. Four of the trees were assessed to have negligible suitability for roosting bats. A further two were assessed to have low suitability for bats with a recommendation for the trees to be soft felled (the trees are identified for removal as part of the development proposals).

One tree was identified to have moderate suitability for roosting bats. Though the assessment notes that there was no evidence of current or previous bat roosting was found.

No badger setts were identified by the surveys within the site.

The survey work confirmed that there are no great crested newts near to the site.

Across the submitted ecology related reports there are a number of recommendations and these have been added as informatives. An informative for the inclusion of swift bricks within the development is also recommended.

The application will therefore not have an adverse impact on the protected species in accordance with LDP Policy Env 16 (Species Protection).

### **Flooding and Drainage:**

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

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.

Flood Prevention has confirmed the acceptability of the submitted information.

Scottish Water has not objected to the application.

### **Sustainability:**

LDP Policy Des 6 (Sustainable Buildings) requires that developments can demonstrate that the current carbon dioxide emission reduction targets are met (including at least half of the target being met through the use of low and zero carbon generating technologies) and that other sustainable features are included in the proposals. This can include measures to promote water conservation, SUDS, and sustainable transport measures.

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision of a district heating system comprising of central air source heat pump pavilion. The proposals also contain solar photovoltaics on the roofs. The development is aiming achieve net zero carbon.

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 the inclusion of a green roof and living wall on the energy centre and the use of recycled materials.

The proposal meets the current standards set out in the sustainability form.

**Waste:**

The proposed development is to be served by an underground refuse system with a series of storage units spread throughout the public realm. Underground systems are promoted by the Granton Waterfront Development Framework.

There have been ongoing discussions with Waste Services regarding the requirements. It is now able to generally approve the waste strategy subject to a final sign off process in terms of final specification, bin supplier and mechanism. An agreement will need to be made between the applicant and Waste Services.

**Ground Conditions:**

Site investigation information has been provided. Due to the previously developed nature of the site, a condition is required to ensure the appropriate investigation and mitigation is undertaken.

Part of the site is within an area identified by the Coal Authority as a development low risk area. The Coal Authority standing advice has been added as an informative.

**Developer Contributions and Affordable Housing:**

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) requires that development proposals contribute towards infrastructure provision where relevant and necessary to mitigate any negative additional impact of development. The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance August 2018 sets out the Council's approach for contributions.

A suitable legal agreement or memorandum of agreement will be required to secure the obligations set out below.

**Affordable Housing:**

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

There is the requirement for 111 homes of approved affordable tenures to be provided.

Affordable housing will account for 257 (58%) of the new homes across the site. The applicant has confirmed that of the affordable housing, 75% (195) of homes will be for social rent and the remaining 25% (62) of homes will be for mid-market rent. The affordable housing comprises a mix of 1, 2 and 3 bed homes, which produce a representative mix of the site as a whole.

The level of affordable housing proposed is supported. The Memorandum of Understanding will need to secure 25% affordable housing.

## **Education:**

This site falls within Sub-Area CB-1 of the 'Craigroyston / Broughton Education Contribution Zone'. An assessment based on 365 Flats (excluding 79 one bedroom flats excluded) results in:

- A total infrastructure contribution of £1,290,640 (£3,536 per flat) index linked.
- A total land contribution of £6,935 (£19 per flat)

## **Healthcare:**

The site is within the NWEPC Healthcare Contribution Zone in the Finalised Supplementary Guidance. This identifies a cost of £559 per dwelling.

## **Transport:**

The Roads Authority has highlighted a number of potential contributions to actions in the LDP Action Programme that it deems relevant to the proposals. These all relate to specific actions and have been worked out on a per unit basis taking into account other potential development within the area.

Circular 3/2012 requires that planning obligations must meet five tests that relate to necessity, a planning purpose, relationship to the development, scale and kind and also reasonableness.

The proposed contributions against the tests of the circular are considered below.

- £47,064 towards replacement of Muirhouse Parkway / Pennywell Road roundabout with signals, to aid pedestrians and cyclists
- £97,724 towards segregated Cycleway (2 way), new toucan/puffin crossings
- on West Granton Road
- £12,965 towards traffic signal on West Granton Road/Crewe Road North junction

The above three actions all relate to active travel measures within a reasonable proximity to the site, so have been considered against the tests together.

Necessity - part of this test is whether the matters could be resolved in another way, such as condition. However, as they relate to issues outwith the application site boundary and require a financial obligation a legal agreement is appropriate in this instance. Otherwise matters relating to necessity are considered in the other tests below.

Planning purpose - justification should be based in the development plan for seeking contributions. Policy Del 1 (Developer Contributions and Infrastructure Delivery) set out the basis for developer contributions including other pedestrian and cycle actions. Policy Del 3 (Edinburgh Waterfront) sets out the requirements in principle for development in the area including transport measures to be agreed that cover a network of paths for pedestrians and cyclists.

Relationship to the development - the improvements are to aid pedestrian and cyclist movement. They are located near to the site and shown within the 400m / 800m isochrones contained within the Transport Assessment (TA). The TA considers walking distances of up to 1,600m, (approximately 20 mins). They are reasonably related to the development.

The measures would aid in promoting the active travel actions close to the site and provide safe and useable features for pedestrian and cyclists. The TA concludes that the site is located in close proximity to well established pedestrian and cycle routes. With 444 units proposed the above actions will aid in enhancing these facilities on a site that has a relatively low (and supported) level of car parking.

Scale and Kind - the obligation has been calculated on a unit cost associated with the number of units that will come forward within the area.

Reasonableness - taking the above into account it is considered that a site that has sought to provide alternative transport provision to the car should make a provision to an identified action within close proximity to the site.

It is appropriate to seek these contributions.

- £65,268 towards Promenade Link to Granton Harbour (upgrade path to 6m tarmac path and sea wall)

Necessity - part of this test is whether the matters could be resolved in another way, such as condition. However, as they relate to issues outwith the application site boundary and require a financial obligation a legal agreement is appropriate in this instance. Otherwise matters relating to necessity are considered in the planning purpose and other tests below. As noted below these tests are not met.

Planning purpose - justification should be rooted in the development plan for seeking contributions. Policy Del 1 (Developer Contributions and Infrastructure Delivery) set out the basis for developer contributions including other pedestrian and cycle actions. Policy Del 3 (Edinburgh Waterfront) sets out the requirements in principle for development in the area including transport measures to be agreed that cover a network of paths for pedestrians and cyclists. Parts of the promenade are also shown as a safeguard on the LDP Proposals Map, but not the section closest to the application site.

Relationship to the development - the action is to the north of the site and the proposed development is not clearly identified with the requirement for the upgrading of the existing promenade for this development.

Scale and Kind - the costs would be split on a per unit basis.

Reasonableness - generally fails the reasonable test. The Promenade Design Code notes in the delivery section that outwith the development sites (such as the harbour areas) the existing paths are largely in public ownership or are part of the public highway, and therefore will not be part of redevelopment sites. It is considered unlikely that proposals for what would amount to off-site improvements and developments could

be funded by developers of adjacent and nearby sites. The likelihood is that the requirement to meet the costs in these areas will need to be borne by a combination of capital funding and grant applications

It is not appropriate to seek this contribution.

- In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £23,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;

Necessity - part of this test is whether the matters could be resolved in another way, such as condition. However, as they relate to issues outwith the application site boundary and require a financial obligation a legal agreement is appropriate in this instance. Otherwise matters relating to necessity are considered in the other tests below.

Planning purpose - the submitted Transport Assessment sets out that a contributions towards the city car club forms part of the applicants proposed transport measures for the site which has been considered alongside the level of car and cycle parking proposed and access to the bus services within the area. Four locations have been put forward.

LDP Policy Tra 2 (Private Car Parking) criterion f) provides the policy background for considering alternative measures such as the city's car club. Although the car parking levels meet the Council's standards, it is considered that the car club in this location will aid the aspirations of providing lower levels of parking in this locality which the GWDF sets as a maximum of 25%.

Relationship to the development - the car club spaces are proposed within the site boundary and has been put forward as one of a range of transport measures for the site by the applicant.

Scale and Kind - the provision towards the car club is related to the development site and would contribute to sustainable transport measures as put forward by the applicant.

Reasonableness - the obligation is related to the development, with car club spaces proposed within the development and identified on the submitted drawings.

The Roads Authority response also identifies the requirement for contributions in relation to suitable orders for redeterminations, waiting and loading and speed limits.

#### h) Equalities

The application has been considered in terms of equalities and human rights and there are not significant impacts that require action. The proposed affordable housing in blocks A1 and A2 have been designed to comply with the Housing for Varying Needs standards

i) Public Comments

**Material Representations - Objection:**

Principle

- development site includes a large section of the local park, should not be developed on - assessed in section 3.3b)
- loss of open space - assessed in section 3.3b)
- should not be a development site - assessed in section 3.3b)

Listed Buildings

- impact on setting of B listed Craigryston House - assessed in section 3.3a)

Design

- too many houses recently built in the area - assessed in section 3.3d)
- overdevelopment of site - assessed in section 3.3d)
- height and size of development - assessed in section 3.3d)
- design of flats - assessed in section 3.3d)
- unimaginative site layout - assessed in section 3.3d)
- no justification for heights - assessed in section 3.3d)

Transport

- traffic impact - assessed in section 3.3f)
- loss of existing car parking spaces - parking levels acceptable and spaces adjacent to Block A1 retained.
- insufficient space for refuse and emergency vehicles - swept path analysis provided.
- will block access to parkland - new paths proposed to parkland
- development should be car free - proposed car parking meets Council standards.
- movement hierarchy dominated by private car SPP, Designing Streets and the National Transport Strategy set policy context for hierarchy for transport modes placing walking, cycling, public transport ahead of private cars. sets out a hierarchy for transport modes - assessed in section 3.3f) no objection from Roads Authority, car park levels at 25% and routes proposed through the site.
- bus service proximity to site should be enhanced - not in the gift of the developer.

Landscape

- lack of play areas - new natural play to be formed in open space and courtyard areas have opportunities for play. No deficiency shown in the open space strategy.
- loss of trees - assessed in section 3.3c)
- impact on Southern Forth Coast Special Landscape Area (SLA) through removal of trees and erection of density development - assessed in section 3.3b)
- impact on Green Belt - assessed in section 3.3b)

- LVIA VP03 demonstrates visually obtrusive building heights - assessed in section 3.3d)
- removal of trees for heating pumps - assessed in section 3.3b) and c)

#### Ecology

- impact on wildlife - - assessed in section 3.3g)
- swift nest bricks should be included in the development - informative added.

#### Amenity

- noise implications - assessed in section 3.3e)
- air pollution - assessed in section 3.3g)
- impact on privacy daylighting and overshadowing - assessed in section 3.3e)
- noise from air pumps - assessed in section 3.3e)

#### Other

- impact on existing services - health, schools etc - developer contributions required towards education and health.
- sustainability strategy focused on energy rather than wider sustainability including walking - proposal includes relatively low car parking levels and increases permeability through and around the site.

#### **Material Representations - Support:**

- support in principle - noted.

#### **Non-Material Representations:**

- cladding issues on other buildings.
- impact on views.
- construction stage matters.

#### **CONCLUSION**

The principle of housing led mixed use development is supported by Local Development Plan Policy Hou 1 (Housing Development) and Policy Del 3 (Edinburgh Waterfront). The impact on the area of open space is justified against LDP Policy Env 18 (Open Space Protection) and although a number of trees are to be removed, substantial replanting is proposed.

The historical assets within the area have been assessed against the relevant legislation, guidance and LDP policies. The site was previously developed and is part of wider longstanding regeneration proposal which has an aim of creating new urban quarters in this part of the city. The setting of the adjacent Category B listed Craigmoynton House will be altered but replacement planting will aid in softening any impact and the listed building will not be dominated by the proposals. 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.

The proposal provides an acceptable perimeter block layout that links into the wider area, the design, scale, height and density are appropriate for the location with adequate open space and landscaping provided. The proposals will provide an acceptable level of amenity for existing and future occupants. There are no unacceptable issues in relation to transport measures.

In all other aspects the proposal accords with the Development Plan and generally complies with the relevant Non Statutory Guidance. The proposal is acceptable. There are no material considerations that outweigh this conclusion.

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

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

#### **Conditions:-**

1. Notwithstanding the information on the submitted drawings a detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing for each development block by the Planning Authority before work is commenced that block.
2. Prior to the commencement of the construction of the superstructure or above ground works for each development block, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material (including the corten entrance panels) and accurately indicating the quality and consistency of future workmanship for that block and submitted for written approval by the Planning Authority.
3.
  - i) Prior to the commencement of construction works on site:
    - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
    - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
  - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
4. The development shall be carried out in accordance with the approved landscaping scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.
5. Details of the SUDs inlet and outlet structures shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

6. Prior to the commencement of development, the tree protection measures as defined in Drawings D7963.02.017 and D7963.02.018 (CEC drawing references 89 and 90) and in accordance with BS5837:2012 "Trees in relation to design, demolition and construction" must be implemented in full.

7. The tree protection measures referenced in condition 06 must be maintained during the entire development process and not altered or removed unless with the written consent of the Planning Authority.

8. The following noise protection measures associated with the heat pump plant building, as defined in section 4 of the Sandy Brown Noise Plant Noise Assessment report (ref 20399-R01-B, dated 21 December 2020) (or as otherwise agreed) shall be carried out in full and completed prior to the development being occupied;

- Acoustic louvres providing the octave-band frequency as identified table 1 of the above document.
- The walls and roof of the energy plant building should include a minimum insulation level of Rw 30 dB.
- The air source heat pumps should be fitted with attenuators on top of the units which reduce the noise level emitted by 3 dB.

9. The 30 parking spaces shown on drawing referenced 6245-90-04 Revision A and dated May 2021 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.

10. The 80 parking spaces shown on drawing referenced 6245-90-04 Revision A and dated May 2021 shall be fitted with ducted containment with dry wire system to allow for the future fitting of over ground electric vehicle infrastructure.

**Reasons:-**

- 1) In order to enable the planning authority to consider this/these matter/s in detail.
- 2) In order to enable the planning authority to consider this/these matter/s in detail.
- 3) In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
- 4) In order to ensure that the approved landscaping works are properly established on site.
- 5) In order to enable the planning authority to consider this/these matter/s in detail.
- 6) In order to safeguard protected trees.
- 7) In order to safeguard protected trees.
- 8) In order to safeguard the amenity of neighbouring residents and other occupiers.
- 9) To encourage sustainable forms of transport.

10) To encourage sustainable forms of transport.

## **Informatives**

It should be noted that:

### **1. Memorandum of Understanding**

A suitable memorandum of agreement will be required to cover the following matters:

#### Affordable Housing:

25% of the residential units (111) to be of an agreed affordable tenure. Affordable housing will account for 257 (58%) of the new homes across the site. The applicant has confirmed that of the affordable housing, 75% (195) of homes will be for social rent and the remaining 25% (62) of homes will be for mid-market rent. The affordable housing comprises of 1, 2 and 3 bed homes, which produce a representative mix of the site as a whole.

#### Education:

In line with Sub-Area CB-1 of the 'Craigroyston / Broughton Education Contribution Zone:

- A total infrastructure contribution of £1,290,640 (£3,536 per flat) (to be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment)
- A total land contribution of £6,935 (£19 per flat) (not indexed)

#### Healthcare:

A sum of £559 per dwelling towards the NWEPC Healthcare Contribution Zone.

#### Transport:

- £47,064 towards replacement of Muirhouse Parkway / Pennywell Road roundabout with signals, to aid pedestrians and cyclists
- £97,724 towards segregated Cycleway (2 way), new toucan/puffin crossings on West Granton Road
- £12,965 towards traffic signal on West Granton Road/Crewe Road North junction
- In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £23,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;

The Roads Authority response also identifies the requirement for contributions in relation to suitable orders for redeterminations, waiting and loading and speed limits:

- Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

- Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
- Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed.

The 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. Coal Authority - Standing Advice - Development Low Risk Area

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](http://www.gov.uk/government/organisations/the-coal-authority)

6. The SUDS basin should be planted with spring bulbs.

7. Final agreement with Waste Services is required in relation to the final specification/supplier of the bins/mechanisms.

8. The Roads Authority consultee response to the application contains a number of items that the applicant should be aware of.

9. Swiftbricks should be included within the development.

10. The Scottish Water consultee response to the application contains a number of items that the applicant should be made aware of.

11. Details of a bat box scheme should be provided to mitigate for the loss of potential tree roost sites within the site.

12. Prior to commencement of development details of the Reasonable Avoidance Measures Method Statement (RAMMS) during the construction phase and mitigation measures following the completion of the development in respect of amphibians should be submitted. The proposed measures should then be implemented in accordance with the approved details.

13. Prior to commencement of development details of the Reasonable Avoidance Measures Method Statement (RAMMS) during the construction phase and mitigation measures following the completion of the development in respect of foraging or ranging badgers should be submitted. The proposed measures should then be implemented in accordance with the approved details.

14. The construction air quality mitigation measures outlined in the air quality impact assessment provided in support of the application should be followed by the developer during construction.

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

## **Financial impact**

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

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

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The application was advertised on 12 February 2021. A total of 12 representations were received, ten objections and two comments.

The community council did not comment on the application.

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

## **Background reading/external references**

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

### **Statutory Development Plan Provision**

The site is located within the Urban Area as shown on the Local Development Plan proposals map. The land is identified as being within Edinburgh Waterfront. Proposal EW2A (Forth Quarter) states that the area is for a housing-led mixed use development. It sets out a number of Development Principles. An eastern section is designated as open space as shown on the Local Development Plan Proposals Map.

### **Date registered**

29 January 2021

### **Drawing numbers/Scheme**

01, 02, 03, 04A - 07A, 08-50, 51A, 52A, 54A, 55A, 56, 57B,, 58B, 59, 60A, 61B-66B, 67-70, 71B, 72-91,

## Scheme 1

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

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

### **Links - Policies**

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#### **Relevant Policies:**

#### **Relevant policies of the Edinburgh City Local Plan.**

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

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

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

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

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

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

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

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

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

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy RS 1 (Sustainable Energy) sets criteria for assessing proposals for environmentally sustainable forms of energy systems.

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

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

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

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

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

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

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

# Appendix 1

## **Application for Planning Permission 21/00457/FUL At Land 220 Metres North East Of , 25 Marine Drive, Edinburgh Residential flatted development with associated roads, parking and landscaping works.**

### **Consultations**

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#### **Affordable Housing response - dated 29 April 2021**

##### *1. Introduction*

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

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

*-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 up to 444 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (111) homes of approved affordable tenures. The applicant (The City of Edinburgh Council) has stated that the affordable housing will account for 257 (58%) of the new homes across the site.*

*The applicant has confirmed that of the affordable housing, 75% (195) of homes will be for social rent and the remaining 25% (62) of homes will be for mid-market rent. The affordable housing comprises of 1, 2 and 3 bed homes, which produce a representative mix of the site as a whole.*

*The City of Edinburgh Council will be the landlord for the social rented homes and Edinburgh Living will be the landlord for the mid-market rented homes.*

*The affordable homes have been designed to be tenure blind. They have also been designed to housing for varying needs standards and to The City of Edinburgh Council housing design requirements.*

### **3. Summary**

*The applicant has made a commitment to provide 58% on site affordable housing and will issue a memorandum of understanding to the planning authority, to commit to the delivery of the affordable homes.*

*This approach which will assist in the delivery of a mixed sustainable community:*

- o The applicant has submitted an "Affordable Housing Statement", setting out their approach to the following points and which is a public document available on the City of Edinburgh Council's Planning Portal*
- o The applicant has agreed the tenure type and location of the affordable homes prior to the submission of a planning application*
- o The City of Edinburgh Council will be the landlord for the social rented homes and Edinburgh Living will be the landlord for the Mid-market rented homes*
- o The applicant has made provision for a minimum of 70% of the affordable housing on site to be social rent*
- o The affordable housing includes a variety of house sizes which are representative of the provision of homes across the wider site and which will be identical in appearance to the market housing units, an approach often described as "tenure blind"*
- o The affordable homes have been designed to The City of Edinburgh council's design requirements*
- o The applicant will issue a memorandum of understanding to the planning authority, to commit to the delivery of the affordable homes*

*The provision of affordable housing proposed in the scheme is acceptable to Housing Management and Development.*

### **Archaeology Officer response - dated 18 February 2021**

*Further to your consultation request I would like to make the following comments and recommendations concerning this application for residential flatted development with associated roads, parking and landscaping works.*

*The site was considered to be of archaeological potential due to its location principally along the edge of a former raised beach and close proximately to several historic houses and estates. In line with CECF Policy ENV9 the site was subject to a programme of pre-application evaluation, undertaken Headland Archaeology in January 2021 (report accompanies the application).*

*The results of this work demonstrated that the area has been significantly affected by modern truncation and activities. As such it has been concluded that the chances of significant insitu remains surviving is minimal. Accordingly, it has been concluded that there are no significant archaeological implications regarding this application.*

### **Communities & Families response - dated 16 February 2021**

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

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

*365 Flats (79 one bedroom flats excluded)*

*This site falls within Sub-Area CB-1 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 and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.*

*Total infrastructure contribution required:*

*£1,290,640*

*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:*

*£6,935*

*Note - no indexation to be applied to land contribution.*

*Per unit infrastructure contribution requirement:*

*Per Flat - £3,536*

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

*Per unit land contribution requirement:*

*Per Flat - £19*

*Note - no indexation to be applied to land contribution.*

Scottish Water response - dated 8 February 2021

### *Audit of Proposal*

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

### *Water Capacity Assessment*

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

*- There is currently sufficient capacity in the MARCHBANK WTW NT165645 Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

### *Waste Water Capacity Assessment*

*- There is currently sufficient capacity for a foul only connection in the EDINBURGH PFI WWTW NT286759 Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

### *Please Note*

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

### *Asset Impact Assessment*

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

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

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

### *Surface Water*

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

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

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

*General notes:*

- Scottish Water asset plans can be obtained from our appointed asset plan providers:*
- Site Investigation Services (UK) Ltd*
- Tel: 0333 123 1223*
- Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)*
- [www.sisplan.co.uk](http://www.sisplan.co.uk)*

*- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.*

*- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.*

*- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.*

*- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.*

*- Please find information on how to submit application to Scottish Water at our Customer Portal.*

*Next Steps:*

- All Proposed Developments*

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

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

*-Non Domestic/Commercial Property:*

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

*- Trade Effluent Discharge from Non Dom Property:*

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

*- If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?".*

*Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).*

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

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

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

*I trust the above is acceptable however if you require any further information regarding this matter please contact me on 0800 389 0379 or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).*

*Scottish Water Disclaimer:*

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

**Roads Authority Issues - dated 24 May 2021**

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

1. The applicant will be required to;
  - a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
  - b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
  - c. Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;
  - d. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £23,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;
  - e. Contribute the sum of £47,064 towards replacement of Muirhouse Parkway / Pennywell Road roundabout with signals, to aid pedestrians and cyclists (TR-SA-NWLOC-8);
  - f. Contribute the sum of £65,268 towards Promenade Link to Granton Harbour (upgrade path to 6m tarmac path and sea wall) TR-SA-NWLOC-9;
  - g. Contribute the sum of £97,724 towards segregated Cycleway (2 way), new toucan/puffin crossings on West Granton Road (TR-SA-NWLOC-11);
  - h. Contribute the sum of £12,965 towards traffic signal on West Granton Road/Crewe Road North junction (TR-SA-NWLOC-12);Items e to j above as per the 2020 LDP Action Programme. Contributions based on No. units;
2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
3. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
4. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
6. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
7. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be

*the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;*

*8. 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;*

*9. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.*

#### **Note**

*a) A transport assessment has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments. The 2015 base traffic flows have been projected to 2023 design year flows using Low Growth NRTF factors. A total of 143 vehicular trips (two-way) associated with the entire residential development are predicted during the weekday AM peak hour and 158 vehicular trips during the weekday PM peak hour. Surveyed vehicle trip rates for the Waterfront Gait residential area during the weekday AM peak hour and the TRICS trip rates for Flats Privately Owned during the weekday PM peak hour were used.*

*- The modelling shows that the priority site access from West Shore Road and Marine Drive/West Shore Road junction will both operate within capacity in the morning and evening peak hours;*

*- With the development traffic, the West Granton Road/ Pennywell Road/ Muirhouse Parkway/ Marine Drive roundabout is predicted to operate within capacity with a maximum*

*- RFC of 0.71 and a 2 PCU queue on Muirhouse Parkway approach during the morning peak hour;*

*- West Granton Road/ Waterfront Gait traffic signals - the modelling shows that with the proposed development traffic, a maximum DoS of 76.1% and corresponding maximum mean queue of 5.7 PCUs is predicted to occur on the Waterfront Gait approach during the weekday AM peak hour whilst a maximum DoS of 51.5% and corresponding maximum mean queue of 9.4 PCUs is predicted to occur on the West Granton Road (east) approach during the weekday PM peak hour;*

*- West Harbour Road/ Waterfront Avenue/ Chestnut Street crossroads - with the proposed development traffic, the junction is predicted to operate within capacity with maximum RFC rises to 0.45 and a 1 PCU queue on the Waterfront Avenue right turn movement in the evening peak hour*

*b) A total of 978 cycle spaces including 45 visitor cycle spaces being proposed complies with the Council's minimum cycle parking of 978 for the proposed development in Zone 2 (Block A1 - 197 spaces, A2 - 247 spaces, A3 - 208 spaces, A4 - 112 spaces, A5 - 214 spaces);*

a) The applicant proposes 110 car parking spaces including 16 accessible bays and 19 EV charging spaces and complies with the Council's parking standards for the proposed development in Zone 2;

b) Site is accessible by public transport with good footway connections to the external footway network (Lothian service 8, 14, 16, 24, 27, 200)

c) As part of an Active Travel brief, a new cycleway is proposed along the eastern side of Marine Drive (between Pennywell roundabout and West Shore Road) and then along West Shore Road until Gipsy Brae Recreation ground;

d) Vehicular access from West Shore Road and Colonsay View (existing priority access to be stopped);

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

a. Muirhouse Parkway / Pennywell Road roundabout replacement (£704,375);

b. Promenade Link to Granton Harbour Upgrade (£980,000);

c. Segregated Cycleway (2 way), new toucan/puffin crossings on West Granton Road (£1,470,000);

d. Traffic signal on West Granton Road/Crewe Road North junction (£194,716)

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

- Forth Quarter - 1,800

- Central Development Area - 2,050

- Granton Harbour - 1,980

- North Shore - 850

- Total = 6,680

Transport Contribution per residential unit calculated as follows;

- Muirhouse Parkway / Pennywell Road roundabout replacement (£704,375/6,680) =£106

- Promenade Link to Granton Harbour Upgrade (£980,000/6,680) =£147

- Segregated Cycleway (2 way), new toucan/puffin crossings on West Granton Road (£1,470,000/6,680) =£220.1

- Traffic signal on West Granton Road/Crewe Road North junction (£194,716/6,680) =£29.2

- Each of the residential unit contribution above is multiplied by 444 residential units to achieve transport contribution for this development;

e. (No transport contribution cost given in the LDP action programme) towards Waterfront Avenue to Granton Rail path T7(TR-SA-NWLOC-10);

f. It is understood that the applicant is delivering this action programme and hence contribution was not sought for this action- (£91,875 to widen footway along West Shore Road for a shared segregated path (widen by 2m) above as per the 2020 LDP Second Action Programme (Ref. No. TR-SA-NWLOC - 5).

## **Environmental Protection response - dated 27 May 2021**

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

*The proposal is for the development of Western Villages, a residential project, with 444 homes in the form of flats and apartments.*

### *Air Quality*

*The application proposes 110 car parking spaces for 444 properties which amounts to less than 25%. Initially, Environmental Protection was of the opinion that 110 spaces would introduce a considerable number of vehicular trips onto the Edinburgh roads, increasing congestion. The nearest Air quality Management Area (AQMA) (Inverleith Row) is at a distance of 2.65km from the site. An air quality impact assessment was provided with the application which advised that the development would have limited impacts upon localised air quality. However, there were some exceedances which indicated that there would be minor impacts in some parts of the city.*

*Whilst this team would prefer to see a car free development, it is accepted that the applicant has gone some way to reduce the air quality impacts of the proposal. In this regard, the applicant has confirmed that a number of measures have been included within the proposal including the following:*

- 1. 25% take up of parking spaces allowed under the parking standards.*
- 2. The development is net zero and sustainably innovative including the central ASHP system, photovoltaic panels and no gas is proposed.*
- 3. 4 Car Club spaces are proposed.*
- 4. Cycle and motorcycle parking provision.*
- 5. 30 electric vehicle (EV) charging points to (incorporating 15 double charging points).*
- 6. Underground infrastructure for EV charging at the other 80 parking spaces to allow cheaper retrofitting of modern EV points in the future.*
- 7. Green travel plans provided to future residents.*

*Therefore, as the development includes a number of sustainable measures, has reduced car parking, includes suitable mitigation measures to reduce the impacts of the parking space numbers proposed (including future proofing the development to include further mitigation when EV charging infrastructure further modernises) and that the site is on the outskirts of the city, reasonably far from the nearest AQMA, this team will not object to the parking numbers proposed.*

### *Noise*

*The application proposes an external plant area consisting of twelve air source heat pumps and eight water to water heat pumps are to be installed inside a dedicated plant building. A noise impact assessment (NIA) has been provided which confirms that the external heat pumps will be fitted with attenuators which reduce the noise emitted. The plant building will have 300 mm deep acoustically attenuating ventilation louvres on the west and south facades. The walls and roof will also be fitted with suitable sound insulation. Environmental Protection has raised the issue with the applicant with regards to who will be responsible for the external plant area should noise begin to impact upon the surrounding residential properties. The applicant has confirmed that the external*

*plant area will be covered under a factored system which will address the issue of noise should it arise in the future. A condition is recommended below which prescribes the sound attenuation measures for the plant and associated room.*

*Therefore, Environmental Protection offers no objection to the application subject to the following conditions:*

#### *Conditions*

- 1. The plant building should be fitted with acoustic louvres providing the following octave-band frequency reductions and should be installed prior to the occupation of the development.*
- 2. The walls and roof of the energy plant building should include a minimum insulation level of Rw 30 dB.*
- 3. The air source heat pumps should be fitted with attenuators on top of the units which reduce the noise level emitted by 3 dB.*
- 4. The 30 parking spaces shown on drawing referenced 6245-90-04 Revision A and dated May 2021 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.*
- 5. The 80 parking spaces shown on drawing referenced 6245-90-04 Revision A and dated May 2021 shall be fitted with ducted containment with dry wire system to allow for the future fitting of over ground electric vehicle infrastructure.*

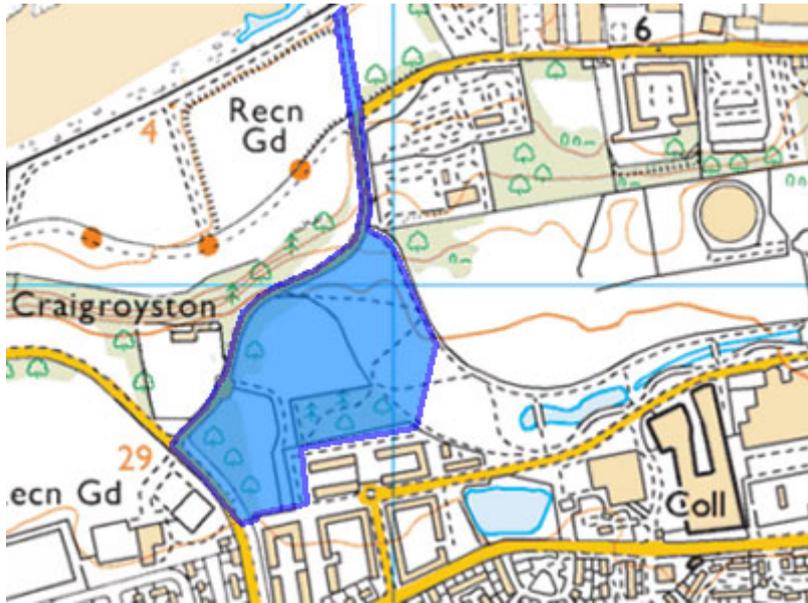
#### *Informative*

#### *Air Quality*

*The construction air quality mitigation measures outlined in the air quality impact assessment provided in support of the application should be followed by the developer during construction.*

## **Location Plan**

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**END**

## Development Management Sub Committee

**Wednesday 23 June 2021**

**Application for Planning Permission 21/02736/FUL at 1 Middle Meadow Walk, Edinburgh, to erect a temporary outdoor structure to create a performance venue as part of Underbelly's Circus Hub open air event site for the Edinburgh Festival Fringe. The venue will host a programme of world class circus performance by Middle Meadow Walk on the North side of the Meadows. The venue will be a recognised temporary structure, regulated under temporary demountable structures V4.**

**Item number**

**Report number**

**Wards**

B15 - Southside/Newington

### Summary

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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 Fringe Programme for 2021. The proposal complies with the Edinburgh Local Development Plan. There are no material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LDES05, LEN06, LEN03, LRET08,

# Report

**Application for Planning Permission 21/02736/FUL at 1 Middle Meadow Walk, Edinburgh, to erect a temporary outdoor structure to create a performance venue as part of Underbelly's Circus Hub open air event site for the Edinburgh Festival Fringe. The venue will host a programme of world class circus performance by Middle Meadow Walk on the North side of the Meadows. The venue will be a recognised temporary structure, regulated under temporary demountable structures V4.**

## Recommendations

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

## Background

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### 2.1 Site description

The application is in located within the Meadows. The site is positioned between Middle Meadow Walk and Boys Brigade Walk and to the north of Melville Drive.

To the north there are a number of listed buildings including: the former Royal Infirmary Medical Pavilions (Category B, Ref LB30307, 31 May 1994); 16 to 29 George Square (Category A, Ref LB28810, 14 December 1970); and, University of Edinburgh, Main Library, 30 George Square (Category A, Ref LB50191, 17 January 2006)

To the North is also the Southside Conservation Area and the southern boundary of the Old and New Towns of Edinburgh World Heritage Site runs along the edge of the Meadows at the former Royal Infirmary Medical Pavilions.

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

### 2.2 Site History

There is no relevant planning history for this site.

## **Main report**

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

The application proposes the erection of a Circus Hub which incorporates a Big Top tent, outdoor seating and food and beverage provision. The Big Top is central to the site and has been designed with open sides.

The site would be occupied between 30th July 2021 and 31st August 2021. There would be an initial build period between 30th July and 4th August and performances would run between 5th and 29th August 2021. The structure would be removed on 30th and 31st August 2021.

In total there would be 5 performances per day over a period of 25 days.

A waste compound would be provided for any waste with collections by a private contractor.

### **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 or the world heritage site;
- 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 of the Planning (Listed Buildings 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."

Policy Env 3 Listed Buildings - Setting states: "Development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting."

Given the transient nature of the installation, and its distance, some way away from the listed buildings, with the trees in between, it does not harm the setting of the nearby listed buildings.

##### 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 structure will be set within the context of the large area of open space and will not impact on the skyline. There is no impact on the Marchmont, Meadows and Bruntsfield Conservation Area or the setting of the Southside Conservation Area from the proposals.

##### World Heritage Site:

Policy Env 1 World Heritage Sites states: "Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and/or the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted."

Because, of its distance from it and temporary nature, the development would not have an adverse impact on the setting of the World Heritage Site.

#### 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 Meadows would extend beyond 28 days and because it is located on public green space requires an application for planning permission in accordance with the above report. The time period on site allows for a build period of 6 days with performances on 25 days and a further 2 days to clear the site.

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 site is located in an area adjacent to the city centre as defined in the Local Development Plan. Criterion a) of the policy is considered to be 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.

Policy ENV 18 Open Space Protection seeks to control the loss of open space within the city. In particular the provision of open space for the recreational needs of the residents is an integral part of the strategy. The supporting text to the policy advises that the Council "will only support development on open space in exceptional circumstances, where the loss would not result in detriment to the overall network and to open space provision in the locality."

The majority of the letters of representation have raised issue with the loss of open space and the limitations placed on access across the site of the proposed Circus Hub. A balanced decision has to be taken on whether the loss of the use of the open space for a period of just over a month outweighs the public use of the site. The area proposed for the event occupies a central part of the Meadows and will restrict community access within this part. However, the majority of the Meadows will remain for community access. The scheme has been designed as an open air event in a direct response to the COVID pandemic. It is considered that these are exceptional times and the Fringe requires support in delivering a programme in 2021. It is therefore considered that the temporary loss of the open space is justified in this instance for 2021.

The principle of the use of the site at the Meadows is acceptable given the temporary nature of the proposal is supported in this location.

#### c) Impact on Amenity

LDP Policy Des 5 seeks to ensure that the amenity of neighbouring residents is not adversely affected by development. There are no residential properties immediately adjacent to the development

A number of comments have raised concern on the condition the Meadows will be left in following the event. Whilst the concerns are understood this is a matter for the Council as owners of the Meadows to address as part of any licence/ agreement with the operator. This is not a material consideration.

There are trees that line either side of the proposed site and care should be taken to ensure that there is no damage. It is proposed that a condition is added to any permission which will require the submission of a tree protection plan and method statement prior to the commencement of development.

## Transport Implications

The proposal is located within a central location and no parking will be provided for the event. The site is considered to be in an accessible location. A condition is proposed to address the concerns over heavy vehicular access to the site in relation to surface and tree damage. This would require the submission of an access strategy for the site.

A number of the operation matters would be covered by any licensing/ temporary traffic orders that would be required. The proposal would also be subject to an Events Planning Operation Group process.

## d) Letters of Representation

Tollcross Community Council raised the following objections:

- Unsuitable site ' substantial damage to grass;
- Remediation an issue;
- Access by lorries for build will result in further damage;
- Public green Space ' loss of large area of space over a month unacceptable;
- Size and Scale ' area to be fenced off is unacceptable;
- Nature of Operation ' business case appears to be based around food and drink sale ' pop up bar takes away from local business
- Role of Pandemic large events in uncertain times should be fully considered with regard to public health requirements.

Southside Community Council raised the following objections:

- large events should not take part on public greenspace;
- unacceptable damage to site;
- if to proceed then it should be scaled back to remove the food and drink hub.

## Material Objections

- Social value of open space at this time ' mental health/ wellbeing;
- Proposal would allow use all year round;
- Soft landscaping areas should not be used ' long term damage;
- Food and drink should be deleted ' it does not support the local economy;
- Conservation Area Appraisal notes area as an urban recreational park;
- Impact on trees and soil compaction;
- Loss of Open Space Contrary to ENV 18 of the LDP;
- Impact on amenity including noise;
- Impact on the skyline;
- Increase in traffic

## Support

- Value to Festival;
- Enough space in the Meadows to accommodate;
- Proposal will bring business to the area.

## Non - Material Comments

- Previous reputation and Operation of the event by Underbelly;
- Edinburgh Improvement Act ' prevents structures in the Meadows. (The City of Edinburgh District Council Order Confirmation Act 1991 prohibits the construction of permanent buildings, other than Bandstands, public conveniences, police boxes and buildings for housing apparatus for the supply of electricity or gas in the Meadows. This installation is not a permanent building.);
- Not consistent with Common Good Land;
- Other sites should be considered;
- Private development limiting free access and taking over public space;
- Rising COVID infection rates;
- Late hours operation
- COVID Impact from large gathering
- Not appropriate in a Pandemic.
- Late hours operation.

## 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 a Fringe Programme for 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

### Conditions: -

1. The development hereby permitted shall be permitted during 2021 only and all structures shall be removed from the site by 5th September 2021.
2. Prior to the commencement of the development a tree survey and tree protection plan shall be submitted to and agreed in writing with the Planning Authority. Any protective measures required shall be maintained on site for the duration of the development.
3. Prior to the commencement of development an access strategy shall be submitted and agreed with the Planning Authority in terms of the access of vehicular traffic across the site to cover both the build and the operation of the event. Any agreed measures shall be implemented in full as part of the development.

## **Reasons:-**

1. In recognition of the temporary nature of the proposals.
2. In the interests of protecting the current trees on the site.
3. In the interest of the amenity of the area.

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The application was advertised on 21 May 2021 and a total of 332 letters of representation were received. 316 letters objected to the proposals and 16 letters expressed support. Letters of objection were received from Tollcross Community Council, Southside Community Council and the Cockburn Association.

## Background reading/external references

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

## **Statutory Development**

### **Plan Provision**

The site is located within the urban area.

### **Date registered**

17 May 2021

### **Drawing numbers/Scheme**

1 - 6,

## **David Givan**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Elaine Campbell, Team manager

E-mail: [elaine.campbell@edinburgh.gov.uk](mailto:elaine.campbell@edinburgh.gov.uk)

## **Links - Policies**

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### **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 21/02736/FUL  
At 1 Middle Meadow Walk, Edinburgh,  
To erect a temporary outdoor structure to create a  
performance venue as part of Underbelly's Circus Hub open  
air event site for the Edinburgh Festival Fringe. The venue  
will host a programme of world class circus performance by  
Middle Meadow Walk on the North side of the Meadows. The  
venue will be a recognised temporary structure, regulated  
under temporary demountable structures V4.**

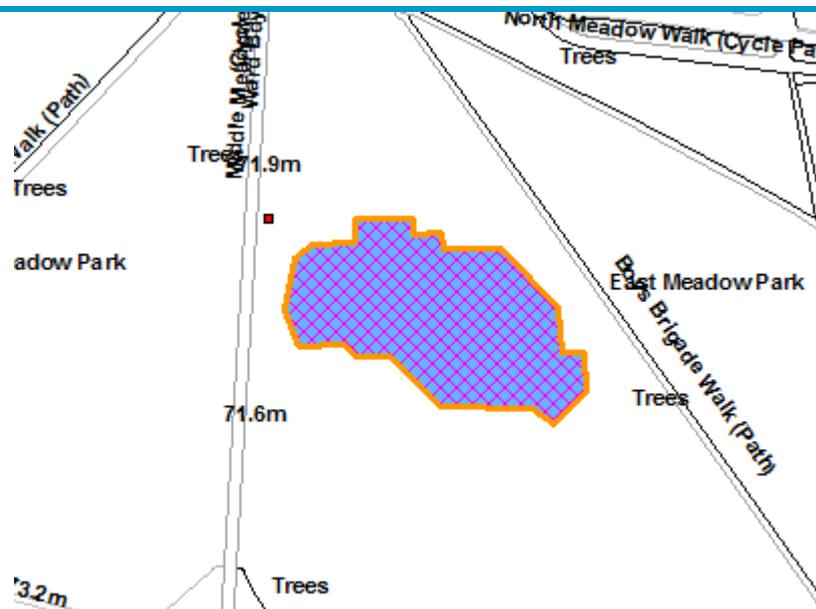
## Consultations

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No consultations undertaken.

## Location Plan

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