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Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 16th March, 2022

Virtual Meeting - via Microsoft Teams

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

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THE CITY OF EDINBURGH COUNCIL

1. Order of business

1.1 Order of Business

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

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

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

2. Declaration of interests

2.1 Declaration of interests

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

3. Minutes

3.1 Minutes 9 - 22

Minutes of Previous Meeting of Development Management Sub-Committee 2 March 2022 – submitted for approval as a correct record

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

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

4.1	Police Box, Charterhall Road, Edinburgh - Change of use of police call box to point of sale for food and drink - application no. 21/04957/FUL It is recommended that this application be **GRANTED.**	23 - 34
4.2	8 Craigmillar Park, Edinburgh - Confirmation of Tree Preservation Order No. 197 It is recommended that this application be **CONFIRMED.**	35 - 46
4.3	Currie High School, 31 Dolphin Avenue, Currie - Construction of a new ultra-low energy community high school, swimming pool and sports facilities plus associated landscaping and parking, demolition of existing school building (as amended) - application no. 21/04443/FUL It is recommended that this application be **GRANTED.**	47 - 80

5. Returning Applications

These applications have been discussed previously by the Sub-

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

5.1	8A Napier Road, Edinburgh, EH10 5BD - New three bedroom, two storey house within the garden of 8A Napier Road, including minor alterations to the existing house - application no. 21/05149/FUL It is recommended that this application be **GRANTED.**	81 - 102
5.2	50 Pilrig Street, Edinburgh, EH6 5AL - Demolition of house and redevelopment to form apartment building with associated garden ground and bin/cycle storage (as amended) - application no. 21/00246/FUL It is recommended that this application be **GRANTED.**	103 - 104

6. Applications for Hearing

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

6.1 None.

7. Applications for Detailed Presentation

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

presentation and discussion on each item.

7.1	13 Ashville Terrace, Edinburgh, EH6 8DD - To form hard standing in the front garden to create a driveway with entrance gates (in part retrospect) - application no. 21/02915/FUL It is recommended that this application be **REFUSED** and **ENFORCED.**	105 - 118
7.2	1 Distillery Lane, Edinburgh (At Land 247 Metres West of) - Formation of temporary site compound for use during construction - application no. 21/01057/FUL It is recommended that this application be **GRANTED.**	119 - 136
7.3	194 Glasgow Road, Edinburgh (At Site 100 Metres East of) - Proposed Gogar Link Road and active travel route (as amended) - application no. 21/02941/PPP It is recommended that this application be **GRANTED.**	137 - 164

8. Returning Applications Following Site Visit

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

8.1 None.

Nick Smith

Service Director – Legal and Assurance

Committee Members

Councillor Neil Gardiner (Convener), Councillor Maureen Child (Vice-Convener), Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor Denis Dixon, Councillor George Gordon, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Hal Osler, Councillor Cameron Rose and Councillor Alex Staniforth

Information about the Development Management Sub-Committee

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

Further information

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

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 02 March 2022

Present:

Councillors Gardiner (Convener), Child (Vice-Convener) (Items 1.1-6.2), Booth, Cameron (Items 1.1-4.8 & 4.11-7.1), Dixon, Gordon, Mitchell, Mowat, Osler, Rose and Staniforth.

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of 9 February 2022 as a correct record.

2. General Applications and Miscellaneous Business

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

Requests for a Presentation:

Councillor Booth requested a presentation in respect of Item 4.8 – 69-71 Marionville Road, Edinburgh.

Councillor Booth also requested a presentation in respect of Items 4.9 & 4.10 – 9-11 Maritime Street, Edinburgh.

Councillor Gardiner requested a presentation in respect of Item 4.9 – 9-11 Maritime Street, Edinburgh.

Decision

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

Declaration of Interests

Councillor Child declared a non-financial interest in Item 7.1 – 21-24 Joppa Terrace (at land opposite), Edinburgh as the application site was in her Ward and she had received lobbying emails from constituents, therefore she did not take part in this item.

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

3. 210 Craigs Road, Edinburgh (at land 369 Northeast of)

The Chief Planning Officer had identified an application for planning permission in principle to be dealt with by means of a hearing. The planning permission in principle at land 369 metres Northeast of 210 Craigs Road, Edinburgh for residential development, ancillary retail use, active travel route, open space, landscaping, access, services and all associated infrastructure – application no. 21/04210/PPP.

The application had been appealed for non-determination by the applicant, therefore Committee did not take a decision and instead came to a view on the application as the decision lay with the Scottish Ministers (DPEA) through the planning appeals process. It was advised that the hearing would take place to allow Councillors and representatives a public view on the application.

(a) Report by the Chief Planning Officer

Planning Permission in Principle was sought for residential development at 210 Craigs Road, Edinburgh. The development would comprise of residential development, ancillary retail use, an active travel route, landscaping, access, services and all other associated infrastructure.

The indicative masterplan proposed up to 500 new family homes in a range of house and flat types, 50% of these being affordable. The masterplan adopted a landscape first approach, they key landscape principles included the creation of substantial landscaping along Craigs Road to the south and robust edge along the western boundary creating a threshold to the greenbelt and an informal public open space. Landscaped open space and woodland covering 40% of the site was proposed comprising one three-hectare public park which had LEAP play equipment and two 0.5 hectares small public parks which had LAP play equipment, the landscaped space also had community growing space.

The proposed ‘North Park’ was a linear park which would have created a northern edge to the development with SUDs integrated into low lying ground which promoted new habitats and biodiversity, would be overlooked by a residential development edge.

The proposed ‘Paddock’ was a small parcel of land contained in former field boundaries to the south of the site which would have created open space and play areas. Linear parks were proposed throughout the site, which focused views towards Mauseley Hill and Cammo Tower.

The 20m wide sewer wayleave and protected historical view corridor (Linear Open Space and South Avenue) aimed to provide useable open space and viewpoints from higher ground.

Around 1,820 new trees were proposed to be planted, the proposal aimed to retain existing perimeter trees and reinforced existing woodland and planting on the areas of steeply sloping ground and introduced avenues of trees which would have reduced build development massing. The indicative masterplan also proposed a hierarchy of streets with perimeter blocks that had active frontages and a landscaped public realm. The proposed density graduated from north-east to south-west and respected the existing contours of the land, it had higher density development within areas of lower lying ground to the south east, in closer proximity to the proposed public transport route.

The masterplan proposed to realign the north to south Active Travel Route through the site (Cammo Walk), and connected HSG20 and the development site to HSG 19's Craigs Road cycleway/footway, "Green Corridor" footway/cycleway, Maybury Primary and Edinburgh Gateway rail/tram station. It also had an east to west cycleway/footway through the site. It also included an informal footpath network and running routes through the site.

The principal vehicular access was provided via the fourth arm of the Bughtlin Roundabout on Maybury Road, and had a primary vehicular access route through the site which facilitated provision of a new bus route. New bus stops and bus penetration through site (Lothain 31), with bus gate and emergency access to Craigs Road access were proposed.

The application was supported by the following documents available to view on the Council's Planning and Building Standards Public Access Portal:

- Planning Statement;
- Design and Access Statement;
- Pre-Application Consultation Report;
- Utilities Capacity Assessment;
- Flood Risk Assessment and Drainage Strategy;
- Transport Assessment;
- Affordable Housing Statement;
- Energy and Sustainability Statement;
- Sustainable Development Strategy;
- Landscape Report;
- Tree Survey;
- Solar Glare Hazard Study;
- Aerodrome Safeguarding Feasibility Study.

Environmental Impact Assessment

An environmental Impact Assessment was submitted to support the application, which scoped in the following topic areas:

- Cultural Heritage;
- Landscape and Visual Impact Assessment;
- Preliminary Ecological Appraisal;
- Air Quality;
- Noise and Vibration;
- Ecology and Nature Conservation;
- Water Environment;
- Traffic;

- Disruption due to construction.

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

https://edinburgh.public-i.tv/core/portal/webcast_interactive/651092

(b) Corstorphine Community Council

Steve Kerr addressed the Development Management Sub-Committee on behalf of Corstorphine Community Council via a written statement. He stated that the Community Council believed that the proposed development did not meet a range of CEC planning policy requirements. He also noted that the Local Development Plan (LDP) and City Plan 2030 were important pieces of policy, and while not yet formally adopted by the CEC the document was referred to in order to form their response on the planning application.

Mr Kerr stated that the proposed development would erode the greenbelt. He stated that the application's site was not approved for future development in either the LDP or the City Plan 2030, and that CEC's Landscape and Visual Assessment from 2019 noted that "There is no scope for development in this CAA". As there was no allocation of the site for future development according to CEC policy, Mr Kerr stated that it should be rejected outright for this reason.

Mr Kerr also stated that the development is in contradiction to LDP policies Policy Des 9 and Policy ENV 10 by eroding a well-defined greenbelt. He stated it also contradicted City Plan ENV 18. Mr Kerr also stated that the City Plan Proposals Map showed no allocation of the site for future development (in reference to City Plan 2.59), and that the proposed development was not included in any of the West Edinburgh strategic development pland covered by City Plan (in reference to City Plan 16). Mr Kerr argued that it was clear from both the LDP and City Plan that the site was not considered appropriate for future development, and that Corstorphine Community Council was concerned that should the development be given permission to proceed, it would set a dangerous precedent in the erosion of well-defined greenbelt boundaries around the city, and open the door for further erasure.

Mr Kerr also stated that the proposed site removed open space used and enjoyed by the local community. He said that developers stated that the proposed development was on existing low-quality open space, used only by occasional dog walkers. He stated that the local community was supportive of retaining the open space, as it contributed towards an improved quality of life, connected people to nature and the countryside, and was of potential use for agriculture. Locals especially enjoyed walking along Cammo Walk as it had a peaceful nature, and should this area be developed much of the enjoyment would be removed. Mr Kerr argued that the application therefore contradicted LDP Policy Env 18.

Mr Kerr also stated that the application did not meet the 20 minute neighbourhood criteria. He argued that City Plan 2030 aimed to embed 20 minute neighbourhoods as a cornerstone for new developments in Edinburgh. This was supported by the Plan's first aim. The application contradicted this aim as it was low density and single-use (residential), and provided very few additional amenities within the development itself, other than greenspace. Residents in the local community took some exception to the

developers assumptions about access to local amenities by foot, cycle and public transport, which in turn allowed the developer to tick the box for being compliant with this policy objective. The Community Council disagreed with the assertion that the development was within a 20 minute round trio on foot, cycle or public transport to various amenities. Mr Kerr gave an example of a local cycle route to a store which states it takes 10 minutes to get to, however in practice access to the store by cycling was impractical and dangerous, as there was no cycle parking at the store, and access was over the dangerous Maybury Junction. There was no safe cycle access to many local amenities within 10 minutes of the development meaning that people would need to travel by car. The developers asserted local centres to include industrial and commercial units as part of their Transport Assessment, and Mr Kerr argued that they should not be considered as “local centres”. He argued that the spirit of the 20 minute neighbourhood was for people to easily access amenities and serviced that are useful to them such as veterinary surgeons, banks, libraries, pubs, food shops, newsagents and cafes, and that residents could not get to any of these aforementioned useful amenities within 10 minutes.

Mr Kerr also argued that the development would exacerbate existing traffic congestion and associated air quality issues. The Corstorphine Community Council were concerned that the application’s Transport Assessment percentage impact assessment and junction modelling was looking at the development in isolation and did not take into account the traffic generation and impacts from neighbouring developments that were in the pipeline. The Community Council also noted from the Transport Assessment that figures were used from East Craigs in the 2011 census to compare transport modal share and behaviours, and there were inconsistencies between the East Craigs area and the new development, which casted doubts on the accuracy of figures provided in the report. East Craigs had different amenities, access points, public transport provision and infrastructure. The Transport Assessment made much of cycle connectivity to key amenities, but safe and direct routes to these amenities were often non-existent for people on cycle, meaning in practice it was unlikely people would choose to ride a bike to these destinations. Unless significant upgrades were provided to the active travel network in the wider area, Mr Kerr argued that people would drive instead.

Mr Kerr also noted concern at the Transport Assessment stating that, Lothain Buses has confirmed the 31 service diversion will be delivered following the completion of the above works and the Myabury Junction,” as in practice this would mean that there was a chance that the development could be completed before the necessary transport infrastructure upgrades were completed meaning that the development would have no public transport provision from Lothian Buses. He argued that should the development be granted, that works should only commence once the required junction upgrades had been completed. He also argued that the proposed developments contradicted LDP Policy Tra1(d) and Tra 8, as well as City Plan policies Inf 3 and Inf 4.

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

https://edinburgh.public-i.tv/core/portal/webcast_interactive/651092

(c) Cramond and Barnton Community Council

Peter Scott addressed the Development Management Sub-Committee on behalf of the Cramond and Barnton Community Council. Mr Scott stated that he would be addressing concerns from residents to the north of the site, and that the development has had 118 objections and around 900 petitionary signatures opposing the site. He stated that the development was contrary to current and emerging planning policies.

Mr Scott stated that 2500 homes were already being built and Maybury and Cramond areas were losing wildlife, habitats and greenbelt space due to these developments. All of these developments required access to Maybury Road and Barnton and Maybury junctions. He stated that in 2016 the Development Management Sub-Committee had refused an application by the same applicant as the development undermined the greenbelt objectives, nature of the urban edge, special character of the city and the setting of Cammo Park Estate. Although at the time the applicants stated they did not intent to build on the greenbelt, archaeological excavations were carried out a short time after at the site. Mr Scott stated that the Cramond and Barnton Community Council were against the development due to further erosion of the greenbelt, coalescence of Cammo, Maybury and West Craigs developments, and that Maybury Road and Craigs Road provided a robust urban edge boundaries that he would like to keep.

Mr Scott stated that emerging national and local policies promoted brownfield developments rather than greenbelt developments, and that the application would impact amenities. Development on northern slopes on Craigs Road would significantly impact amenity values on special landscape area including Mawsley Hill and Cammo Estate Historic Gardens and designed landscaped sites. He stated that 500 homes through the strategic Maybury Road and Maybury and Barton junctions exacerbated congestion, business would lose money due to delays on stock, and air quality would be significantly reduced. Waste from Braehead Quarry which was adjacent to the site would also cause noise and odour issues within the development site, which would stop residents from enjoying the outdoor space. The land that the site was being developed on was high quality and could be used for agriculture space, or for nearby residents to use as a growing space, which instead could be used to contribute to net zero rather than for housing. He also stated that the area did not have enough school capacity for residents should the application be approved.

Mr Scott also stated that Cammo Walk was being considered as an Active Travel Route for the development, but by continuing closures would promote entrapment to residents. It would encourage people to use more dangerous routes on more hazardous roads. He argued that a decision on Cammo Walk had already taken 8 years, and that a Statutory Community Participation Request had also been issued but with little progress. He stated that either Cammo Walk should remain open to south bound vehicles via an Active Travel Route or converted to an Active Travel Route with traffic lights at Cammo Gardens to enhance road safety and prevent community severance.

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

https://edinburgh.public-i.tv/core/portal/webcast_interactive/651092

(d) Living Streets Edinburgh

John Kennedy addressed the Development Management Sub-Committee on behalf of Living Streets Edinburgh. Mr Kennedy advised Committee that Living Streets had already submitted an objection to the planning application, and that he was against the application on the basis of additional car impact and the reasons set out in the assessment section of the Report by the Chief Planning Officer, specifically section E.

Mr Kennedy stated that car parking provisions for the development were much less than 100%. He also condemned a remark made in the Transport Assessment, paragraph 5.145, which stated, “development will have no material impact on the road network or proposed transport interventions”. Mr Kennedy did not agree with the statement. He also voiced concerns over findings in the East Craig’s and Craigmount area in the East Craigs Better Choices Report, as the report noted increased rat-running in the area. He argued the proposed development would increase rat-running further in the East Craigs and Craigmount communities.

Mr Kennedy argued that the development and developments in HSG 19 and HSG 20 were effectively increasing codependency with cars and that there was no active travel infrastructure to useful amenities. He stated the development posed issues for access to amenities such as the High Street in Corstorphine by walking or cycling. He stated that better active travel routes were needed in the area for reasons such as arterial rates being hostile and unsafe places for crossing roads, and pollution being breathed in when crossing these roads. There was concern over crossing at junctions in the area, as there were a lack of crossings. When asked by Councillor Gardiner if this would affect safety when walking to and from school in the East Craigs area, Mr Kennedy replied that the area gets particularly busy when the school day ends and that close interactions with the pupils and traffic combined with confusion over new highway code rules, would mean that school pupils could face dangerous situations caused by traffic. He noted there was a school assessment that was ongoing to put a zebra crossing beside the school for safer crossing.

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

https://edinburgh.public-i.tv/core/portal/webcast_interactive/651092

(e) Ward Councillors Lang and Young

Councillor Lang addressed the Development Management Sub-Committee on behalf of Councillor Young and the residents in his Ward. Councillor Lang noted that he was disappointed the applicant was not on the call in order for questions to be asked about the development site.

Councillor Lang stated that the development should not be accepted and should be refused, as there would be a loss of greenspace, a destructive impact on the view of Cammo Estate and Cammo Tower, and the detrimental effect increased traffic would have in the area. He stated that Barnton Junction and Maybury Road were already heavily congested, and that the development would cause further congestion.

Councillor Lang stated that the land which the development would be built on was greenbelt land, and that according to the Local Development Plan the development would be against policy. He argued that the application breached greenbelt policies and Council planning policies, particulary on the setting of listed buildings, historic gardens and design landscapes and transport policies. Schools would also be impacted as there was not enough space in nearby schools to allow more pupils to join. Councillor Lang stated that although Committee could not decide on the application, he was against it and hoped that Committee could form an adequate response for the Scottish Government to appeal.

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

https://edinburgh.public-i.tv/core/portal/webcast_interactive/651092

Decision 1

Motion

To **AGREE** to the hearing for this application.

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To **REFUSE** to the hearing for this application.

- moved by Councillor Mowat, seconded by Rose.

Voting

For the motion: - 9 votes
For the amendment: - 2 votes

(For the motion: Councillors Booth, Child, Cameron, Dixon, Gardiner, Gordon, Mitchell, Osler and Staniforth.)

(For the amendment: Councillors Mowat and Rose.)

Decision

To **AGREE** to the hearing for this application.

Decision 2

Decision

To note the Officer recommendations in the report by the Chief Planning Officer as a basis for appeal.

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

4. 9-11 Maritime Street, Edinburgh

Details were provided of an application for planning permission for a proposed upwards extension and change of use from office to residential to form 22 flats, with associated infrastructure, landscaping and cycle parking at 9-11 Maritime Street, Edinburgh – application no. 21/04479/FUL

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

Motion

To **GRANT** planning permission subject to the conditions, reasons and informatives, and a legal agreement, as set out in section 3 of the report by the Chief Planning Officer, and an additional condition that notwithstanding the approved plans, the cycle parking was not approved and would need to be re-submitted to the Council's planning authority and be installed prior to occupation of the development hereby approved.

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To **REFUSE** planning permission for the reasons set out in section 3 of the report by the Chief Planning Officer and on the grounds of policies ENV3, ENV4 (a,b&c), ENV 6 (a&c), Policy Hou 2, Hou 5 and Des 5.

- moved by Councillor Booth, seconded by Councillor Staniforth.

Voting

For the motion: - 8 votes
For the amendment: - 2 votes

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

(For the amendment: Councillors Booth and Staniforth.)

Decision

To **GRANT** planning permission subject to the conditions, reasons and informatives, and a legal agreement, as set out in section 3 of the report by the Chief Planning Officer, and an additional condition that notwithstanding the approved plans, the cycle parking was not approved and would need to be re-submitted to the Council's planning authority and be installed prior to occupation of the development hereby approved.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
4.1 – Report for forthcoming application by E&A Parternships Ltd & Niddrie Development Company Ltd. for Proposal of Application Notice at 26 Cleikiminrig, Edinburgh	Residential development with associated landscaping, vehicular link route, active travel route, SUDS, infrastructure, engineering works including removal of onsite materials, and other ancillary works – application no. 22/00112/PAN	1) To note the key issues at this stage. 2) To request that the applicant take into consideration: • increasing active travel and improving pavements in the area. • Liaising with planning developers at nearby sites for cross-border co-operation for these developments. Providing sustainable development to the site. How the site fits within the green belt/ countryside.
4.2 – Report for forthcoming application by Crosslane Co-Living SPV 2 Ltd. for Proposal of Application Notice at 94 Ocean Drive, Edinburgh (land 143 metres southeast of)	Residential development and associated co-working and amenity space, with landscaping, public realm, infrastructure, and access arrangements – application no. 22/00096/PAN	1) To note the key issues at this stage. 2) To request that the applicant take into consideration: • Access to greenspace and especially play space for children.Providing adequate street frontage. Providing adequate amenities within the development. Consideration of the nearby planning development to the east of the site

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.3 – 53 Belford Road, Edinburgh	Change of use from commercial to residential – application no. 21/06632/FUL	To **GRANT** planning permission subject to the informatives set out in Section 3 of the report by the Chief Planning Officer.
4.4 – 34 Blackford Avenue, Edinburgh	Demolition of existing and erection of new dwelling – application no. 21/03066/FUL	To **GRANT** planning permission subject to the informatives set out in section 3 of the report by the Chief Planning Officer.
4.5 – 31 Dolphin Avenue, Currie (Currie High School)	Construction of a new ultra-low energy community high school, swimming pool and sports facilities plus associated landscaping and parking; demolition of existing school building (as amended) – application no. 21/04443/FUL	To note that the report was **WITHDRAWN** from the agenda at the request of the Chief Planning Officer.
4.6 – 23 Elm Row, Edinburgh	External seating area – application no. 21/05858/FUL	To **REFUSE** planning permission for the reasons set out in section 3 of the report by the Chief Planning Officer.
4.7 – 25 Lasswade Road, Edinburgh	Alterations and change of use of existing class 1 convenience store with hot food takeaway counter to form class 3 café / restaurant – application no. 21/03154/FUL	To **GRANT** planning permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.8 – 69-71 Marionville Road, Edinburgh	Demolition of two existing business units and erection of a residential development comprising two apartment buildings, a terrace of mews houses, car parking, landscaping, and other associated works (amendment to 19/04508/FUL) as amended – application no. 21/04703/FUL	To **GRANT** planning permission subject to the conditions, reasons and informatives, and a legal agreement, as set out in section 3 of the report by the chief Planning Officer.
4.9 - **9-11 Maritime Street, Edinburgh**	Proposed upwards extension and change of use from office to residential to form 22 flats, with associated infrastructure, landscaping, and cycle parking (as amended) – application no. 21/04479/FUL	To **GRANT** planning permission subject to the conditions, reasons and informatives, and a legal agreement, as set out in section 3 of the report by the Chief Planning Officer, and an additional condition that notwithstanding the approved plans, the cycle parking was not approved and would need to be re-submitted to the Council's planning authority and be installed prior to occupation of the development hereby approved. (on a division)
4.10 – 9-11 Maritime Street, Edinburgh	Proposed internal alterations and upwards extension to facilitate change of use from office to residential (as amended) – application no. 21/04480/LBC	To **GRANT** listed building consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.
4.11 – 65 Ravelston Dykes Road, Edinburgh	Extend on the ground floor to add a sunroom, bedroom and garden storage to ground – application no. 21/03298/FUL	To **GRANT** planning permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.12 – 65 Ravelston Dykes Road, Edinburgh	Extend on the ground floor to add a sunroom, bedroom and outdoor storage – application no. 21/03296/LBC	To **GRANT** listed building consent subject to the informatives set out in section 3 of the report by the Chief Planning Officer.
4.13 – 13 St Fillan's Terrace, Edinburgh	Single storey rear extension and attic conversion, including rear dormer. New ancillary garden room (as amended) – application no. 21/06137/FUL	To **GRANT** planning permission subject to the informatives set out in section 3 of the report by the Chief Planning Officer.
5.1 – 2-4, 6, 14 Bonnington Road Lane and 200 Bonnington Road, Edinburgh	Demolition of existing buildings and redevelopment comprising build to rent residential accommodation, commercial uses, associated landscaping and infrastructure (as amended) – application no. 20/01932/FUL	To **AGREE** to a Stopping Up Order to facilitate full planning permission at the site and for the re-siting of telecomms equipment, as set out in the report by the Chief Planning Officer.
5.2 – 34 Cramond Road North, Edinburgh (at land adjacent to former)	Section 42 application to vary condition 1 of planning permission reference 13/01843/FUL (which modified consent 05/02947/FUL, which previously modified consent 01/01881/FUL), to extend the proposed timescale for laying out and operating the approved sports pavilion and sports pitches for a further five year period – application no. 20/02916/FUL	1) To note the report by the Chief Planning Officer. 2) To ask developers for quicker development of the site to allow further progress.
6.1 – 210 Craigs Road, Edinburgh (at land 369 metres northeast of)	Protocol Note by the Service Director, Legal and Assurance – application no. 21/04210/PPP	To note the protocol note.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
6.2 – 210 Craigs Road, Edinburgh (at land 369 metres northeast of)	Residential development, ancillary retail use, active travel route, open space, landscaping, access, services and all associated infrastructure – application no. 21/04210/PPP	**Decision 1** To **AGREE** to the hearing for this application. (on a division) **Decision 2** To note the Officer recommendations in the report by the Chief Planning Officer as a basis for appeal.
7.1 – 21-24 Joppa Terrace, Edinburgh (at land opposite)	Erection of dwelling with landscaping, boundary treatment and parking, formation of two community gardens – application no. 21/06429/FUL	To **REFUSE** planning permission subject to the reasons set out in the report by the Chief Planning Officer.

Development Management Sub-Committee Report

Wednesday 16 March 2022

Application for Planning Permission
Police Box, Charterhall Road, Edinburgh.

Proposal: Change of use of police call box to point of sale for food and drink.

Item – Committee Decision
Application Number – 21/04957/FUL
Ward – B15 - Southside/Newington

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 12 letters of representation in objection to the proposals have been received. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Council's Development Management Sub-Committee.

Recommendation

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

Summary

The proposal complies with the relevant policies of the Edinburgh Local Development Plan. The proposal would be an appropriate use in the context of the character of the surrounding area and would not have an adverse impact on the unique architectural and historical character of the listed building or its setting. It would not have a detrimental impact on the amenity of the surrounding area or raise any concerns in respect to road safety. The development will not detract from the Special Landscape Area and there will be no significant impact on ecology. There are no other material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application relates to a former police box occupying a prominent position on the northern boundary of Hermitage of Braids Park, close to the entrance to Blackford Pond. The Police Box is located on the south side of Charterhall Road, close to the junction with Oswald Road.

It forms one of a series of similar boxes designed by the City Architect Ebenezer James McRae in the 1930s.

Several of the police boxes have been sold to the public in recent years. This forms one of a series of applications bringing the boxes into new uses.

The Police Box was listed category B on 16 May 2007, LB Ref 50880.

Adjacent listed building

This police box is in close proximity to the B listed, single storey L-plan Blackhall Lodge, built circa 1895. The lodge house lies to the west of the site and is in residential use.

The lodge house was listed on the 1 January 2003, LB Ref 26994.

Description of the Proposal

The application proposes the alteration and conversion of the police box to a coffee kiosk. Alterations include repainting of the police box from blue to a black colour scheme, creation of an opening section on the frontage (as per the alterations rolled out on similar police box conversions) and addition of a small detachable canopy over the service hatch.

The associated application for Listed Building Consent (21/04958/LBC) is still under consideration. It is anticipated this will be determined under delegated powers.

Supporting Information

The agent has submitted a supporting statement.

Relevant Site History

21/04958/LBC
Alterations to Police Call Box, to facilitate use for food and drink sales including exterior painting, forming a removable panel, cutting entrance door, installing removable counter and retractable awning and replacing solid panels with glazing.

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transportation

Environmental Protection

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 4 October 2021
Renotification: Not Applicable
Date of Press Publication: 8 October 2021
Date of Site Notice: Not Applicable
Number of Contributors: 12

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?

- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the listed building and its setting?

The following HES guidance is relevant in the determination of this application:

- *Managing Change - External Features* sets out the principles that apply and how they should inform planning policies. The statutory requirement is that the character of the listed structure is retained.

- *Managing Change - Use and Adaptation of Listed Buildings* For a building to stay in use over the long term, change will be necessary. This reflects changes over time in how buildings are used and what is expected of them. This should always be considered carefully and avoid harming the building's special interest.

- *Managing Change - Setting* sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas.

The small scale of the structure renders it more vulnerable to a change in character even with minor alterations. It is noted that the alterations reflect those accepted on several listed police boxes in other parts of the city.

The box will retain much of its existing form and character when closed at night, retaining the solidity of the distinctive cast iron structure. The alterations make use of the existing envelope and no extension to the structure is proposed. The police box kiosk will have a more active appearance during operational hours. Signage elements have been limited to menu boards which will be removed when the premises is closed. The proposed change of paint colour from blue to black is considered acceptable.

The proposed works are modest in scale and will not harm the character of the listed building or that of the nearby Category B listed lodge house.

Conclusion in relation to the listed building and its setting

In relation to the listed building and its setting, the proposals would not harm the listed building and its setting and accord with Section 59 of the Planning (Listed Buildings and Conservation Areas) Scotland Act 1997 and relevant HES guidance.

b) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant policies to be considered are:

- LDP Environment policy Env 3, Env 4, Env 10, Env 11, Env 15, Env 18
- LDP Shopping and Leisure policy Ret 11
- LDP Housing policy Hou 7
- LDP Design policy Des 6
- LDP Transport policy Tra 2, Tra 3

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3 and Env 4. The non-statutory 'Guidance for Businesses' is a material consideration that is relevant when considering policies Ret 11 and Hou 7.

<u>Impact of the listed building and its setting</u>

This has been assessed in section a) and the proposals comply with development plan policies Env 3 and Env 4 and the non-statutory guidance.

<u>Greenbelt</u>

Local Development Plan policy Env 10 (Development in the Green Belt) sets out criteria where development in the Green Belt will be permitted, provided it does not detract from the landscape quality and/or rural character of the area.

Policy Env 10 permits development only if one of the policy's specified criteria can be met and it would not detract from the landscape quality of the area. In this case the Category B listed police box satisfies the policy criteria b) because it is 'for the change of use of an existing building, provided the building is of architectural merit or a valuable element in the landscape'. The proposed change of use does not involve any extension to the existing structure or change to the landscape setting provided by Blackford Pond, so the second component of the policy is also readily satisfied.

The Guidance for Countryside and Green Belt refers to appropriate uses in a countryside location where there is a requirement for the land resource and it is compatible with an agricultural or natural setting.

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

Policy Env 18 (Open Space Protection) states that proposals involving the loss of open space will not be permitted unless it is demonstrated that: a) there will be no significant impact on the quality or character of the local environment and b) the open space is a small part of a larger area of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area; and c) the loss would be detrimental to the wider network including its continuity or biodiversity value and either d) there will be a benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space or e) the development is for a community purpose and will provide a facility for the local community.

The use is an appropriate use of the land subject to any associated works being of a scale and design that do not detract from the character and quality of the area.

The wider Special Landscape Area encompassing the surrounding open space will remain unchanged and, therefore will not experience a detrimental impact from the proposal. The change of use of the small area will not detract from the continuity or biodiversity value of the area nor from the existing open space. The open space itself will not be lost but used differently and there will be a benefit for local residents wishing to use the space. Although the proposal is for a commercial development, it will provide a facility for the local community.

In this context, the location is appropriate for the proposed small scale use and the development does not detract from the landscape quality or character of the Green Belt. It complies with criterion b) of policy Env 10. The proposal will not have a significant adverse impact on the special character or qualities of the Special Landscape Area or on the open space. The proposal complies with criteria a) to e) of policy Env 18.

The proposal complies with LDP policies Env 10, Env 11, Env 15 and Env 18.

<u>Amenity</u>

Development on this very low scale has been approved in many parts of the city, including residential areas. The police box conversions typically rely on footfall rather than car-based travel and the parking impacts are unlikely to be significant. As the unit is small there will be no impact on residents.

Due to the limited scale, the use is assessed as class 1 retail, rather than class 3 and is assessed on this basis, as were previous applications for police box conversions. The supporting information outlines the small-scale operation proposed.

Environmental Protection has advised that it has no objections to the application, due to the small-scale of the operations. The closest residential property on Charterhall Road is located around 19m to the southeast of the proposed development. The applicant has advised that due to space constraints, only a restricted amount of cooking and reheating of food will be carried out at the site in addition to the sale of drinks.

The proposals have been assessed in terms of amenity and no impacts were identified. Any activities taking place within the premises which may generate unsatisfactory noise level to the detriment of residential amenity could be controlled through statutory nuisance provisions.

The development will not impact on neighbouring residential amenity, complying with LDP Policy Hou 7 and Ret 11 and Council Guidance for Businesses.

Sustainability

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

Transportation

LDP policy Tra 2 (Private Car Parking) states permission will be granted for development which complies and does not exceed the Council's guidance on parking.

LDP policy Tra 3 (Private Cycle Parking) states permission will be granted for development which complies and does not exceed the Council's guidance on cycle parking and storage.

The Roads Authority has advised that is has no objections to the application and that parking and the arrangements proposed are satisfactory.

No car parking is proposed and free parking is available on street. However, the use and scale of the development is not anticipated to generate any significant increase in car journeys or impact on the surrounding road network.

No cycle parking is proposed. However, there is adequate space for suitable cycle provision to be accommodated nearby.

The proposal therefore complies with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

Overall, the proposals comply with the Local Development Plan.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development. The SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions: the following are relevant:

- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment

The proposal complies with the relevant sustainability principles of SPP.

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

The application was advertised on 22 September 2021 and 12 comments were received. Of these 8 were objections, 3 were letters of support and 1 was a general comment.

A summary of the representations is provided below:

material considerations

- parking and traffic, assessed in section b)

non-material considerations

- increase in litter, waste will attract vermin - there is a requirement for the business operator to have a trade waste contract for the disposal of waste from the business. It is understood that the operator has other premises nearby and intends to manage the waste arising from the proposed unit along with trade waste from their main premises. In terms of litter, the operator may provide additional litter bin for customers to use. Should littering be of found to be of concern when the unit is operational it could be brought to the attention of the Council's street enforcement team.

- lack of toilet facilities, in this respect an employer would require to make arrangements for welfare facilities for their employees. It is understood that there is a café with toilets at the other end of Blackford Park and toilets within the Hermitage of Braid.

support

- good use of disused police box, the property has been vacant for a number of years.

Conclusion in relation to identified material considerations

The material conclusions in respect of the material considerations do not outweigh the conclusion reached in relation to the development plan.

d) Overall conclusion

The proposal complies with the relevant policies of the Edinburgh Local Development Plan. The proposal would be an appropriate use in the context of the character of the surrounding area and would not have an adverse impact on the unique architectural and historical character of the listed building or its setting. It would not have a detrimental impact on the amenity of the surrounding area or raise any concerns in respect to road safety. The development will not detract from the Special Landscape Area and there will be no significant impact on ecology. There are no other material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Informatives

It should be noted that:

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

2. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.

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.

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.

Background Reading/External References

To view details of the application go to the Planning Portal

Further Information - Local Development Plan

Date Registered: 22 September 2021

Drawing Numbers/Scheme

1-3

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Diana Garrett, Planning officer
E-mail: diana.garrett@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

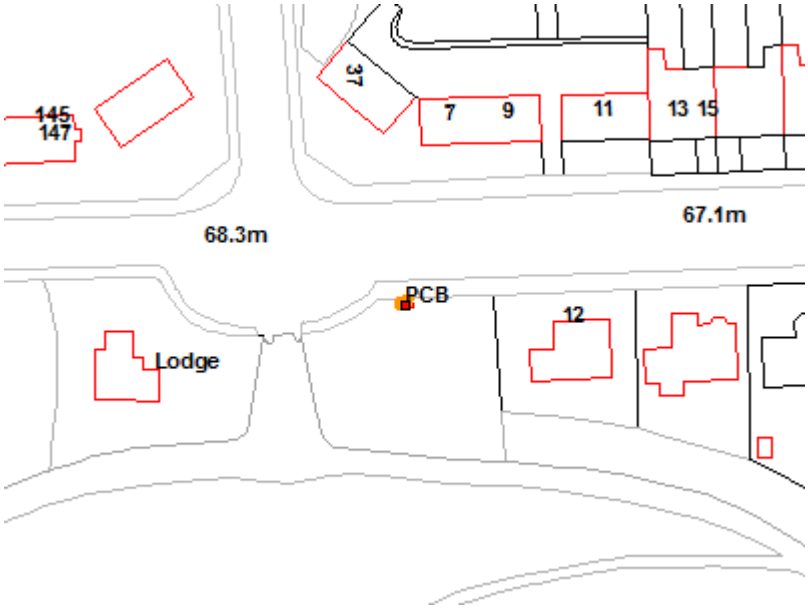
NAME: Transportation
COMMENT: No objections.
DATE: 22 February 2022

NAME: Environmental Protection
COMMENT: Environmental Protection does not object to the proposed development but would recommend that a condition concerning cooking operations is attached.

DATE: 18 January 2022

The full consultation response can be viewed on the Planning & Building Standards Portal.

Location Plan



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Development Management Sub Committee

Wednesday 16 March 2022

Confirmation of Tree Preservation Order No. 197 (8 Craigmillar Park, Edinburgh)

Item number	
Report number	
Wards	Ward 15 – Southside/Newington

Summary

Tree Preservation Order TPO No. 197 (8 Craigmillar Park, Edinburgh) was made on 8 October 2021 to protect several trees in the interests of amenity. This Order expires after 6 months unless it is confirmed within this time. The Order must be confirmed before 8 April 2022 to ensure the Order provides permanent tree protection.

It is recommended that Committee confirms Tree Preservation Order No. 197 (8 Craigmillar Park, Edinburgh).

Links

Policies and guidance for this application	CDP ENV12

Report

Confirmation of Tree Preservation Order No. 197 (8 Craigmillar Park, Edinburgh)

Recommendations

1.1 It is recommended that Committee confirms the Order.

Background

2.1 Site description

The site is a residential property on Craigmillar Park. The TPO applies to two lime trees on the front by the roadside, and a row of six trees comprised of four limes and two variegated hollies along the side of the house to the south. It is within the Craigmillar Park Conservation Area.

Photographs of the trees are provided in Appendix 3.

2.2 Site History

31 August 2020 – 20/03638/TCO: submission of a tree work notice for removal of a spruce tree from the front garden. No TPO was made and the tree was removed.

29 October 2020 – 20/04714/TCO: tree work notice for removal of a lime tree from the front of the garden, grinding out of the stump, and pollarding of the two remaining roadside limes. No TPO was made and the tree work went ahead.

30 April 2021 – 21/02368/TCO: tree work notice for removal of two holly trees and one lime tree and pollarding of three lime trees. The Arboricultural Officer wrote to the applicant expressing concern about the extent of the works. The applicant agreed to withdraw the application and submit a tree report to support any future submission.

30 August 2021 – 21/04568/TCO: tree work notice for the removal of two holly trees and one lime tree, and crown reduction of three lime trees. TPO made due to concerns about the cumulative effect of multiple recent tree work notices, and because the proposals were not supported by the evidence provided.

Main report

3.1 Description of The Proposal

This report deals with the confirmation of Tree Preservation Order TPO No.197 (8 Craigmillar Park), which covers eight trees to the front and side of the property

The front garden of 8 Craigmillar Park contained ten trees. In 2020, a tree work notice was submitted for the removal of a spruce tree from the front garden, and some months later a second notice was submitted for removal of a large lime tree from the front garden, and for pollarding of two limes. These two requests were assessed and allowed to go ahead.

In March 2021, a further tree work notice was submitted for the removal of another three trees and pollarding of four limes. If this work had gone ahead, then in combination with the two tree work operations in 2020, this would have meant a major reduction in the tree cover of this garden. The Arboricultural Officer expressed concern at the proposal, and the notice was withdrawn by the applicant. It was resubmitted in August 2021 with a tree report to support it, however, upon assessment it was found that the tree report did not support the proposal. The tree report did not provide substantial justification for any of the proposed works, and in particular, the proposed removal of one of the largest lime trees was not suggested in the report at all.

Nine local residents objected to the tree work notice and requested that the trees be protected by a TPO. Given the potential cumulative effect of numerous tree work notices, a TPO was made under delegated powers in order to prevent further tree removals and to protect the amenity of the area.

3.2 Determining Issues

Section 160 of the Town and Country Planning (Scotland) Act 1997 states that a planning authority may make an order specifying any trees, groups of trees or woodlands in their district and providing for their preservation if it is a) expedient in the interests of amenity to make that provision, or b) that the trees, groups of trees or woodlands are of cultural or historical significance.

The planning authority must consider any representations made in accordance with the Tree Preservation Order and Trees in Conservation Areas Regulations before the tree preservation order is confirmed.

3.3 Assessment

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

a) The making of the Order is expedient in the interests of amenity or whether the trees, groups of trees or woodlands are of cultural or historical significance;
b) the proposal complies with the development plan;
c) equality and human rights issues have been addressed and
d) any representations received require the Order to be abandoned, confirmed or confirmed with modifications.

a) Amenity, Expediency and Cultural or Historic Interest

The eight trees remaining at 8 Craigmillar Park are of varying size and age. The two mature roadside lime trees at the garden frontage have historically been managed as pollards where trees are cut back to a fixed point on a cyclical basis. They have been recently pollarded to around four metres in height – this species responds very well to pollarding and the trees remain a valuable and attractive feature in this condition. The group of trees at the side of the house is formed of four large lime trees and two smaller holly trees. This group is further back from the road, but as a landscape feature still contributes significantly to the amenity of the area. The trees all appear to be in satisfactory condition and have potentially decades of lifespan remaining if well managed.

The planning authority has received several tree work notices in a short period of time for this garden. The current owners moved into the property in 2020 and have expressed their intention to reduce tree cover on the site to allow them to grow smaller plants instead. The making of the Order was therefore expedient as it will allow the planning authority to prevent tree loss on this site.

The trees are not considered to be of cultural or historic interest.

b) Development Plan

The supporting text of Policy Env 12 (trees) of the Edinburgh Local Development Plan states that where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

In view of the amenity provided by the trees, the requirement to apply a Tree Preservation Order complies with the development plan.

c) Equalities and Human Rights

The proposals raise no equalities or human rights concerns.

The statutory requirement on planning authorities is to make Orders where this is in the interests of amenity. Amenity in this context is interpreted as extending beyond the amenity of an individual party and being of wider public benefit. An Order allows any person to apply for permission to carry out tree pruning, felling etc at any time; at that time the individual circumstances of the case must be assessed and a decision on tree work proposals reached. There is a right of appeal against the decision of a planning authority.

d) Representations

The planning authority is required to consider any objection or representation made within 28 days of making and advertising a Tree Preservation Order. The making of the TPO was advertised in the normal manner.

One representation was received from the owners of the trees. They object to the TPO on the grounds that they wish to increase sunlight to their garden and reduce leaf litter. Their objection references the advice given to them by the planning authority to submit their tree work notice with a supporting tree report provided by a professional, which they did, and they are dismayed that, having followed that advice, a TPO was made. However, the tree report provided did not provide information to support the proposed work. Experiencing partial shade and seasonal leaf litter from trees is normal and would not constitute grounds to withhold protection from valuable trees unless there were exceptional circumstances. The two lime trees on the roadside are relatively small crowned and situated to the east of the property where direct shading would be experienced for the earlier part of the day. The group of trees to the south cause greater direct shading due to their height and orientation. The shading would primarily be to the driveway and southern elevation of the house. However, the level of shading is not considered to be so excessive it would outweigh the wider amenity value of the trees.

Conclusion

The trees are of significant amenity value and contribute to the attractiveness and character of the area. They are highly valued by other local residents. The owners of the trees have expressed, through multiple tree work notices and their representations, that they intend to reduce the tree cover in their garden. The Order allows the planning authority to control the further loss of trees, which would otherwise be likely to continue and enable it to require a suitable replacement if tree loss is necessary in the future.

It is recommended that the Tree Preservation Order be confirmed.

The Tree Preservation Order map and Schedule are enclosed at Appendices 1 and 2 and photographs of the trees at Appendices 3

Financial impact

4.1 The financial impact has been assessed as follows:

Costs are accommodated through existing budgets.

Risk, Policy, compliance and governance impact

5.1 Provided Tree Preservation Orders are confirmed in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Not applicable.

8.2 Publicity summary of representations and Community Council comments

The Order was advertised in the local press on 22nd October 2021 and displayed in Craigmillar Library in accordance with regulatory requirements. A copy could not be displayed in the local library or at the Planning and Building Standards reception in Waverley Court due to Covid restrictions but was available to view on the Council's website.

Background reading/external references

- Planning guidelines
- Edinburgh Local Development Plan
- Scottish Planning Policy

Statutory Development Plan Provision	Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders (ENV12).
Date registered	N/A
Drawing numbers/Scheme	N/A

David Givan

Chief Planning Officer
PLACE
City of Edinburgh Council

Contact: Ruthe Davies
E-mail: ruthe.davies@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Local Development Plan

LDP Policy ENV12 (Trees)

Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or other tree worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

This policy recognises the important contribution made by trees to character, biodiversity, amenity and green networks. In assessing proposals affecting trees, the Council will consider their value, taking into account status such as Tree Preservation Order, heritage tree, Ancient Woodland and Millennium Woodland, and information from tree surveys.

Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

Appendix 1

Tree Preservation Order Map

Appendix 2

Tree Schedule

Trees Specified Individually (marked in green on the maps)		
No. on Map	**Description**	**Situation**
T1	Lime	
T2	Lime	
Trees Specified by Reference to an Area (within a solid black line on the map)		
No. on Map	**Description**	**Situation**
None		
Groups of Trees (within a broken black line on the maps)		
No. on Map	**Description**	**Situation**
G1	Four lime trees and two variegated holly trees	
Woodlands (Within a red line on the maps)		
No. on Map	**Description**	**Situation**
None		

Photographs

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Development Management Sub Committee

Wednesday 16 March 2022

Application for Planning Permission 21/04443/FUL at Currie High School, 31 Dolphin Avenue, Currie. Construction of a new ultra-low energy community high school, swimming pool and sports facilities plus associated landscaping and parking, demolition of existing school building (as amended).

Item number	
Report number	
Wards	B02 - Pentland Hills

Summary

The proposal lies within an established land use and is acceptable in principle.

The proposal is appropriate in terms of design, scale and layout, where it will not have a detrimental impact on the character and appearance of the surrounding area and landscape, in line with LDP Design policies.

The proposal will not have a detrimental impact on neighbouring amenity.

The proposal promotes sustainable transport modes and will not impact on traffic or road safety, in accordance with LDP Transport policies and guidance.

The proposal will not be to the detriment of the natural or historical environment, in line with LDP Environment policies.

The proposal represents a sustainable development in line with LDP Policy Des 6 and Scottish Planning Policy.

The proposal is therefore in accordance with the Edinburgh Local Development Plan. There are no material considerations that outweigh this conclusion.

Outcome of previous Committee

This application was previously considered by Committee on 02.03.2022

Links

Policies and guidance for this application	SPP, LDPP, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN12, LEN18, LEN19, LEN16, LEN09, LEN21, LEN22, LTRA02, LTRA03, LTRA04, NSG, NSGD02,

Report

Application for Planning Permission 21/04443/FUL at Currie High School, 31 Dolphin Avenue, Currie. Construction of a new ultra-low energy community high school, swimming pool and sports facilities plus associated landscaping and parking, demolition of existing school building (as amended)

Recommendations

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

Background

2.1 Site description

The site is the existing Currie High School which sits in the village of Currie, just outside of the Edinburgh bypass, 11km from the city centre and north east of the Pentland Hills.

The site occupies approximately 7.34 ha and is located at 31 Dolphin Avenue to the south of Currievale Drive. It comprises the school buildings, sports pitches and open space /footpaths associated with the use. The school building is located to the north-east and is orientated linearly east to west.

The site is heavily screened from its immediate surroundings by a perimeter belt of dense woodland and mature tree planting. Areas of raised ground are located at the southern boundary and the wooded areas to the north and east sited at the top of a steep slope. An area of undeveloped, unmaintained grassland is the northwest of the site.

The existing surrounding housing predominantly comprises two storey semi-detached and terraced house types, with some bungalows to the south-west of the site.

Directly to the east there is an area of dense trees between the site and housing. The Woodlands School also sits on the eastern boundary of the site.

A public footpath runs through the centre of the site from west to east, with perimeter access points from Currievale Park Grove, Dolphin Gardens to the south and smaller entry points from the north western perimeter. The main vehicular entrance to the site is via Dolphin Avenue, to the south eastern corner of the site.

Bus stops are within a 400m walking distance to the south and east of Currie Community High School, whilst the train station is 800m to the north-east.

2.2 Site History

29 March 2021 - Proposal of Application Notice approved for construction of a new community high school, swimming pool and sports facilities within the grounds of the existing school plus associated external landscaping and car parking. Demolition of the existing school building (planning reference 21/01226/PAN).

10 Sept 2021 - Planning Permission Granted for Proposed 3G Pitch including floodlighting, fencing and spectators' area (planning reference 21/02381/FUL)

Main report

3.1 Description of the Proposal

Full planning permission is sought for the demolition of the existing school and the construction of the new Currie Community High School.

The application proposes an ultra-low energy community high school, swimming pool and sports facilities and community facilities, along with associated landscaping and parking.

The proposed building will sit centrally within the site, on the existing grass pitches.

The building will be two linear blocks running west to east housing a three-storey teaching block and a two-storey sports facilities block, connecting via a central reception, library and café space.

The new building will be maximum three storeys in height and constructed using a mix of light buff grey brick, vertical profile cladding, profiled glazed terracotta cladding, and triple glazed curtain walling composite of a Passivhaus standard in timber and aluminium.

The proposal includes various hard and soft landscaped areas for play and teaching, including a teaching terrace for outdoor classes, outdoor learning hub and sensory garden. The area to the north of the main pedestrian route has been safeguarded as green space. This will comprise grass playing fields, a play mound area and a community space for future allotments and community gardens. A woodland play area and garden will be located to the south east of the site.

Two new grass pitches are proposed to replace the loss of the existing pitches to be relocated to the north eastern area of the site where the existing school sits.

The proposal intends to retain the existing main vehicular access to the site and enhance pedestrian routes into the site. Vehicular drop-off is available via Forth View Crescent to the east of the school site and via Currievale Park Grove where the pedestrian footpaths link to the site.

Car parking will be provided to the east of the site. A total of 92 car parking spaces are proposed, including 13 Electric Vehicle charging spaces, 10 accessible parking spaces and two accessible electric vehicle parking spaces. Four motorcycle spaces will also be provided.

A total of 158 single tier cycle parking spaces are proposed to be accommodated in three locations throughout the site in a mix of covered and open storage facilities.

Provision for access for refuse collection and deliveries has been incorporated. A hard-surfaced area is proposed to the north-west of the school for turning to prevent vehicles needing to reverse on site.

The proposed phasing is as follows: -

Phase 0 - new 3G synthetic turf pitch
Phase 1 - new school building, landscaping, school and community car park
Phase 2A - demolition of existing school
Phase 2B - northern landscaped area (grass pitches, play area, community allotments
Phase 2C - Woodlands school car park construction
Phase 2D - New school landscaping east of teaching block

Amended Scheme

The scheme was amended, revising the site layout due to changes to the parking provision, motorcycle provision and cycle provision. Elevational revisions were also submitted to all allow bat boxes to be incorporated into the scheme.

Supporting Statements

The application is supported by the following documents available to view on the Council's Planning and Building Standards Public Access Portal:

- PAC Report;
- Design and Access Statement;
- Transport Assessment;
- Framework Travel Plan;
- Flood Risk Assessment;
- Updated Drainage Strategy;
- S1 Sustainability Form;
- Preliminary Ecological Survey;
- Bat Survey;
- Geo Design and Environmental Risk Appraisal;
- Landscape and Visual Impact Appraisal;
- Tree Survey;
- Heritage Impact Assessment;
- Site Servicing Strategy;
- Maintenance Schedule and
- Plant Noise Impact Assessment.

3.2 Determining Issues

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

3.3 Assessment

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

a) the proposal is acceptable in principle;
b) the proposal is of an appropriate scale, form and design is compatible with the area;
c) the loss of existing open space is acceptable;
d) the proposal adversely impacts on residential amenity;
e) the proposal adversely impacts on traffic or road safety;
f) the proposal will increase flood risk;
g) the proposal will be to the detriment of existing trees or natural environment;
h) the proposal will have an adverse impact upon air quality;
i) the proposal will have any archaeological implications;
j) the proposal is sustainable;
k) any other material considerations;
l) any impact on equalities and human rights;
m) any comments raised and addressed.

<u>a) Principle</u>

The proposal is to be located within an established school site.

The site is located within urban area as designated within the Edinburgh Local Development Plan, and the existing use is Class 10 (Non-Residential).

The principle of the development has been established.

b) Design, Scale, Layout and Character

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. This includes access to the site, consideration of existing trees and future planting, footpath/cycleway links through the site and to existing areas, amenity issues and the creation of open space.

The policies seek a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces. The incorporation of existing features including archaeology, trees, woodland, landscape character, views and biodiversity can enhance a developments sense of place and contribute to the wider habitat and green network, and where it is demonstrated that existing characteristics and features worthy of retention are incorporated and enhanced through the design.

In terms of landscape design, consideration has been given to the overall masterplan to achieve a high-quality landscaped site, incorporating formal and informal amenity and play spaces, outdoor teaching spaces and community growing space. Natural, stone and timber boundary treatments are used to distinguish between public and community space and any outdoor teaching/learning spaces that are prioritised for school users. A maintenance schedule has been submitted as part of the application.

The layout allows for a permeable and well-connected site, with paths running through and around the perimeter. The paths connect the various spaces throughout the site, and onto the wider area, encouraging walking and cycling.

The form of the proposed building is appropriate within the context of the site. The architectural style of the building is contemporary and allows this building to sit comfortably within its context against surrounding modern residential buildings.

In terms of height, the proposed three storey building will replace the current four-storey building which is acceptable and in keeping with the established building heights in the area.

The scale and massing of the proposed building is designed to respond to the immediate context of the site, and this has been achieved by splitting the building's mass. The two-storey sports block responds to the low-level housing along the southern boundary.

The articulation of materials on the elevations is successful in creating texture and visually reducing the overall massing of the elevations. The two separate masses with a centralised entrance courtyard creates a sense of arrival for users.

In terms of materials, surrounding residential properties consist of terracotta pitched roofs, muted renders and pebbledash, with some natural or sandstone features.

The use of brick is in keeping with neighbouring buildings, and the proposed indicative colour palate or red, brown and gold intend to draw reference upon the materiality and colours of the housing in the locality, as well as the colours of the Pentlands. Matters of cladding colour are further discussed below.

Overall, the design respects the surrounding urban pattern, scale and height. The proposal achieves high quality landscaping and amenity space within the space, and is permeable and well connected, encouraging walking and cycling. The proposal in terms of design form and layout is in compliance with policies Des 1, Des 2, Des 3, Des 7 and Des 8.

Impact on Landscape Character and Views

The Edinburgh Landscape Character Assessment (City of Edinburgh Council, 2010) categorises the site as lying within the 'urban' area.

The dense woodland which borders the school boundary, combined with the views to the south of the Pentland Hills and to the north of the greenfield sites and farmland, creates a feeling of the site being more rural than suburban, with strong connections to its natural context.

A Landscape and Visual Impact Appraisal was submitted as part of the application.

Local view illustrations have been submitted to show the proposed development in the context of its surrounds. The proposal is well screened, and the development will not appear visually incongruous within the immediate locality.

However, the building is visible within the landscape in some longer views and could have a visual impact upon the landscape. This could be mitigated against by using compatible cladding colours that are sensitive and in keeping with the surrounding landscape. To mitigate the impact and reduce the visual appearance of the building, a condition is attached that details and sample colours of cladding be submitted for approval.

Subject to the recommended condition, the proposed development can be suitably absorbed into the landscape without being to the detriment of its character or appearance.

<u>c) Loss of Open Space and Outdoor Sports Facilities</u>

The Edinburgh LDP designates the area surrounding the existing school building within the site as open space.

LDP Policy Env 18 (Open Space Protection) states that proposals involving the loss of open space will not be permitted unless it is demonstrated that:

a) There will be no significant impact on the quality or character of the local environment and;
b) The open space is a small part of larger area or of limited amenity or leisure value and there is significant over provision of open space serving the immediate area and;

c) The loss would not be detrimental to the wider network including its continuity or biodiversity value and either;
d) There will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvements to an existing public park or other open space or;
e) The development is for a community purpose and the benefits to the local community

The site will be landscaped and designed to suit the use of the school which includes a range of open space facilities. There will be no detrimental impact on the wider open space network. There is a local benefit in allowing the development within an established school site, and the proposal is for a community purpose where it will be for visiting members of the public.

The application has demonstrated that there will be no significant impact on the quality or character of the local environment.

LDP Policy Env 19 (Protection of Outdoor Sports Facilities) states the loss of a playing field or sports pitch will be permitted only where one of the following circumstances applies

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

This current proposal results in the loss of the existing grass pitches to accommodate the new school building.

At present, the school's grass pitch areas are around 80mx100m and 63mx80m. The application proposes to replace these existing pitches with two small sized rugby pitches (size 70mx40m) which will be overlaid with running track markings, orientated west to east.

As the new pitches are smaller than the current pitches, the proposed provision does not provide a new facility of comparable or greater benefit for sport, and therefore does not align with part c) of LDP Policy Env 19.

Notwithstanding this, the proposed development will not be to the detriment of the overall quality of provision. A new full-size synthetic pitch to the south west of the site was granted permission by a separate planning application (application reference: 21/02381/FUL).

Sport Scotland has raised no objection to the proposal subject to a condition to ensure a reasonable quality grass surface can be provided.

Given the grass pitches are going to be on the site of the current school, careful consideration and design will be needed to ensure a reasonable quality grass surface can be provided. Conditions are recommended to ensure delivery of high-quality grass pitches.

Overall, the proposal does not raise any issues in respect of the loss of open space or replacement of sports facilities and complies with LDP policy Env 18 and Env 19.

Conditions are recommended to ensure a good quality pitch surface can be achieved and to ensure the pitches are delivered and operational within a reasonable period following occupation of the school.

d) Amenity

LDP Policy Des 5 (Design-Amenity) supports proposals that have no adverse impact on neighbouring developments and will achieve a good level of occupier amenity.

The site is surrounded by residential accommodation with the nearest homes being located immediately to the west beyond a small strip of vegetation and public path. Residential houses also lie further to the south, where there is also a strip of vegetation and a row of garages.

In terms of noise, the site is an existing school use. As there is no lawful change of use of the site, new controls cannot be placed upon applicant to control noise. However, a Noise Impact Assessment (NIA) was submitted in relation to the proposed plant locations and confirms there will be no impact upon neighbouring residential amenity.

Ground floor plant rooms are proposed on the southern elevation, along with rooftop Air Handling Units and Air Source Heat Pumps. The report finds that all internal noise levels at surrounding residential noise sensitive receptors are predicted to meet the CEC internal noise level criteria of NR 25 with windows open for ventilation purposes. As such, no mitigation is required.

Sunlight and Solar Analysis was submitted in support of the proposal. The application will have no impact upon the availability of daylight or result in overshadowing upon any neighbouring residential properties.

The proposal raises no issues in terms of privacy. The sports block is closest to the boundary wall and, as such, the height has been limited to two storeys high to maintain privacy for students and nearby residents. The site is well screened from neighbouring residential properties. Overall, the proposal will not be to the detriment of neighbouring amenity.

e) Connectivity, Access and Parking

The existing school is currently well connected to the surrounding residential streets, with numerous pedestrian routes into the site. There are several options for access to the site on foot or for cyclists including via Dolphin Avenue to the south, Currievale Park Grove to the west and Forth View Crescent from the east.

The main vehicle access point is currently from Dolphin Avenue to the south of the exiting school site and this will remain the main access route for all vehicles.

LDP Policy Tra 2 relates to car parking provision and takes into consideration the accessibility of the site to public transport stops on routes well served by public transport, to shops, schools, centres of employment, cycle and public transport. Assessment against this policy considers the character of the proposed use and its correlation with car ownership.

The policy aims to ensure car parking provided is tailored to local circumstances, including location, public transport accessibility, economic needs, fulfilling the wider strategy of encouraging sustainable non-car modes.

The site currently has capacity for 106 car parking spaces which is shared across the existing secondary school and the adjacent Woodlands Special Needs School. The proposal originally proposed to increase whole site provision to 116 spaces. However, the proposal was revised to align with the Council's parking standards. 92 spaces are now proposed across the entire site. The breakdown being 50 spaces for Currie Community High School (CCHS) and 42 spaces for Woodlands School. The spaces will also support the use of the wider campus including the swimming pool and sports facilities outwith school hours

In terms of CCHS, provision comprises 36 standard car parking spaces, seven EV charging spaces, six accessible parking spaces and a further space will be provided for accessible EV charging.

Parking provision for Woodlands School will be 31 standard spaces, six EV charging spaces, four accessible parking spaces and a further space for accessible EV charging.

The proposed car parking spaces are considered acceptable for the various uses, in compliance with LDP Policy Tra 2.

LDP Policy Tra 3 (Private Cycle Parking) states permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

The application proposes 158 cycle parking spaces for CCHS, which exceed the 111 required, and the 41 spaces currently available on site. This comprises 60 spaces in a bike storage shed to the north west of the building, adjacent to the entrance path from the west. A further storage shed is proposed to the east of the building accommodating 64 spaces, and 34 visitor spaces are proposed adjacent to the front entrance. This is welcomed and promotes sustainable transport modes and is in line with Council guidance and LDP Policy Tra 3.

Motorcycle parking provision will also be accommodated within the site with a total of 4 spaces for use by CCHS and Woodlands School users.

Overall, the parking provision and design complies with LDP Policies Tra 2, Tra 3 and Tra 4 and guidance. The site is well served by public transport and promotes walking and cycling through the site and into surrounding areas.

f) Flood Risk 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.

A Flood Risk Assessment (FRA) along with a revised Drainage Strategy was submitted in support of the application.

The Flood Team welcome the implementation of drainage measures to capture running currently posing a flood risk to properties to the north of the school on Currievale Drive and accept the current drainage design.

The proposed deepening and introduction of new crossing of Roley's Burn watercourse should be assessed to ensure that any structures do not impede the flow within the watercourse with allowance for climate change and varying flow conditions. Any proposed deepening or alterations to the watercourse channel should also be reviewed regarding flood risk to both the proposed development and those up and down-stream that may be impacted by any alterations. At present an assessment has not been provided as part of the application submission for planning approval.

The Flood Prevention Team agree the design of the proposed crossing and any alterations to the watercourse channel can be undertaken in such a manner that the flood risk will not be adversely affected. A condition is recommended to secure an assessment of these works.

The Council's Flood Prevention Team has reviewed the submitted information and is satisfied with the proposals subject to the recommended conditions.

Overall, the proposal has been designed to mitigate against flood risk and complies with Policy Env 21.

g) Trees and Natural Environment

Existing Trees

LDP Policy Env 12 (Trees) ensures development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Protection Order or on any other tree or woodland worthy of retention unless necessary for good arboriculture reasons. This policy recognises the important contribution made by trees to character, biodiversity, amenity, and green infrastructure.

Existing mature trees to the north, south and west boundary are to remain. These trees provide a boundary with the adjacent houses, providing a buffer from the school and pitch, and reduce any noise from either during school hours or whilst in use by the local community.

Some trees within the site are to be felled to facilitate the development. The submitted tree works plan states that these will be young, small and damaged trees. The loss of the identified trees is acceptable in this instance.

A condition requiring a Tree Protection Plan to be submitted and approved is recommended to ensure retained trees are protected during construction, particularly those along the site boundary.

Natural Environment

LDP Policy Env 16 (Species Protection) aims to ensure development will not be to the detriment to the maintenance of a protected species and suitable mitigation is proposed. In accordance with Policy Des 3 (Development Design) and the Edinburgh Design Guidance, developments protect and enhance biodiversity, as part of development design.

A Preliminary Ecological Appraisal Report has been submitted in support of the application. This considers any likely impacts on protected species, including the impact of bats due to demolition of the existing school buildings.

The elements of the landscape plan which will enhance the site for biodiversity, such as the pond with dipping platform, native hedges and meadows, are welcomed.

To incorporate roosting opportunities within the new building, the proposal has been revised to include integral bat boxes/wall mounted boxes at eaves height, facing east towards the adjacent woodland. The inclusion of these feature would support policy Des 3, and the objective of the Edinburgh Design Guidance and Edinburgh Biodiversity Action Plan.

Overall, the proposal aims to protect and enhance biodiversity and will not be to the detriment of protected species. The proposal complies with LDP Policies Env 16 and Des 3.

<u>h) Air Quality</u>

LDP Policy Env 22 aims to ensure that no development will result in significant adverse effects for health, environment or air quality and appropriate mitigation measures can be provided to minimise 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 development will generate minimal vehicular movements and has been designed to mitigate operation impacts through the provision of cycling spaces and reduced car parking which is good practice.

Overall, the proposal complies with Policy Env 22.

i) Archaeology

LDP Policy Env 9 (Development of Sites of Archaeological Significance) aims to ensure that no significant archaeological features are likely to be affected by the development.

The construction of the new scheme will require significant ground-breaking. Although the site has been impacted upon by the construction of the school the site of the new school is nonetheless regarded as having the potential for significant prehistoric remains albeit low. It is recommended therefore that a programme of archaeological works is carried out in advance of development, to fully excavate, record any significant archaeological remains and analyse and publish the results of this work.

A condition is recommended to secure this programme of archaeological works to ensure compliance with LDP Policy Env 9.

j) Sustainability

LDP Policy Des 6 (Sustainable Buildings) sets out criteria by which proposed development should meet to ensure sustainability. The proposal is utilising the existing school site, where there are established public transport, cycle and pedestrian routes connecting to the surrounding and wider area.

The application proposes less car parking than currently exists, and to increase cycle parking provision and introduce EV charging points, therefore promoting sustainable transport modes and reducing the reliance on car usage.

The scheme has been designed to Passivhaus standard.

Overall, the proposal will provide a low carbon building in a sustainable location, and complies Policy Des 6.

k) Other Considerations

Waste

As this is to be a Council school, Waste and Cleansing services would be expected to be the service provider for the collection of waste.

The Council's Waste Team were consulted on the proposal and have reviewed that provision for access for refuse collection and are satisfied with the proposed arrangements for waste and servicing. Deliveries has been incorporated into the plans, with a suitable turning area.

Aerodrome Safeguarding

The site is located within the Edinburgh Aerodrome Safeguarding zone. The Aerodrome Safeguarding & Compliance Department at Edinburgh Airport were notified of the proposed development. The applicant received confirmation that development can go ahead with no further action.

Sustainable Development Principles within the SPP

In terms of the presumption in favour of development that contributes to sustainable development Paragraph 28 of Scottish Planning Policy states:

"The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost."

Paragraph 29 of Scottish Planning Policy then sets out the thirteen guiding principles, having regard to any related development plan policies, on determining whether overall the proposed development is sustainable. In considering each of these principles in turn the following assessment is made:

The development would assist in the delivery of a new environmentally efficient Passivhaus standard school within the existing site, in line with Net Zero objectives.

The proposal provides a distinctive landscaped site with play areas and outdoor space built around existing features, including existing woodland, SUDS and grassland. It will be safe and pleasant environment with various areas of areas of green space and amenity space, that is easy to move around built around a central school and community building.

The site will be welcoming to both students, teachers and the local community. It combines both educational and community facilities, as well as parking facilities for the neighbouring school and is therefore resource efficient. It therefore meets all the six qualities of the successful places.

The development would meet a number of the sustainability principles due to the nature of promotion of good design and sustainability that it embedded within the Planning System. Overall, the presumption in favour of development that contributes to sustainable development as outlined within Scottish Planning Policy is evoked.

SPP and the Emerging Plan City Plan 2030

The Planning Committee approved proposed City Plan 2030 on the 29th September 2021 for its statutory period of representation. The period for representation has now concluded and the submissions are being considered. While the proposed City Plan is the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination.

Transition to National Planning Framework Four (NPF 4)

NPF 4 - Draft National Planning Framework 4 is being consulted on at present. As such, it has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

l) Equalities and Human Rights

The application was assessed in terms of equalities and human rights and will have no impact.

m) Public Comments

One letter of support, one neutral representation and one letter of objection were received in relation to the proposal.

Material Considerations

- Overdevelopment- addressed in Section 3.3b;
- Lack of outdoor sports facilities- addressed in Section 3.3c;
- Overshadowing- addressed in Section 3.3d;
- Parking- addressed in Section 3.3e;
- Request for Maintenance Schedule- included with application.
- Drainage- addressed in Section 3.3f; and
- Time period for public comments. A minimum of 21 days was allowed for public comments, in line with legislation. No requests for late comments were submitted to the case officer.

Non-material Considerations

The following comments were received but do not raise matters controlled through the planning process:-

- Misuse of Council Funds;
- Devalue of residential property;
- Educational impact of overcapacity school;
- Need for school in Covid-19 times;
- Existing school still serviceable, no need to replace;
- Safety and traffic concerns during construction;
- Pest Control - existing issues with rats in area;
- Issue with seagulls;
- Noise, light disturbance and fencing associated with the new 3G pitch- whilst these are material considerations, they relate to a separate planning application already granted planning consent and are not applicable to this application.

Support

- Positive local impact and
- Phasing welcomed.

CONCLUSION

In conclusion, the proposal lies within an established land use and is acceptable in principle.

The proposal is appropriate in terms of design, scale and layout, where it will not have a detrimental impact on the character and appearance of the surrounding area and landscape, in line with LDP Design policies.

The proposal will not have a detrimental impact on neighbouring amenity.

The proposal promotes sustainable transport modes and will not impact on traffic or road safety, in accordance with LDP Transport policies and guidance.

The proposal will not be to the detriment of the natural or historical environment, in line with LDP Environment policies.

The proposal represents a sustainable development in line with LDP Policy Des 6 and Scottish Planning Policy.

There are no material considerations that outweigh this conclusion.

Addendum to Assessment

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

3.4 Conditions/reasons/informatives

Conditions :-

1. Prior to commencement of work, a detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority. This includes details of cladding colours. Thereafter sample panels of the materials are to be erected and maintained on site as agreed by the Planning Authority.

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

3. The new grass pitches will be designed and constructed by a recognised (e.g. SAPCA* registered) specialist pitch contractor(s), details of contractor(s) and pitch specification shall be submitted for the written approval of the planning authority prior to the commencement of development.

4. The grass pitches will be fully operational and available for use not later than one year after the opening of the new high school.

5. Prior to commencement of development, a Tree Protection Plan shall be submitted for approval to the Planning Authority. Tree protection measures shall be implemented in accordance with the approved drawing and the protection fencing shall remain in situ for the entirety of construction works.

6. Prior to commencement of development, a Lighting Strategy for the whole site should be submitted for approval to the Planning Authority.

7. Prior to commencement of development, the proposed deepening and introduction of new crossing of Roley's Burn watercourse should be assessed to ensure that any structures do not impede the flow within the watercourse with allowance for climate change and varying flow conditions. An assessment of the watercourse and proposed alterations and crossings shall be submitted for the approval of the Planning Authority.

8. Prior to commencement of development details confirming those responsible for maintenance of the drainage infrastructure shall be submitted to the Planning Authority.

Reasons:-

1. To enable the Planning Authority to consider these matters in more detail.

2. In order to preserve and protect any archaeological findings.

3. To ensure delivery of good quality and useable sports pitch provision.

4. To ensure delivery of sports pitch provision.

5. In order to protect existing trees during the construction phase.

6. In the interest of amenity.

7. In order to ensure the proposal does not increase flood risk on the site or to adjoining sites.

8. In the interests of flood risk prevention.

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. Waste Informative

   Since school are different sizes and activities, with different waste requirements. Provision should be agreed by the school in good time, and it should be noted that the requirement to comply with legislation, Waste (Scotland) Regulations require the segregation of defined waste types to allow for recycling.

   Please contact the City of Edinburgh Waste Team a minimum of 12 weeks prior to occupation to allow time to purchase the bins and set up the site visit for the final checks/agreement on collections. Please note, no collections will take place until this site is checked and agreed, any waste produced on site is the responsibility of the developer/builder.

5. Environment Informative

   Protection of Bats During Construction

   As a precaution it is recommended that demolition is undertaken in accordance with a Precautionary Working Method Statement (PWMS). This should include the provision of a toolbox talk to demolition contractors, and a detailed inspection of the potential roost features where the bat activity was recorded. The inspection should be undertaken by a suitably qualified ecologist, using an endoscope.

   The bat survey data is considered valid for 12 months from the date of the survey (August 2021). If demolition Is delayed beyond this, then a further survey is recommended to update the current assessment

   If a bat(s) is encountered during works, work should stop, and a suitably qualified ecologist requested to attend the site to advise on how to proceed.

6. Roads Informative

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.

Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

7. Flood Risk Informative

Technical Approval for the river crossing will require to be considered in line with the DMRB, CG300 Technical Approval of Highway Structures, https://www.standardsforhighways.co.uk/prod/attachments/cd13bfd5-5586-4d42-b182-5db31b504163.

For information on the process, please contact our Structures team at bridges.structures@edinburgh.gov.uk.

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https://www.sepa.org.uk/media/150984/wat_sg_28.pdf

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

One letter of support, one neutral representation and one letter of objection were received in relation to the proposal.

Background reading/external references

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

Statutory Development Plan Provision	Edinburgh Local Development Plan
Date registered	1 September 2021
Drawing numbers/Scheme	1-9, 10A, 11C, 12A, 13C, 14-18, 19B, 20-22, 23B, 24-31, Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Sonia Macdonald, Planning Officer
E-mail: sonia.macdonald@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Scottish Planning Policy (SPP) - The SPP sets out Scottish Government policy on nationally important land use matters and includes subject specific policies on: economic development, town centres and retailing, housing, rural development, coastal planning, fish farming, historic environment, landscape and natural heritage, open space and physical activity, green belts, transport, renewable energy, flooding and drainage, waste management, minerals, on-shore oil and gas, surface coal mining and communications infrastructure.

Relevant policies of the Local Development Plan.

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

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

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

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

LDP Policy 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 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the

Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Appendix 1

Application for Planning Permission 21/04443/FUL
At Currie High School, 31 Dolphin Avenue, Currie
Construction of a new ultra-low energy community high school, swimming pool and sports facilities plus associated landscaping and parking; demolition of existing school building (as amended)

Consultations

SportsScotland response

The application proposes the replacement of the current high school.

The new full-size synthetic pitch was covered by a separate planning application (21/02381/FUL) to which we responded previously.

The current consultation to sportscotland relates to the changes to the grass pitch provision at the school.

At present, the school's grass pitch areas are around 80mx100m and 63mx80m, and pitch markings on them can be oriented north-south as recommended. Proposed are two small sized rugby pitches (size 70mx40m) which will be overlaid with running track markings, the orientation is west-east, which is not optimum.

We are guided by the provisions of Scottish Planning Policy paragraph 226 (which is mirrored in LDP policy ENV19 'Protection of Outdoor Sports Facilities') when considering planning applications that impact on outdoor sports facilities, this states:

'Outdoor sports facilities should not be redeveloped except where:

o the proposed development is ancillary to the principal use of the site as an outdoor sports facility;

o the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;

o the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or

o the relevant strategy (see paragraph 224) and consultation with sportscotland show that there is a clear excess of provision to meet current and anticipated demand in

the area, and that the site would be developed without detriment to the overall quality of provision.'

As the new pitches are significantly smaller than the current ones, our view is that the application proposal does not meet the tests of this policy, as the new pitches don't provide a new facility of comparable or greater benefit for sport.

However, the applicant's agent (email dated 8/6/21) has previously provided information on school and community consultation carried out, and has advised that no issues have been raised in terms of what is being proposed for pitches at the new school.

Given this, while our view is that the reduction in grass pitch area for the school means that the proposal doesn't comply with policy which protects these spaces, we confirm no objection to the application subject to the following conditions on any grant of planning permission.

Given the grass pitches are going to be on the site of the current school, careful consideration and design will be needed to ensure a reasonable quality grass surface can be provided.

Conditions:

1. The new grass pitches will be designed and constructed by a recognised (e.g. SAPCA registered) specialist pitch contractor(s), details of contractor(s) and pitch specification shall be submitted for the written approval of the planning authority prior to the commencement of development. *SAPCA is The Sports and Play Construction Association (www.sapca.org.uk)*

2. The grass pitches will be fully operational and available for use not later than one year after the opening of the new high school.

We have provided information only in relation to our role as a statutory consultee, general good practice guidance on the provision of school sports facilities can be found in our website here.

Summary of Response

While the proposal doesn't comply with national or local plan policy (ENV19) due to the reduction in grass pitch space available for the school, the agent has advised that consultation has not raised any issues from school or community. Given this there is no objection.

Archaeology response

The 1960's Currie High School was constructed on farmland occupying part of the northern edge of a higher ground overlooking the Murry Burn and extending and raising slowly upwards towards Ravelrig and Kaimes Hills to the West. Recent archaeological excavations by AOC archaeology in advance of CALA housing developments at Ravelrig and Newmills Balerno have unearthed archaeological evidence for prehistoric settlement

and occupation dating back to the Neolithic, suggesting that this high ridge of ground was widely occupied during prehistoric and perhaps into the early medieval period.

As such the site has been identified as an area of archaeological potential. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The construction of the new scheme will require significant ground-breaking. Although the site has been impacted upon by the construction of the school the site of the new school is nonetheless regarded as having the potential for significant prehistoric remains albeit low. It is recommended therefore that a programme of archaeological works is carried out in advance of development, in order to fully excavate, record any significant archaeological remains and analyse and publish the results of this work.

This strategy will require the undertaking of phased programme of archaeological investigation, the first phase of which will be the undertaking of archaeological evaluation. The results from this initial phase of work will determine the scope of detailed further mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken prior to construction including also for community engagement.

It is recommended therefore that a condition be applied to any permission granted to secure this programme of archaeological works based upon the following CEC condition;

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

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

Archaeology response updated

The 1960's Currie High School was constructed on farmland occupying part of the northern edge of a higher ground overlooking the Murry Burn and extending and raising slowly upwards towards Ravelrig and Kaimes Hills to the West. Recent archaeological excavations by AOC archaeology in advance of CALA housing developments at Ravelrig and Newmills Balerno have unearthed archaeological evidence for prehistoric settlement and occupation dating back to the Neolithic, suggesting that this high ridge of ground was widely occupied during prehistoric and perhaps into the early medieval period.

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Waste Services response

As this is to be a Council school, Waste and Cleansing services would be expected to be the service provider for the collection of waste.

Further to my communications with the architects, and having reviewed that provision for access for refuse collection and deliveries has been incorporated into the plans, with a suitable turning area. I can now confirm that this development would be accepted for waste and recycling collections at the planning stage with the waste strategy plan provided. I would like to see confirmation that the bin store has metal protection plates fitted to the wooden doors and door frames to prevent damage by bins.

The final agreement letter for this development would be subject to a site visit prior to collections being agreed to confirm all aspects of our guidance had been adhered to.

Number of bins required

Since school are different sizes and have different activities, they have very different waste requirements and so we do not advise on the bin capacities required. However, this should be agreed by the school in good time, and it should be noted that the requirement to comply with legislation, Waste (Scotland) Regulations require the segregation of defined waste types to allow for recycling.

Please inform the developer / builder to contact this office a minimum of 12 weeks prior to occupation to allow time to purchase the bins and set up the site visit for the final checks/agreement on collections. Please note, no collections will take place until this site is checked and agreed, any waste produced on site is the responsibility of the developer/builder.

Roads Authority

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

1. The applicant should consider locating the cycle parking to more convenient locations for the main entrances. The proposed locations appear to be less convenient than many of the car spaces;

2. An outline travel plan has been submitted;

3. 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;

4. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Note:

The proposed 50 car parking spaces are considered acceptable for the various uses. This includes 7 electric vehicle, 6 disabled, 1 disabled electric vehicle spaces. Current parking standards would permit up to 50 spaces for the school use alone.

The proposed 155 cycle parking spaces are in excess of the 111 required under the Council's standards for school use.

Flood Prevention initial response

Is this considered a major development? If so, an independent check of the Flood Risk Assessment (FRA) and Surface Water Management Plan (SWMP) is required. The independent consultant should provide a signed copy of the certificate B1, covering the FRA and SWMP.

I have reviewed the documents on the portal and have the following comments:

1. As the school is considered civil infrastructure, the applicant must assess the potential flood risk from the 1:1000-year return period flood event (including a 40% uplift to account for climate change). Could the applicant please update the drainage calculations to consider the 1:1000-year+40%CC return period event and demonstrate that the flood volumes do not pose a flood risk to the school.

2. The proposed drainage layout in the Surface Water Management Plan is difficult to read. Can the applicant please provide a clear version of the proposed drainage layout?

3. As recommended in the flood risk assessment, the condition and capacity of the minor watercourse to the south and east of the site should be improved to reduce the risk of blockages.

4. Please provide a signed copy of the declaration certificate A1 covering the Flood Risk Assessment.

Flood Prevention updated response

Please find our consultation response below. Only points 5 and 6 need addressed for determination. Others are informative to feed back to applicant for future stages of design etc.

1. The Flood Risk Assessment and Drainage Strategy Plan both reference PAN 69. This has been withdrawn and superseded in 2015 by The Scottish Government note on Flood Risk.

2. We welcome the implementation of drainage measures to capture running currently posing a flood risk to properties to the north of the school on Currievale Drive. Opportunities should be explored further in design to mitigate any flooding in the 200- and 1000-year events from flowing northwards. The 1000-year volumes noted from manholes FTMH.F (13m³), FTMH.H (37m³), and FTMH.J (53m³) may be able to be reduced and retained within the drainage network. Houses on Currievale Drive currently experience flood risk from overland flow and so the Currie HS development is a great opportunity to help address this. We accept the current drainage design without further update required for application determination.

3. The proposed deepening and introduction of new crossing of Roley's Burn watercourse should be assessed to ensure that any structures do not impede the flow within the watercourse with allowance for climate change and varying flow conditions. Any proposed deepening or alterations to the watercourse channel should also reviewed with regard to flood risk to both the proposed development and those up and down-

stream that may be impacted by any alterations. At present an assessment has not been provided as part of the application submission for planning approval. Typically we would request that this information is provided ahead of determination to allow a more complete assessment. However in this instance as the Case Officer has advised that the application is going to DM Sub-Committee in early March there will not be sufficient time afforded to develop a comprehensive assessment and response. It is the opinion of the Flood Prevention department that the design of the proposed crossing and any alterations to the watercourse channel can be undertaken in such a manner that the flood risk will not be adversely affected. As such, provision of such an assessment of the watercourse and proposed alterations and crossings shall be conditioned to agree satisfactory result with the Planning Authority prior to finalisation of surrounding landscape and access levels, and prior to construction. Technical Approval for the river crossing will require to be considered in line with the DMRB, CG300 Technical Approval of Highway Structures, https://www.standardsforhighways.co.uk/prod/attachments/cd13bfd5-5586-4d42-b182-5db31b504163. For information on the process, please contact our Structures team at bridges.structures@edinburgh.gov.uk.

4. Drawing CCHS-GOO-XX-XX-DR-C-00500 Rev P03 External Works Drainage Layout shows the two proposed outfalls to the Roley's Burn watercourse as being at approximately 90° (right angles) to the direction of flow. Design of these outfalls should follow SEPA Good Practice https://www.sepa.org.uk/media/150984/wat_sg_28.pdf and should be at 45° to the flow angle. This shall be updated working towards Building Warrant submission, but is acceptable in its current arrangement for the purposes of planning. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 shall also be adhered to as part of design and construction.

5. The applicant is still to provide a signed Self-certification declaration certificate from the designer (Goodson Associates). We accept the signed Independent Check certification provided as part of the drainage strategy report signed by Ironside Farrar.

6. Please identify existing and proposed ground level surface water flow paths on drawings. This can be achieved by taking the existing site survey and over-marking arrows to denote falls and then completing the same with the post-development arrangement. This should include runoff from outwith the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system. The purpose of these drawings is twofold. Firstly, to understand if there is any significant re-direction of surface flows to surrounding land and secondly to identify if surface water will flow towards property entrances.

7. Please confirm who will maintain the drainage infrastructure.

Flood Prevention Final Response

We have reviewed the updated information and provided our updated consultation response below. The following points could be added as conditions. Please let us know if you have any further queries.

1. Prior to construction, the applicant should confirm who will maintain the drainage infrastructure.

2. Drawing CCHS-GOO-XX-XX-DR-C-00500 Rev P03 External Works Drainage Layout shows the two proposed outfalls to the Roley's Burn watercourse as being at approximately 90° (right angles) to the direction of flow. Design of these outfalls should follow SEPA Good Practice linked and should be at 45° to the flow angle. This shall be updated working towards Building Warrant submission, but is acceptable in its current arrangement for the purposes of planning. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 shall also be adhered to as part of design and construction.

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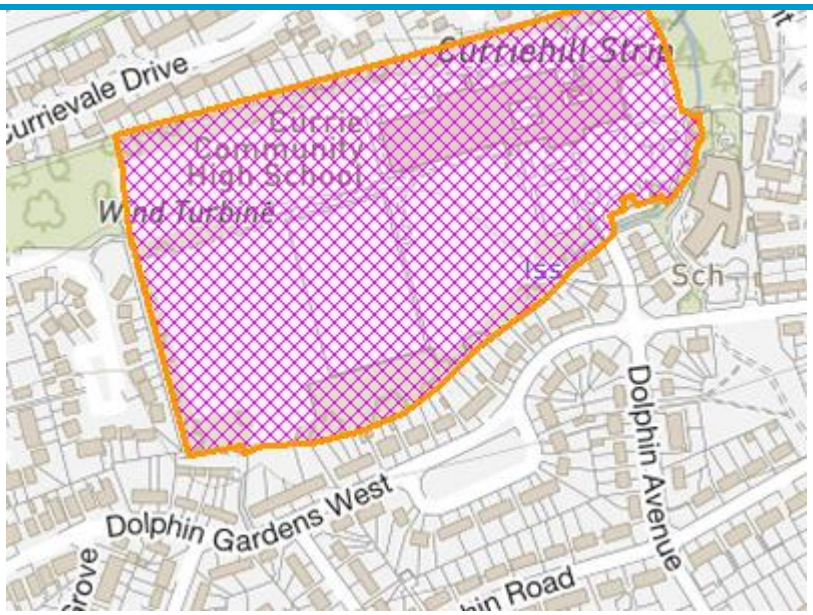
Location Plan



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Development Management Sub Committee

Wednesday 16 March 2022

Application for Planning Permission 21/05149/FUL at 8A Napier Road, Edinburgh, EH10 5BD.
New three bedroom, two storey house within the garden of 8A Napier Road, including minor alterations to the existing house.

Item number	
Report number	
Wards	B10 - Morningside

Summary

The proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the development preserves the character and appearance of the conservation area and respects the setting of the adjacent A listed building.

The proposal is acceptable in this location and complies with the Local Development Plan. It is of an appropriate design, form and scale and is in keeping with the character, appearance and spatial pattern of the surrounding area. The proposal draws on the positive characteristics of the surrounding area.

The principle of housing is acceptable.

The proposal will not have a detrimental impact on neighbouring amenity and will provide a satisfactory living environment for future occupiers. There are no parking or road safety issues.

The proposal complies with the sustainability principles of Scottish Planning Policy. There are no material considerations which outweigh this conclusion.

Outcome of previous Committee

This application was previously considered by Committee on 26.01.2022

Site visit - This application was continued by the Committee for a site visit. The application is returning to Committee for a decision.

Links

Policies and guidance for this application	LDPP, LHOU01, LHOU03, LHOU04, LDES01, LDES04, LDES05, LTRA02, LTRA03, LEN06, LEN12, LEN21, OTH, NSGD02,

Report

Application for Planning Permission 21/05149/FUL at 8A Napier Road, Edinburgh, EH10 5BD. New three bedroom, two storey house within the garden of 8A Napier Road, including minor alterations to the existing house.

Recommendations

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

Background

2.1 Site description

The application site is an area of land to the north-west of the host villa, a sub-divided villa containing 8 and 8A Napier Road. The land is garden ground for 8A, the upper floor of the sub-divided villa, accessed by stairs at the side.

The villa was subdivided in 1956. There are some modern garages at the rear and an area of hardstanding which is required for access to the garages. There is a high stone wall which hides the site from the street view. There is a pedestrian access gate within the wall providing access on to Napier Road.

There is a yew tree on the site and an ash tree on the neighbouring site.

The surrounding area is largely residential with stone villas predominating. However, there are modern flats on the other side of the road. Napier University sits at the back of the site. The property at 10 Napier Road is category A listed (LB reference 27279, listed 14 December 1970). Napier Road and Spylaw Road Walls and Gatepiers of the Former Rockville House is category B listed (LB reference 49538, listed 1 August 2003).

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

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The application proposes to erect a three bedroom house in the garden grounds of the upper villa. This will be two storey in height with the wall built up to create a curved gable to the street. The bedrooms on the upper floor will be lit by rooflights and high level windows facing the garden.

The design is contemporary, and the majority of the house will be finished in a dark stained softwood cladding. The roof structure of rafters and purlins will also be exposed in the manner of arts and craft buildings. At the apex of the roof is a row of photovoltaic cells along the southern side complemented by roof lights on the northern side. All windows will be dark stained hardwood.

Garden ground is shown to the side and rear and a small area of amenity space is also shown for the remaining upper floor flat. A gate will be formed in the front wall for access to the existing upper flat. A boundary of brick walls and fencing is proposed to be constructed between the remaining external space of 8A and the garden of the new house.

There is no car parking space proposed on the site. Bicycle parking for 3 bicycles is accommodated in a storeroom along the northern edge of the new building.

The works include a porch to the front door on number 8A at first floor level which is within the ownership of the applicant.

The application is submitted by a close relative of a serving Councillor and requires a committee determination.

<u>Supporting Information</u>

- Design statement
- Flood risk assessment
- Tree report

These documents are available to view on the Planning portal.

3.2 Determining Issues

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

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

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

Do the proposals comply with the development plan?

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

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

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

a) the proposal preserves the setting of the adjacent A listed building;
b) the proposal preserves or enhances the character and appearance of the conservation area;
c) the proposal is acceptable in principle;
d) the proposal is acceptable in terms of scale, form, design and materials;
e) the proposal has an adverse impact on residential amenity;
f) the proposal will have car and bike provision;
g) the proposal will impact on trees;
h) other material planning considerations have been addressed;
i) equalities and human rights issues have been addressed and
j) all material comments raised have been addressed.

a) <u>Setting of listed building</u>

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."

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.

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

The site lies next to No.10 Napier Road, an A listed building which was designed by Sir James Gowans. The proposed new house in the grounds of No.8/8a would be built close to the southern boundary wall of No.10 on garden ground and the upper level will be visible from the listed building. As the main entrance to No.10 faces south towards the development site, it is possible that some views of the frontage will be impacted although in practice the high stone walls and the tree cover means that views of the listed building do not appear until you are past the development site.

As the grounds of No.10 are generous, there is still ample setting for the listed building despite views to the new house. This will appear as a separate structure behind the boundary walls and trees. There is also no impact on the setting of the listed wall opposite of the building.

Historic Environment Scotland has raised some concerns regarding the impact on the setting of the A listed building but do not consider the proposal's impacts on No.10 would be significant.

The proposal will not detract from the special architectural and historic interest of the adjacent listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997.

b) Conservation Area

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

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

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

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

The proposal is substantially smaller than a typical villa in Napier Road and has been designed as a subsidiary building largely hidden from public view behind the original stone wall. As such, this modest addition would not be an intrusive feature and would have a minimal impact on the appearance of the conservation area.

Despite the fact that the proposal will not follow the well-established building line, the house has the size and character of a subsidiary building often found at the entrance to large villas. The design statement gives examples of such buildings in the surrounding area including the lodges at George Watson's school, a gatehouse in Spylaw Road and a lodge type building on the corner of Colinton Road and Gray's Loan.

In terms of the character of the conservation area, the proposed design represents a contemporary style against the more traditional stone villas in the conservation area. However, there is a mix of styles within this conservation area including the modern flats on the other side of the road. The proposed materials, with the extensive use of timber, complement this more contemporary design approach, rather than using more traditional materials. The innovative use of materials and design is a valid approach and provides a clear contrast with the original properties. The aim is to be able to read the historical and architectural progression of the area by the buildings within it. This new development is different from the essential character of the conservation area but will add to its richness of character by its high-quality design and materials. As such, it preserves the character of the conservation area.

The proposal complies with policy Env 6 and meets the requirements of Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) Principle of the Proposal

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

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

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

d) Scale, form, design and neighbourhood character

LDP policy Des 1 - Design Quality and Context, states development will be granted for development that contributes towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area.

Supporting paragraph 151 states the purpose of the policy is to encourage innovation in design and layout, provided the existing quality and character of immediate and wider environment are respected and enhanced.

LDP policy Des 4 - Development Design - Impact on Setting, states permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, character of the wider townscape and landscape including, height and form, scale and proportions, position, materials and detailing.

There is a regular pattern to development in the immediate area and there is a clear established building line within the spatial area. Each property is set back from the street, separated with a stone wall and each villa benefits from large garden areas which contribute positively to the character of the area. There is a settled townscape character.

Essentially, the house will sit behind the high stone wall and will not appear as a dominant feature. It provides an innovative design with the wall built up to create a curved gable to the street which will add an attractive design element to the street. The house would be set within a large garden plot and does not represent overdevelopment.

In summary, the proposal is of an acceptable scale, form and design and is compatible with the surrounding properties and area.

The proposal does comply with the LDP policy Des 1- Design Quality and Context and Des 4 - Development Design - Impact on Setting.

e) Residential amenity

Amenity of Future Occupiers

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

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

Regarding space standards, Edinburgh Design Guidance (EDG) states that residential dwellings of three bedrooms shall have a minimum floor area of 81 square metres. The proposed dwelling contains three bedrooms, and the overall floor areas is over 145 square metres. It therefore complies with the standards.

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

The garden area for the new house is 202 square metres and this will receive good sunlight.

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

Neighbouring amenity

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

In regard to privacy and outlook, the Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

All proposed windows on the new building have windows situated further than 18 metres from any neighbouring habitable rooms. The front windows that are embedded in the wall would look over the public street which is not considered to have any privacy issues. The larger windows on the side of the property will face garden and boundary treatments and will not result in a material loss of privacy.

In addition, the proposal would include an additional porch to the stairs at number 8A in order to prevent any privacy or overlooking.

There would be no impact in regard to daylight or sunlight to the near neighbouring properties.

It is noted the proposal will result in reduced garden space for the applicant's property at 8A Napier Road, with a resultant size of 104 square metres. However, the remaining size of this amenity space is more than adequate garden space for residents.

Environmental Protection was consulted on the scheme and recommended refusal on the basis they cannot support the proposed wood burning stove due to the close proximity of the flue to the window of number 8A Napier Road (the applicant's current property). However, the fuel being burned is not controlled by the Planning Authority and the design of the flue is acceptable. The marginally affected property is sufficiently protected provided the stove and fuel comply with the Clean Air Act. The appropriate informative has been added to advise about smoke control.

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

f) <u>Car and Cycle parking and accessibility</u>

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

The proposal does not provide any car parking space. However, the site is located quite near to local transport links and has easy access to nearby facilities, therefore there is an incentive for zero car parking provision.

The proposal includes a space in which bikes can be securely stored.

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

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

g) Trees

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

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

With regards to this application, the proposals do not include any removal of trees within the garden of the application property or the neighbouring property. Both trees are outwith the footprint of the new house.

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

In conclusion, the tree survey outlines that the proposed extension and the recommended works will not be detrimental to the tree and its amenity value will be maintained subject to the appropriate conditions to safeguard them during the construction.

The proposals comply with Local Development Plan Policy Env 12

h) Other material planning considerations

Surface Water Management

Policy Env 21 (Flood protection) states that planning permission will not be granted for development that would: a) increase a flood risk or be at flooding itself; b) impeded the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management; c) be prejudicial to existing or planned flood defence systems.

A Surface water management plan has been submitted and Flood Planning has no objections subject to conditions or informative.

Sustainability

Policy Des 6 (Sustainable Buildings) states that planning permission will only be granted for new development where it has been demonstrated that criteria a) and b) can be met with regards to; a) carbon dioxide emissions reduction through the use of low and zero carbon generating technologies and b) other features are incorporated that will reduce or minimise environmental resource use and impact. The supporting text clarifies that Scottish Building Standards set carbon dioxide emissions reduction targets. To meet this criterion proposals for new development must accord with the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards) and also demonstrate that at least half of this reduction will be met through low and zero carbon technologies. This aspect will therefore be assessed during the building warrant process.

The building will be required to be constructed to meet the building regulations and, therefore, will be a sustainable building. The house is intended to be carbon neutral. Energy sources will be 6.75m 2 of PV cells on the roof, a ground source heat pump and DEFRA approved wood burning stove.

The proposal complies with LDP policy Des 6.

Waste

The neighbouring properties are already served by Waste Services. Waste Services will provide a service here. The plans submitted show that the refuse bins shall be sited to the far end of the side of the property. The proposed bin store will not have a material impact upon neighbouring properties in terms of potential odours.

SPP Sustainable Development

Scottish Planning Policy presumption in favour of sustainable development is a significant material consideration due to the development plan being over 5 years old. The SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions.

The development proposes an appropriate and sustainable land use which will provide local housing and protect the historic environment. The scheme makes good use of the land available, and the design will create a sense of place, including amenity space.

The proposals include measures to assist with climate change mitigation, including zero car parking, ample cycle parking, a low and zero carbon heating/hot water system and recycling facilities.

The proposed development therefore complies with SPP principles.

Emerging Policy Context

NPF 4 - Draft National Planning Framework 4 is being consulted on at present. As such, it has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

City Plan 2030 - While the proposed City Plan is the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

i) Equalities and Human Rights

The submitted design statement states the proposal is to create a one and half storey dwelling for the owners of 8A Napier Road and their disabled son, ensuring his mobility and self-care independence needs are met.

The statement details that it is the intention for one of the bedrooms to be occupied by him, the main space to be open plan enabling direct access to a garden and the bathroom designed suitably for wheel-chair use. The dwelling is to be built as a permanent residence that will be a suitable family house inclusive for those with special needs.

The proposal supports community inclusivity through the provision of a home that provides for varying needs. Furthermore, an adaptable user-friendly home will enable enhanced comfortable family living for a disabled individual. In addition, granting of planning permission would demonstrate a positive ethos by the City of Edinburgh Council in promoting inclusivity and variety in homes.

The planning application raises matters of equality as the purpose of the proposal is to provide a home that is designed suitably to meet the identified needs of a disabled individual, and this is a material planning consideration.

The Local Planning Authority has a legal obligation to have due regard to persons with protected characteristics under Section 149 - Public Sector Equality Duty of the Equality Act 2010. The Council in determining the planning applications under Section 25 of the Town and Country Planning (Scotland) Act 1997, must consider whether this material consideration outweighs any potential non-compliance with the Edinburgh Local Development Plan.

The internal arrangement cannot be controlled under planning. However, it is recognised that the overall scale, design and footprint of the dwelling proposed would enable suitable accommodation to be achieved for a disabled individual, and the rest of the family.

Under Section 149 - of the Equality Act 2010, the public authority must have due regard to the need to advance equality of opportunity between persons who share a protected characteristic and persons who do not.

In this case, the delivery of an accessible home designed to accommodate a person's disability has the potential to advance equality of opportunity between persons who share a protected characteristic and persons who do not.

Unless a legal agreement is put in place, it would not be possible to ensure that the house, if granted planning permission, is occupied by a disabled person. An Occupancy Restriction under a Section 75 legal agreement could be applied restricting the occupation of the property to people with a disability (and their dependents) as set out under the Equality Act 2010. However, the legal agreement would be tied to the property and future occupiers would have to abide by the occupancy restriction.

On balance, the proposal does comply with the LDP therefore there is no requirement to consider whether the requirements of the Equalities Act outweighs non-compliance. However, should the Committee come to a different conclusion on compliance with the LDP, this material consideration will have to be fully assessed as part of the decision-making process.

It should also be noted that some of the objections related to adverse impact on mental health and it is recognised that contentious planning applications and subsequent construction can be stressful for neighbours. However, equalities and human rights has been considered as part of this application and no negative impacts were found.

j) Public comments

Material Comments: Objection:

- significant impact on the conservation area and surrounding buildings - assessed in section (b)
- impact on the privacy, overlooking, sunlight and the daylighting issues - assessed in section (e)
- lack of car parking - assessed in section (f)
- does not comply with the guidance as projects beyond building line - assessed in section d)
- proposed materials do not keep with the area - assessed in section (d)
- contrary to Policy Env 6 - assessed in section (b)
- overdevelopment of the site - assessed in section (d)
- inappropriate design - assessed in section (d)
- negative impact on the A Listed Building - assessed in section (a)
- removal of trees is not acceptable - assessed in section (h)
- remaining garden of the flat 8A would be too small - assessed in section (e)
- not all neighbours have been notified - notification has been sent out in accordance with the statutory requirements
- impact on health and mental health - addressed in section (i)

Non-material consideration

- this proposal will set precedents - there is no precedent in planning as each application is considered on its own merits;
- breach of the title deeds - This is a private, civil matter which cannot be materially assessed as part of the planning application;
- block the view - this is not a material planning consideration
- remove main access to the flatted property - this is a private, civil matter which cannot be materially assessed as part of the planning application;

- the applicant does not own the public space to project the window or roof onto the public space - this is a land ownership issue which cannot be materially assessed as part of the planning application;
- disturbance due to the construction work - this is not a material planning consideration;
- there is no legal right to access courtyard by any additional access gate - this is a private, civil matter which cannot be materially assessed as part of the planning application;
- potential damage to the boundary wall - this is a private, civil matter which cannot be materially assessed as part of the planning application;
- the applicant is a local councillor - this has been declared on the application form and is not relevant to the assessment against the LDP

Neutral

- carbon neutral is very welcome
- attractive design

Support

- adds charm and variations on the street
- good for climate change
- eco-friendly
- design for disability
- high quality design
- good low-rise in-fill house

CONCLUSION

In conclusion, the proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the development preserves the character and appearance of the conservation area and respects the setting of the adjacent A listed building.

The proposal is acceptable in this location and complies with the Local Development Plan. It is of an appropriate design, form and scale and is in keeping with the character, appearance and spatial pattern of the surrounding area. The proposal draws on the positive characteristics of the surrounding area.

The principle of housing is acceptable.

The proposal will not have a detrimental impact on neighbouring amenity and will provide a satisfactory living environment for future occupiers. There are no parking or road safety issues.

The proposal complies with the sustainability principles of Scottish Planning Policy. There are no material considerations which outweigh this conclusion.

Addendum to Assessment

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

3.4 Conditions/reasons/informatives

Conditions: -

1. During construction work, temporary ground protection measures around the base of the trunk as detailed in the submitted tree survey shall be done to prevent soil compaction and rutting.

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

Reasons:-

1. In order to safeguard protected trees.

2. To ensure the development is compatible with the character of the streetscape.

Informatives

It should be noted that:

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

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

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

4. 1.Prior to construction, the applicant should provide written confirmation that Scottish Water accept the proposed surface water discharge rate to the combined network.

2. As recommended in the Surface Water Management Plan (SWMP), infiltration testing should be conducted to determine whether a soakaway (or partial soakaway) can be introduced to manage surface water and reduce the volume of surface water discharging to the combined network

5. The development proposal includes a flue. The associated solid fuel stove/burner, which does not require planning permission, should be an 'exempt appliance' in terms of the Clean Air Act 1993 and the City of Edinburgh Council's Smoke Control Area Orders. Advice on this matter is available at http://www.edinburgh.gov.uk/info/20237/pollution/312/smoke_control or by contacting Environmental Assessment on 0131 469 5475 / email environmentalassessment@edinburgh.gov.uk

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application has attracted 51 comments objecting the proposal, 4 in support and 2 neutral.

Background reading/external references

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

Statutory Development Plan Provision	Edinburgh Local Development Plan
Date registered	30 September 2021
Drawing numbers/Scheme	01-14, Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Weronika Myslowiecka, Planning Officer
E-mail: weronika.myslowiecka@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

Other Relevant policy guidance

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

Appendix 1

Application for Planning Permission 21/05149/FUL
At 8A Napier Road, Edinburgh, EH10 5BD
New three bedroom, two storey house within the garden of 8A Napier Road, including minor alterations to the existing house.

Consultations

Environmental Protection

Environmental Protection cannot support this application and recommends refusal.

The application site is an open garden area between residential buildings. The application includes a proposed log burning stove
The proximity of this stove exhaust point in relation to nearby existing residential buildings is a concern for Environmental Protection. We feel the likelihood of odours from the stove entering neighbouring properties is relatively high and residential amenity will be impacted by its inclusion in the application.

Environmental Protection therefore cannot support this application and recommends refusal.

Historic Environment Scotland

Our Advice

We have been consulted over the potential impact of works within the property boundary of No.8 &8a Napier Road on the setting of No.10 Napier Road, a Category A listed building. In assessing the setting of No.10 we have followed our Managing Change guidance on
Setting; identifying the asset, defining its current setting, and assessing the impact of the proposals on that setting.

Historic Environment Scotland - Longmore House, Salisbury Place, Edinburgh, EH9 1SH Scottish Charity No. SC045925 VAT No. GB 221 8680 15 No.10 Napier Road was designed by Sir James Gowans for Francis Sheppard in 1859, and was built in his wildly eclectic style, with different stones used in a banded modular grid layout. The Cyclopean masonry pattern extends to the boundary walls on Napier Road and to the north on Merchiston Crescent. It originally faced Gowans' own, even more elaborate home, Rockville, tragically lost in 1966. No.10 was designed within a generous stone-walled corner plot, set to lawns and trees. The triple-gabled entrance frontage is to the south (actually SE) with the main principal rooms facing west onto Napier Road (as well as south and north). The original service areas of the house are situated to the NE. A tennis court was recently built between the house and the boundary with No.8/8a. Despite later additions to No.8/8a, and building in the vicinity, (c1900 tenements and college buildings

to the east), the original plot and immediate setting of No.10 survives. The proposed new house in the grounds of No.8/8a would be built close to the southern boundary wall of No.10 on garden ground. The addition of a two-storey pitched roofed building in the northern plot of No.8/8a would impact adversely on certain views of the entrance façade of No.10 from the south, when travelling north, although trees will obscure this at certain times of the year. Views towards the gabled entrance front would still be available closer to the listed building, due to its generous grounds. There would also views from the listed house to the proposed new building, which is considerably taller than the shared boundary wall. This will reduce the sylvan garden setting of the house a little. The raising of the boundary walling of No.8/8a, though in matching rubble, would be an unexpected, quirky addition to the established height of boundary walling of the conservation area, adversely impacting on the unusual Cyclopean masonry of No.10's walling, immediately adjacent.

In conclusion, we consider the works would have some harmful impacts on the setting of No.10 and its associated boundary walling. Such impacts could be reduced by revising the height and massing of the building to fit more sensitively behind the existing boundary walling. However, we do not consider the proposal's impacts on No.10 would be significant.Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Waste

No objection

Location Plan

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END

Development Management Sub Committee

report returning to Committee - Wednesday 16 March 2022

Application for Planning Permission 21/00246/FUL at 50 Pilrig Street, Edinburgh, EH6 5AL. Demolition of house and redevelopment to form apartment building with associated garden ground and bin/cycle storage (as amended).

Item number	
Report number	
Wards	B12 - Leith Walk

Recommendations

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

Background information

The application was granted subject to the conclusion of a legal agreement at Development Management Sub Committee on 12 January 2022. The developer contributions were for a £25,000 contribution towards the Edinburgh Tram Line and £8,505 contribution towards Brunton Healthcare Contribution Zone. The application site does not fall within the Brunton Healthcare Contribution Zone and, therefore, a financial contribution cannot be taken for this healthcare contribution zone.

Main report

The application does not fall within the Brunton Healthcare Contribution Zone and, therefore, a £8,505 contribution towards Brunton Healthcare Contribution Zone cannot be taken. The application site is not in a Healthcare Contribution Zone and no healthcare contribution is required.

A legal agreement is still required to secure the financial contribution of £25,000 towards the Edinburgh Tram Line. It is recommended that Informative 1 be amended to exclude the Healthcare Contribution and revised to:

"Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.

£25,000 contribution towards Edinburgh Tram Line. The sum to be indexed as appropriate and the use period to be 10 years from date of payment."

Links

Policies and guidance for this application	SPP, LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LEN03, LDES01, LDES04, LDES05, LDES06, LEN21, LEN06, LEN08, LEN09, LTRA02, LTRA03, LTRA04, LDEL01, LTRA08, LEN22, NSG, NSLBCA, NSGD02, OTH, CRPPIL, HES, HESCON,

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

https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QN6912EWL4Q00

or Council Papers online

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Development Management Sub-Committee Report

Wednesday 16 March 2022

Application for Planning Permission
13 Ashville Terrace, Edinburgh, EH6 8DD

Proposal: To form hard standing in the front garden to create a driveway with entrance gates (in part retrospect).

Item – Committee Decision
Application Number – 21/02915/FUL
Ward – B13 - Leith

Reasons for Referral to Committee

This application has been referred to the Development Management Sub-Committee because 57 letters of representation in support of the proposals have been received, and the recommendation is to refuse and enforce. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

It is recommended that this application be **Refused and Enforced** subject to the details below.

Summary

The proposals fail to preserve or enhance the character or appearance of the conservation area and property itself and therefore in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 there is strong presumption against granting planning permission for the development. The Courts have clarified that the presumption can only be rebutted if the proposals would result in significant public interest advantages which can only be delivered at the scheme's proposed location. Having had due regard to the public sector equality duty and other material considerations it is not considered that the proposals give rise to any significant public interest advantages that outweigh the statutory presumption against granting planning permission.

The application does not comply with the Edinburgh Local Development Plan, Edinburgh Colonies Conservation Area Character Appraisal, non-statutory guidance for Listed Building and Conservation Areas or non-statutory Guidance for Householders.

The proposals are not in keeping with the character and appearance of the conservation area and have an adverse impact on neighbouring residential amenity. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The property is a two storey, mid-terrace, Colony style upper flat in a residential area. The property is located within an established residential area of terraced colony style properties. These properties consist of upper and lower flats with front doors on opposite sides of the building, allowing each flat to have a front garden. As a result, the lower flat's rear windows overlook the upper flat's garden.

The properties have well defined boundaries along the streets formed by a combination of dwarf walls, railings, hedges and other boundary treatments, resulting in an enclosed street structure of cul-de-sacs with restricted permeability.

There are no other run-ins/driveways within the Lochend Conservation Area, except for two examples at the end of Beechwood Terrace and Thornville Terrace; both are located in larger gardens and face the end of the terraces.

Notwithstanding the above, private vehicular parking spaces are not characteristic of the conservation area and there are no examples of driveways for the mid-terraced properties.

Description of the Proposal

This application is for the formation of new hard standing, including the removal of the existing boundary wall and railings, and the installation of new entrance gates. The proposal is in part retrospect. The boundary wall and railings have already been removed and the flagstones have been placed within the area. which is already in use as a parking space.

Relevant Site History

21/02904/CON
Substantial Demolition in a Conservation Area

01/04469/FUL
Form parking area in garden
Refused
21 January 2002

02/02780/FUL
Formation of hard standing/drive
Refused
18 February 2003

19/06040/FUL
Removal of the existing concrete base and replacing it with pavers and landscape. Additionally, we would like to drop the kerb in front of the property.
Not Development
13 February 2020

Other Relevant Site History

30 March 2021 - enforcement investigation regarding commencement of alleged unauthorised alterations/works on site including demolition of the existing boundary wall (application reference 21/00174/EOPDEV).

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transportation Planning

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 23 July 2021
Renotification: Not Applicable
Date of Press Publication: 30 July 2021
Date of Site Notice: 27 July 2021
Number of Contributors: 101

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the character or appearance of the conservation area?

The Edinburgh Colonies Conservation Area Character Appraisal (ECCACA) emphasises the historic importance and unique architectural form of the Colony developments in Edinburgh. The appraisal states that:

The Colonies were built as double flats with front doors on opposite sides of the building, allowing each flat to have a front garden. Characteristically, each flat originally had four rooms, a separate external toilet and a garden...The form of the colony developments, with their intimate setting and pedestrian emphasis contributes a sense of identity and community that is unique in Edinburgh.

The ECCACA specifically describes the Lochend (Restalrig Park) Colonies as having: 'well defined boundaries on all sides formed by the walls and hedges of adjoining housing. This results in an enclosed street structure of cul-de-sacs with restricted permeability which, along with the relatively small scale of the buildings and gardens, and the limited vehicular access provides a secluded and intimate sense of place with no external views.'

Within this conservation area, the arrangement of the double flatted properties with its front garden and boundary wall is a key characteristic of the area. It is important that this relationship is maintained.

For this property, in line with the majority of the conservation area, the existing stone boundary wall delineates the front boundary of the proposal site. It forms part of the property's frontage and is an intrinsic part of its appearance.

The proposal has removed the existing boundary wall and railings to create a private vehicle access. This is disruptive to the setting of the original property by virtue of eroding a feature that contributes positively to the character and setting of the property; and allowing the introduction of a vehicle into the garden space.

Within the Lochend (Restalrig Park) Colonies, there have been 3 planning applications for the formation of a parking area/hard standing within the last 30 years. Both 01/04469/FUL and 02/02780/FUL were refused. The third and most recent application (19/06040/FUL) related to an end-terrace with a garden facing down the street. This was determined to be not development as the opening already existed and there was previously a garage. Planning permission was therefore not required in that instance, and it is not a comparable situation to this application property.

Notwithstanding the above, private vehicular parking spaces are not characteristic of the conservation area. The removal of the front boundary wall detracts from the setting of the flatted property and leads to incremental erosion to the detriment of the character and appearance of the conservation area.

Conclusion in relation to the conservation area

In light of the above, the proposals fail to preserve or enhance the character or appearance of the conservation area and property itself and therefore in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 there is strong presumption against granting planning permission for the development.

b) The proposals comply with the development plan.

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policy Env 6
- LDP Design policy Des 12

The non-statutory 'Listed Building and Conservation Area' guidance and 'Guidance for Householder' is a material consideration that is relevant when considering policies Env 6 and Des 12.

<u>Scale, form, design and neighbourhood character</u>

Given the site is located within the Lochend Conservation Area Section 64 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 applies. It states:
"Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

LDP Policy Env 6 (Conservation Area - Development) states:

Development within a conservation area or affecting its setting will be permitted which:

a) preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal,
b) preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area and
c) demonstrates high standards of design and utilises materials appropriate to the historic environment.

LDP Policy Des 12 (Alterations and Extensions) states:

Planning permission will be granted for alterations and extensions to existing buildings which:

a) in their design and form, choice of materials and positioning are compatible with the character of the existing building,
b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties,
c) will not be detrimental to neighbourhood amenity and character.

Non-statutory Guidance for Householders states:

'Parking in front gardens will not normally be allowed...in conservation areas or listed buildings, where loss of original walls or railings and the creation of a hard surface would have an adverse effect on the character and setting of the area, or a listed building and its special architectural or historic interest.'

Non-statutory Guidance for Listed Buildings and Conservation Areas states:

'When considering development within a conservation area, special attention must be paid to its character and appearance. Proposals which fail to preserve or enhance the character or appearance of the area will normally be refused. Guidance on what contributes to character is given in the conservation area character appraisals. The aim should be to preserve the spatial and structural patterns of the historic fabric and the architectural features that make it significant.'

The proposals are not of an acceptable scale, form and design and are not compatible with the existing dwelling. They fail to preserve the character and appearance of the conservation area as detailed in section a) of the assessment.

<u>Neighbouring Amenity</u>

LDP policy Des 12 (Alterations and Extensions) states:

Planning permission will be granted for alterations and extensions to existing buildings which:

a) in their design and form, choice of materials and positioning are compatible with the character of the existing building,
b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties,
c) will not be detrimental to neighbourhood amenity and character.

Non-statutory Guidance for Householders states:

'Parking in front gardens will not normally be allowed...where the parking space would be formed in front of the windows of a habitable room owned by a different occupier.'

Due to the layout of the properties within the Lochend (Restalrig Park) Colonies, the driveway has been constructed almost immediately outside the rear windows of the ground floor flat, owned by a different occupier (the applicant lives in the upper flat).

Though private views will not be protected (i.e., those from neighbours across the street), the immediate outlook from within a building may be protected. This means that new development that blocks out the immediate outlook of a dwelling should be avoided.

The proposal results in the parking of the applicant's car almost directly in front of the ground floor flat's rear windows. As such, the immediate outlook will be impacted by the parking of the applicant's car, as views out will be blocked.

Furthermore, parking a vehicle right outside the windows of a different occupier could result in unreasonable impacts on the neighbours' amenity through increased levels of noise and light pollution. This could be particularly disruptive at night where head/taillights of the vehicle may shine directly into the rear windows of the ground floor property and noise from the vehicle parking, in close proximity to the lower flat, may disrupt/wake the sleep of the occupants of the ground floor property.

In addition, the downstairs neighbour's daylight and sunlight may be impacted by the applicant's car, preventing light from entering these windows.

As such, the proposals have been assessed against requirements set out in the non-statutory Guidance for Householders and the Local Development Plan and it is determined that the proposals will result in an unreasonable loss to neighbouring amenity with respect to privacy, loss of daylight or sunlight and outlook. The proposals do not comply with LDP Policy Des 12 or the non-statutory Guidance for Householders.

Conclusion in relation to the Development Plan

The proposals are not of an acceptable scale, form and design, are not compatible with the existing dwelling and fail to preserve or enhance the special character and appearance of the conservation area.

As such, the proposals are contrary to the Local Development Plan (LDP) Policy Env 6, Policy Des 12, Edinburgh Colonies Conservation Area Character Appraisal, the non-statutory Guidance for Householders and the non-statutory Guidance for Listed Buildings and Conservation Areas.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

<u>SPP - Sustainable development</u>

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

It is considered that the proposal fails to comply with Paragraph 29 of SPP as the application does not comply with the guiding principles of supporting good design or protecting, enhancing and promoting access to cultural heritage, including the historic environment.

The development fails to protect the existing character and appearance of the conservation area as detailed in section a) of the assessment.

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Road safety

Transport Planning has been consulted and has no objections to the proposals.

Equalities and human rights

The Human Rights Act 1998, Protocol 1, Article 1 states a person has the right to the peaceful enjoyment of all their possessions including home and other land. In addition, Article 8 of the Human Rights Act stating a person has the substantive right to respect their private and family life.

Further, the Local Planning Authority has a legal obligation to have due regard to persons with protected characteristics under Section 149 - Public Sector Equality Duty of the Equality Act 2010. Disability is one of the protected characteristics.

Under Section 149 - Public Sector Equality Duty of the Equality Act 2010, the public authority must have due regard to the need to advance equality of opportunity between persons who share a protected characteristic and persons who do not. The Council in determining planning applications under Section 25 of the Town and Country Planning (Scotland) Act 1997, must consider whether any material consideration outweighs compliance with Edinburgh Local Development Plan policies.

Evidence has been submitted along with the application to show that the proposals are needed in order to adapt the dwelling and make it more suitable for living with a disability. In this instance, the right to health, standard of living and individual family and social life are impacted on. The proposal would allow the applicant easier access to their property via a shorter walking distance to the door from their vehicle.

The proposals shall also impact the right to health, standard of living and individual family and social life of the downstairs flat. The proposed driveway means that the applicant's car shall be parked less than a metre in front of the lower flat's rear windows. In addition to impact on planning considerations, in the form of neighbouring amenity (i.e., impacts on privacy, sunlight/daylight, immediate outlook and increased light and noise pollution), the proposal will also result in non-planning considerations, such as potential health impacts (from vehicle fumes if reversed into the space) for the neighbouring property.

Furthermore, there is scope for the applicant to apply for a designated disabled persons on-street parking space.

As such, based on the above, departure from the non-statutory guidance and LDP is not outweighed by these considerations.

Public representations

The scheme has received a total of 99 representations: 42 objecting and 57 supporting the application. In certain cases, multiple representations were submitted by individuals and some commenters did not provide accurate names or addresses. There were a number of non-material comments which cannot be taken into consideration in the assessment of the application.

Material considerations - Objecting

- Not in-keeping with Lochend Conservation Area - addressed in section (a) - The proposals harm the character or appearance of the conservation area;

- Not in-keeping with relevant guidance, including the Lochend Conservation Area Character Appraisal, non-statutory Guidance for Listed Buildings and Conservation Areas and Edinburgh Local Development Plan - addressed in section (a) - The proposals harm the character or appearance of the conservation area and section (b) - The proposals comply with the development plan;

- Proposal results in the loss of additional on street parking and is not safe as leaving the parking space results in a large turning circle and mounting of the opposite curb - addressed in section (c) - Road safety.

- Loss of historic boundary wall and materially effects the external appearance of the building and is visually unattractive - addressed in section (a) - The proposals harm the character or appearance of the conservation area and section (b) - The proposals comply with the development plan;

- Detrimental impact on privacy, noise, health, safety, daylight and sunlight and outlook to the downstairs flat, including headlights and fumes directly into downstairs flat's windows - addressed in both section (b) - The proposals comply with the development plan and section (c) - Equalities and human rights;

- To address disability concerns a dedicated disability parking space can be applied for on the road directly outside the property - addressed in section (c) - Equalities and human rights.

Material considerations - Support

- In keeping with the spirit of the area - addressed in section (a) - The proposals harm the character or appearance of the conservation area and section (b) - The proposals comply with the development plan;

- Lovely garden space which provides availability for parking to save road space - addressed in section (a) - The proposals harm the character or appearance of the conservation area and section (b) - The proposals comply with the development plan;

- Solution to parking problems in conservation areas and stops triple parking which is unsightly - addressed in section (a) - The proposals harm the character or appearance of the conservation area and addressed in section (c) - Road safety;

- Looks nice when the car is not parked there and causes no harm to anyone - addressed in section (a) - The proposals harm the character or appearance of the conservation area Section (b) - The proposals comply with the development plan and section (c) - Road safety;

- Less cars on the road (safer, better visibility, etc.) - addressed in section (c) - Road safety;

- Required for disability ease of access and quality of life - addressed in section (c) - Equalities and human rights.

Non-material considerations - Objections

- Impact view from across the road - Private views are not protected and therefore cannot be assessed as part of the planning process.

- Concerns that works have been undertaken prior to planning approval - Applicant was informed that any works completed prior to planning approval are completed at the applicant's own risk.

- Comments on how the space is currently being used, including that the entrance to the driveway is blocked by the applicant's second car - Not relevant to the Planning process.

- Negative impact on the Community's spirit - Not relevant to the Planning process.

- Could set a trend/precedent for similar development - Not relevant to the Planning process, each application is assessed individually.

- Could impact the value of surrounding properties - Not relevant to the Planning process.

- Applicant put up 'No Parking' signs during development which they had no right to do - Not relevant to the Planning process.

- Considerations regarding Electric Vehicles and Electric Vehicle charging points - Not relevant to the Planning process for this application.

- Curb has already been dropped - Not relevant to the Planning process. This would be addressed by the Road Permits team.

- Concerns that some of the neighbouring property's wall will also be removed - Only the works shown in the plans are assessed as part of this application.

Non-material considerations - Support

- More on street parking (i.e. for emergency vehicles) and helpful if permits are introduced - Not relevant to the Planning process.

- Provides security for the applicant's car - Not relevant to the Planning process.

- Beneficial for the applicant as they work very changeable hours children and shopping etc. and a permanent space would help - Not relevant to the Planning process.

- Accusations of racism - Not relevant to the Planning process.

Conclusion in relation to identified material considerations

The development would provide improved access to the upper floor flat, and with respect to the protected characteristic of disability, this would help to advance equality of opportunity. However, there would be harmful effects of the development upon the character and appearance of the conservation area and upon the neighbour's amenity. The benefit of the scheme in advancing equality of opportunity does not outweigh the impacts of the development or overcome the presumption against granting planning permission that results from the harm the development causes to the conservation area and the impact on the neighbour's amenity and quality of life. The development is not in accordance with the Edinburgh Local Development Plan. There are no other material considerations which outweigh this conclusion.

Overall conclusion

The proposals fail to preserve or enhance the character or appearance of the conservation area and property itself and therefore in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 there is strong presumption against granting planning permission for the development. The Courts have clarified that the presumption can only be rebutted if the proposals would result in significant public interest advantages which can only be delivered at the scheme's proposed location. Having had due regard to the public sector equality duty and other material considerations it is not considered that the proposals give rise to any significant public interest advantages that outweigh the statutory presumption against granting planning permission.

The application does not comply with the Edinburgh Local Development Plan, Edinburgh Colonies Conservation Area Character Appraisal, non-statutory guidance for Listed Building and Conservation Areas or non-statutory Guidance for Householders. The proposals are not in keeping with the character and appearance of the conservation area and have an adverse impact on neighbouring residential amenity. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons: -

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it is not compatible with the character of the existing building, will result in an unreasonable loss of privacy or natural light to neighbouring properties and will be detrimental to neighbourhood amenity and character.

2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will not preserve or enhance the character or appearance of the defined conservation area, nor is it consistent with the Edinburgh Colonies Conservation Area Character Appraisal (ECCACA).

3. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it would have an adverse effect on the character and setting of the area as well as the amenity and quality of life of the neighbouring property.

4. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as it fails to preserve or enhance the character or appearance of the area including the spatial and structural patterns of the historic fabric and the architectural features that make the area significant

Background Reading/External References

To view details of the application go to the Planning Portal

Further Information - Local Development Plan

Date Registered: 22 July 2021

Drawing Numbers/Scheme

01-06

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Tom Hutchinson, Planning Officer
E-mail: tom.hutchinson1@edinburgh.gov.uk

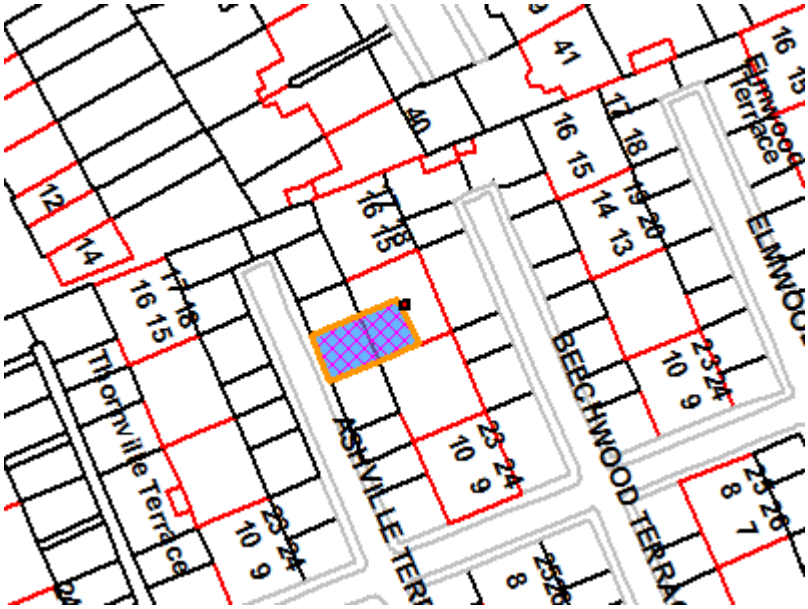
Appendix 1

Summary of Consultation Responses

NAME: Transportation Planning
COMMENT: No objections.
DATE: 30 September 2021

The full consultation response can be viewed on the Planning & Building Standards Portal.

Location Plan



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Development Management Sub-Committee Report

Wednesday 16 March 2022

Application for Planning Permission
land 247 metres west of, 1 Distillery Lane, Edinburgh.

Proposal: Formation of temporary site compound for use during construction.

Item – Committee Decision
Application Number – 21/01057/FUL
Ward – B07 - Sighthill/Gorgie

Reasons for Referral to Committee

The application has been referred to the Development Management Sub Committee because 132 objections have been received. Consequently, under the Council's Scheme of Delegation, the application must be determined by the DM Sub- Committee.

Recommendation

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

Summary

The proposal complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal will not harm the setting of the Category B Listed Building in compliance with HES guidance.

The proposal complies with the Edinburgh Local Development Plan. The scale, form and design will not have a permanent impact on character of the townscape.

No unreasonable impact on neighbouring amenity or transport issues will occur. Acceptable mitigation is proposed to ensure the development will not adversely affect the natural environment.

A condition limiting the period of consent for 3 years is required as the proposal is temporary in nature.

There are no other material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is a 1705 sq.m linear parcel of land which is 10.4 metres wide on the western side of Distillery Lane.

This side of the lane is vacant and comprises hardstanding, trees and wild shrubbery. To the east is a car parking.

The northern boundary is delineated by a stone wall, beyond which is land owned by Network rail, Haymarket Station and the main railway line.

To the south, a timber fence, trees and shrubbery separate the site from the residential flats beyond. This includes The Still House and Caledonian Village residential developments, with Easter Dalry Road running north to south in the centre. Three four-storey blocks linear blocks of Caledonian Village run north to south towards to the application site.

Access to the site is from the eastern side of Distillery Lane.

The surrounding area is mixed use.

Proposal

The application seeks permission for the formation of temporary site compound for use during construction. Temporary permission is sought for a period of three years.

The compound is required to support the construction works taking place at 189 Morrison Street, as consented by applications 18/00715/FUL and 19/02623/FUL.

The compound comprises a 1210 gross internal floorspace and will house site offices, dining, toilet and changing areas.

Three two-storey cabins are proposed with stepped access on the northern side of each cabin, and emergency exit steps on the side elevations. The cabins will be flat roof constructed with 1mm galvanised steel to exterior painted green with PVC windows and solid core timber doors with Georgian wired viewing panels, and aluminium door frames.

The cabins will be set back a minimum of 1- 1.5 metres from the existing timer fencing. 2.4m high plywood boarding if proposed around the perimeter.

Access to the site from the east will be retained. The proposal does not propose any parking.

The application is supported by the following documents which are available to view on the Council's Planning and Building Standards Public Access Portal:

- Temporary Buildings Detail;
- Preliminary Ecological Appraisal;
- Revised Daylight and Sunlight Analysis and
- Visualisations.

Relevant Site History
No relevant site history.

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Network Rail

City Archaeologist

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 20 April 2021
Renotification: Not Applicable
Date of Press Publication: Not Applicable
Date of Site Notice: Not Applicable
Number of Contributors: 133

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?

- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the listed building and its setting?

The following HES guidance is relevant in the determination of this application:

- Managing Change

Historic Environment Scotland's guidance on Managing Change sets out the principles that apply and how it should inform planning policies. HES's document (Managing change in the Historic Environment - Setting) states that 'setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

The proposals will be in proximity to the Category B Patent Still House (reference: LB26811).

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

The Courts have clarified that Section 59(1) means that there is a strong presumption against granting planning permission for development which would harm a listed building or its setting. If engaged, the presumption can only be rebutted if the proposals would result in significant public interest advantages which can only be delivered at the scheme's proposed location.

The compound will be located sufficiently away as to not have a harmful impact on the historical integrity of the listed building. Given the context of the wider mixed-use area, which has a mix of modern and traditional buildings, the temporary siting of the cabins will have a negligible effect on the setting of the listed building.

Conclusion in relation to the listed building

Overall, the proposal will not harm the setting of the category B listed building and therefore meets the requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. It is in compliance with HES guidance.

b) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans.

Impact on the setting of the listed building

Policy Env 3 (Listed Buildings - Setting) of the Edinburgh Local Development Plan permits development that will not be detrimental to the architectural character, appearance or historic interest of listed buildings, or their setting. The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3.

This has been assessed in section a) above. The proposal will not be detrimental to the architectural character, appearance or historic interest of the listed building and complies with LDP Policies Env 3.

Principle

The site falls within the Urban Area as designated within the Edinburgh Local Development Plan.

The City Centre boundary runs along the centre of the lane. LDP Policy Del 2 (City Centre) states development which lies within the area of the City Centre as shown on the Proposals Map will be permitted which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

The proposal is of a temporary nature and therefore will retain the character of the area. It will contribute to the delivery of the mixed use Haymarket Development (including retail, offices and restaurants) at 189 Morrison Street, in line with the objectives of LDP Del 2.

LDP Policy Emp 1 (Office Development) supports high quality office developments in locations identified within categories (a) to (c) including the City Centre, other strategic centres, town and local centres. Where these sites are unsuitable or unavailable, other accessible mixed-use locations may be considered in proximity to public transport nodes, compatible with the accessibility of the location by public transport and the character of the local environment.

The site does not fall within the above categories. However, relocating existing site accommodation temporarily is required for construction works at 189 Morrison Street. The proposed location is geographically suitable given its proximity to the main development site.

The site has good access to public transport and is accessible by walking from the main development site. Its proposed use is compatible with the mixed use area, and the temporary nature of building will have no permanent impact on the character of the local environment.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) states developments which would have a materially detrimental effect on the living conditions of nearby residents will not be permitted.

Whilst the area is mixed use in character, the immediate locality is predominantly residential. Residential amenity is addressed in the Amenity section below. The proposed temporary use of the site as a compound will not be the detriment of neighbouring amenity given the size and scale of the development and the proposed use of the cabins.

The proposal complies with LDP Policy Emp 1 and Hou 7.

Scale, Form and Design

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

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

The buildings are of a functional appearance in terms of materials and form.

They are of a lesser scale to surrounding buildings where there is varied architecture, scale and forms present, with immediate buildings being four storey flats. In terms of layout, the cabins are to be positioned running west to east in line with the lane. They are sited to align with the gable walls of the adjacent development to minimise the visual impact.

Visualisations were submitted by the application showing the proposed structures in the context of the site. The structures will be visible from the public realm. However, the design would clearly read as temporary installations, and not as a permanent addition to the streetscape and therefore will not result in any permanent impact on the character of the wider townscape. Moreover, the cabins will be coloured green, reducing the visual impact.

The proposal complies with LDP policy Des 1 and Des 4.

Amenity

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

The gable walls of the three residential blocks to the south have no windows. However, bay windows are present on the west and eastern elevations of the blocks, adjacent to the boundary. Three windows are located on the northern gable of Still House.

In terms of privacy, primary access will be on the northern side of the cabins. Any windows facing the residential flats to the south will be obscured to minimise any overlooking of neighbouring properties. There will be no direct overlooking because of the development.

Concerns have been raised by adjacent neighbours regarding the loss of outlook. The nearest neighbouring windows are bay windows which have three windows (two side-panes and a main pane). The cabins will be present in the outlook from the northern side windows.

However, the primary outlook of the bays is directly over the garden ground of the flatted development. As such, there is no immediate loss of outlook to the detriment of amenity. The gable windows on the northern elevation of Still House are located sufficiently away as to not be impacted by the proposal.

A Sunlight and Daylight Analysis was submitted which considered the impact of the proposed units on the daylight levels into neighbouring windows, in line with BRE Guidelines. It also measured the level of overshadowing the proposed development would result in. Following concerns raised with regards to inaccurate assumptions within the analysis, updated Sunlight and Daylight Analysis was submitted.

The most impacted windows are the northern side of the bay windows closest to the boundary. Despite the impact upon daylight into these affected side windows, the level of daylight into the bay windows as a whole remains within the guidelines.

The updated report finds that the rooms analysed all retain between 97% and 100% of their existing levels of daylight distribution (that is the measure of the penetration of daylight within a room). Overall, the analysis shows that the impacts of the proposed development on the daylight and sunlight available to the residential rooms within the neighbouring properties are within the levels recommended within the BRE Guidelines.

In terms of the noise, this is a mixed- use site within the urban area and adjacent to the railway line. The nature of the proposed use as office, toilets and kitchen facilities would not constitute activities that would result in noise detrimental to neighbouring residential amenity.

The proposal will not impact on their amenity in terms of privacy, outlook, daylight, sunlight or noise, in compliance with LDP policy Des 5.

Natural Environment

Protected species and habitats

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

The site is vacant and has wild grown shrubbery. As such, a Preliminary Ecological Appraisal Report was requested to assess the potential impact upon wildlife and habitats.

Due to the lack of connectivity to the site it is unlikely that protected species utilise the site other than bat species at night. Therefore, it is not considered that the proposed work with have a negative impact on the qualifying protected species.

Suitable habitat to support nesting birds was recorded on site. Therefore, it is recommended that, if any vegetation clearance is necessary for the works to proceed, this be cleared outside of the nesting season (between March and August inclusive). Should site clearance not be possible during this time then vegetation should be checked by an ecologist no more than 48 hours prior to works. If nests are identified within the site which are deemed to be active, a temporary pause of works may be required to identify species and monitor for any signs of disturbance.

Suitable habitat to support hedgehogs was recorded on site. Hedgehog cannot be ruled out as present on site and therefore it is recommended that any removal of suitable habitat should be undertaken using a precautionary approach with a suitably qualified ecologist present.

The measures set out within the submitted Preliminary Ecological Appraisal Report have been accepted. On the proviso works are carried out in line with these measures, the proposed works will not be to the detriment to the maintenance of a protected species. As suitable mitigation is proposed the proposal is compliance with LDP Policy Env 16.

Trees

LDP Policy Env 12 (Trees) ensures development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Protection Order or on any other tree or woodland worthy of retention unless necessary for good arboriculture reasons. This policy recognises the important contribution made by trees to character, biodiversity, amenity, and green infrastructure.

There are existing trees on the southern boundary of the site that lie outwith the site boundary.

There is an area of overgrown mature shrubbery and young trees to the west of the lane. Any small trees within this area are not worthy of retention as they do not add to the character of the site or have value in terms of amenity and green infrastructure. The loss of these trees is acceptable. There are no Tree Protection Orders on the site.

Notwithstanding this, boundary trees along with southern boundary should be protected. As such, a condition requiring a tree protection plan to be submitted and approved by the Planning Authority is recommended to ensure the development will not be to the detriment of these trees.

Transport

The Roads Authority have not requested to comment on the proposal. The proposal does not alter the existing access arrangements or create parking provision.

The site is accessible by foot from the main development site at 189 Morrison Street.

Archaeology

LDP Policy Env 9 (Development of Sites of Archaeological Significance) aims to ensure that no significant archaeological features are likely to be affected by the development.

Potential ground works (foundations, services) associated with the creation, construction and use of this temporary works compound could reveal evidence of the Mid-19th century Caledonian Distillery buildings linked to the adjacent railway yards located on this site.

Therefore, it is recommended that a suitable condition is attached if permission is granted to ensure that a programme of archaeological mitigation is undertaken.

The proposal raises no issues with regards to archaeology, and subject to the recommended condition is in compliance with LDP Env 9.

Flood Risk

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 planned flood defence systems.

The site is an existing hardstanding. The installation of the temporary cabins will not increase flood risk and is in line with Env 21.

Concern was raised with regards to potential damp on the gables due to the siting of the cabins. The cabins are to be located 1-1.5 metres from the existing boundary fence and therefore will not cause damp in neighbouring residential properties.

Waste

Waste and Recycling collection arrangements will be required to be agreed with the Council's Waste Team.

Conclusion in relation to the Development Plan

The proposal complies with the Edinburgh Local Development Plan. The scale, form and design will not have a permanent impact on character of the townscape.

No unreasonable impact on neighbouring amenity or transport issues will occur.

Acceptable mitigation is proposed to ensure the development will not adversely affect the natural environment.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Road Safety

The proposal raises no road safety issues.

Network Rail

The applicant has undertaken a survey regarding the boundary wall to the north.

Network Rail's Asset Protection Engineers are satisfied with the report and do not object to the proposal.

An Informative is recommended requiring detailed cross sections to be submitted to Network Rail's Asset Protection Engineers during the design phase to ensure the safety of the railway, along with a Construction Method Statement.

Scottish Planning Policy

Scottish Planning Policy (SPP) presumption in favour of sustainable development is a significant material consideration due to the development plan being over 5 years old. It sets out 13 principles to guide policy and decisions.

The proposal is a temporary development that will have minimal impact on the surrounding environment and re-uses brownfield land. It is in a sustainable location with good access to public transport. The site facilities provided will help enable construction of the Haymarket Development at 189 Morrison Street.

The proposed development therefore complies with the SPP sustainability principles.

Emerging Policy Context

NPF 4 - Draft National Planning Framework 4 is being consulted on at present. As such, it has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

City Plan 2030 - While the proposed City Plan is the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and Human Rights

The application was assessed in terms of equalities and human rights. No impacts were identified.

Public Comments

132 letters of objection were received in relation to the proposal, along with one letter that raised neutral comments.

The following material considerations were raised: -

- Height- addressed in section b;
- Appearance of cabins- addressed in section b;
- Character of area-addressed in section b;
- Privacy- addressed in section b;
- Noise - addressed in section b;
- Daylight/Sunlight- addressed in section b;
- Impact on wildlife- addressed in section b;
- Impact on trees- addressed in section b;
- Parking and traffic- addressed in section b and c;
- Waste- addressed in section b;
- Network Rail not consulted-this is incorrect. Network Rail was consulted and provided comment on the proposal;
- Inaccurate information and plans- updated information was submitted to amend/clarify any inaccuracies; and
- Period of temporary permission/ three years is too long - three years constitutes an appropriate period for temporary permission in line with legislation.

Non- material considerations

- Impact on bike storage shed and potential damage to fencing- the proposed cabins will be located at least 1 metre from the existing fencing. Damage to property is not controlled by planning legislation;
- Damage to properties due to construction- this is not controlled by planning legislation;
- Potential loss of incomes because of vacating tenants- this is not controlled by planning legislation;
- Noise and dust due to construction- not a matters controlled by planning legislation;
- Request that alternative use of site be used as green space - this is not relevant to the application submitted;
- Potential graffiti- this is not controlled by planning legislation;
- Potential anti-social behaviour and noise from construction workers- this is not controlled by planning legislation;
- Concerns what happens in event of insolvency- this is a legal matter;
- Fire Risk - this is not a planning matter;
- Presence of smokers- this is not a planning matter;
- Danger due to construction and use of cranes and lack of risk assessments; this is not controlled by planning legislation;

- Potential precedence for future use of site- the application seeks permission for a temporary period of three years. After which the land will be required to be reinstated to its previous state. Any future change of use or development will require permission and be assessed on its own merits; and
- Designation of 'Transportation Receiver', legal agreement between Cruden Homes and Beazer Homes and right of servitude- this is a legal matter.

Community Council

Gorgie Dalry Community Council raised concerns regarding:

- Impact on residents;
- Size & scale;
- Loss of privacy & natural light;
- Noise & smell;
- Damage to property;
- 2.4m high boarding and impact on daylight;
- Management of site;
- Overdevelopment;
- Construction hours;
- Impact on bay windows;
- Impact upon wildlife living in the land including rabbits, foxes and several species of birds that nest there and impact upon trees;
- Parking and Congestion;
- Change in appearance of Caledonian Village; and
- Contrary to Policies Des 4, Des 5, Hou 7 and Env 22 as adversely affects the amenity, privacy, appearance of and parking provision as exists.

Overall conclusion

The proposal complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will not harm the setting of the Category B Listed Building in compliance with HES guidance.

The proposal complies with the Edinburgh Local Development Plan.

The scale, form and design will not have a permanent impact on character of the townscape. No unreasonable impact on neighbouring amenity or transport issues will occur.

Acceptable mitigation is proposed to ensure the development will not adversely affect the natural environment.

A condition limiting the period of consent for 3 years is required as the proposal is temporary in nature.

There are no other material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. Permission is granted for a limited period of three years from the date of this permission. The development hereby approved shall be removed prior to or on the date of expiry of the limited period of permission and the land and/or buildings restored to their previous condition within three months of the removal of the development.

2. Prior to commencement of development, final detailed foundation designs and plans for any associated services and ground-breaking works must be submitted to the Planning Authority. This is in order to determine scope of archaeological works (excavation, analysis & reporting) to be undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

3. Prior to commencement of development, a Tree Protection Plan shall be submitted for approval to the Planning Authority. Works shall be carried out in accordance with the approved plan and protection fencing shall remain in situ during construction works.

Reasons:-

1. Due to the temporary nature of the proposed development.

2. In the interest of protecting any archaeological remains on site.

3. In the interest of protecting existing trees.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

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

3. Network Rail Informative

Design Details

More detailed cross sections with relevant dimensions must be submitted to Network Rail's Asset Protection Engineers during the design phase to ensure the safety of the railway.

Construction Method Statement

The developer must submit details of the installation of compound units along with RAMS, plant and vehicle movements, compound foundation details and details of the staircases for Network Rail's approval before constructing the site.

We encourage the developer to continue to liaise closes with our Asset Protection Engineers to ensure there is so risk to the adjacent wall or the safety of the railway.

4. Natural Environment Informatives

Bats

Due to the lack of connectivity to the site it is unlikely that protected species utilise the site other than bat species (Chiroptera spp) at night for foraging and commuting. Therefore, it is not considered that the proposed work with have a negative impact on the qualifying species associated with the LBS' and SSSI. However, if the development footprint changes, then proximity to the LBS will need to be reconsidered.

Invasive Non-native Species

Several stands of giant hogweed were recorded during the survey. Therefore, a precautionary approach should be taken to avoid the spread of this species during construction and, if works are necessary within 7 m of the invasive species, a management plan will need to be drawn up by an invasive species specialist, highlighting mitigation measures to avoid the spread of this plant.

Night works

If night works are due to be undertaken during construction, it is recommended that a lighting strategy should be designed to minimise the disturbance on foraging and commuting bats.

Nesting Birds

Suitable habitat to support nesting birds was recorded on site. Therefore, it is recommended that, if any vegetation clearance is necessary for the works to proceed, this be cleared outside of the nesting season (between March and August inclusive). Should site clearance not be possible during this time then vegetation should be checked by an ecologist no more than 48 hours prior to works.

If nests are identified within the site which are deemed to be active, a temporary pause of works may be required in order to identify species and monitor for any signs of disturbance.

Hedgehog

Suitable habitat to support Eurasian hedgehog was recorded on site, with potential nesting material identified. Hedgehog cannot be ruled out as present on site and therefore it is recommended that any removal of suitable habitat should be undertaken using a precautionary approach with a suitably qualified ecologist present.

Background Reading/External References

To view details of the application go to the Planning Portal

Further Information - Local Development Plan

Date Registered: 14 April 2021

Drawing Numbers/Scheme

01-04

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Sonia Macdonald, Planning Officer
E-mail: sonia.macdonald@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Network Rail
COMMENT: No objection, informatives recommended in relation to design details and a Construction Method Statement,

Network Rail's Asset Protection Engineers are satisfied with the survey undertaken by the applicant and removed their previous objection.

DATE: 22 February 2022

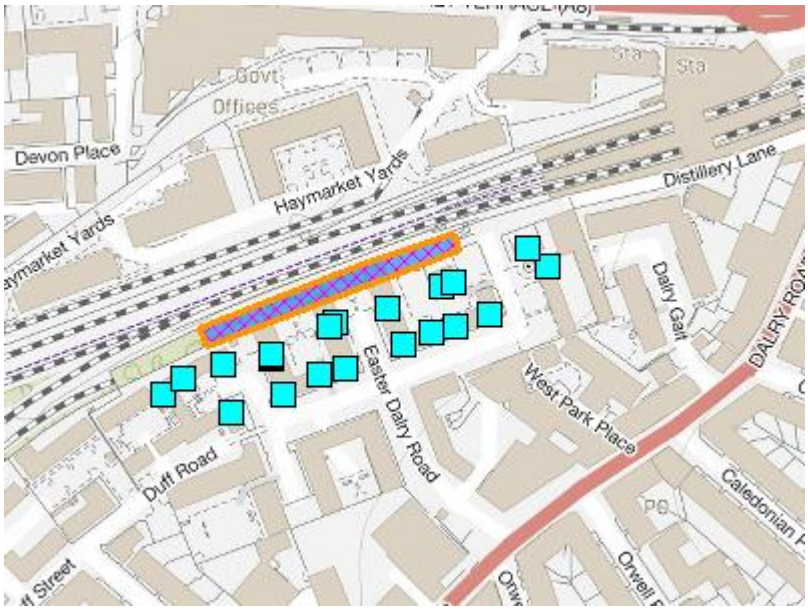
NAME: City Archaeologist
COMMENT: No objection subject to condition.

Application considered against Policies ENV8 & ENV9.

Potential ground works could reveal evidence of the Mid-19th century Caledonian Distillery buildings linked to the adjacent railway yards located on this site. As such a condition is recommended.
DATE: 22 February 2022

The full consultation response can be viewed on the Planning & Building Standards Portal.

Location Plan



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Development Management Sub Committee

Wednesday 16 March 2022

Application for Planning Permission in Principle 21/02941/PPP at site 100 metres east of, 194 Glasgow Road, Edinburgh. Proposed Gogar Link Road and active travel route (as amended).

Item number	
Report number	
Wards	B01 - Almond

Summary

The proposal provides the eastern part of the Gogar Link Road (Local Development Plan Transport Proposal and Safeguard reference T9) which is required to support the long-term development of West Edinburgh. The indicative layout provides for a mix of travel modes including motorised vehicles, active travel in the form of segregated cycle paths, segregated footpaths and shared cycle/footpaths in selected areas. The proposal is for part of the Gogar Link Road only and compliance with Local Development Plan policy Des 2 (Co-ordinated development) is not currently demonstrated. It is recommended that a fully detailed design and information on how the proposal allows for connectivity into the western part of the IBG site be secured by condition and considered at the Approval of Matters Specified in Conditions stage.

The application demonstrates that, subject to further detailed assessments, the proposal can deliver a development that is capable of complying with the Edinburgh Local Development Plan and the Council's non-statutory guidance. The indicative layout also demonstrates that in principle the proposal complies with the thirteen policy principles of sustainable development set out in Scottish Planning Policy.

Subject to the attached conditions, the proposal is acceptable in principle and there are no other material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES04, LDES07, LDES08, LDES10, LEN08, LEN09, LEN12, LEN15, LEN16, LEN21, LEN22, LEMP06, LTRA10, DEVWEF, NSG, NSGD02,

Report

Application for Planning Permission in Principle 21/02941/PPP
at site 100 metres east of, 194 Glasgow Road, Edinburgh Proposed Gogar Link Road and active travel route (as amended).

Recommendations

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

Background

2.1 Site description

The application site ('the site') is located in west Edinburgh and measures approximately seven hectares. The site's topography is undulating in nature and spans an area that is generally oriented east-west and is linear in nature. The application site extends at its southeast point from the northern arm of the existing Gogar roundabout and includes part of Myreton Drive in the central part. The east side of the site encompasses an area of land that lies immediately north of the Edinburgh Gateway station car park and is bounded to the east by the east coast main railway line. The western part of the application site, which includes an area of vacant land and part of a tree-lined avenue serving Castle Gogar Rigg, extends from Myreton Drive across vacant land before reaching the edge of the Gogar Burn which bounds the site's western side. The tram line crosses the Gogar Burn in a location immediately south of the application site.

To the north of the site lies vacant decommissioned airport land and part of an access lane to housing at Castle Gogar Rigg. To the south lies the Edinburgh Tram depot, vacant agricultural land and the A8 road corridor. Other features in the area include a listed church and associated cemetery south of the site.

2.2 Site History

The below site history applies in full or in part to the application site:

- 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).

- 30 November 2018 - Planning permission in principle was granted for a 'proposed pedestrian and cycle bridge with associated landscaping' at land to south-west of Meadowfield Farm, Turnhouse Road, Edinburgh (application reference: 18/07600/PPP).

- 06 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 January 2021 - refusal of 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 (application reference: 21/00217/FUL). 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.

Main report

3.1 Description of the Proposal

Scheme 2

The applicant proposes a section of the Gogar Link Road with accompanying active travel. The proposal would facilitate access from the Gogar Roundabout to part of the International Business Gateway (IBG) development area which lies west of the Edinburgh Tram depot.

The proposal, shown indicatively in supporting plans, would include a new carriageway measuring 6.5 metres wide throughout with a segregated four-metre-wide active travel path and a segregated three-metre-wide pedestrian path west of Myreton Drive. A four-metre-wide combined pedestrian and cycle path would be formed in the eastern part of the site which would provide a connection to an approved active travel and pedestrian bridge over the east coast main railway line. A new junction providing access to the tram depot from Myreton Drive would be formed and a signalised junction would feature where the road meets the access to Castle Gogar. Access to the Edinburgh Gateway station would be maintained.

Access to areas of land area south of the road alignment that is identified as part of the International Business Gateway in the Local Development Plan is shown at four different locations at the southern side of the road and these would cross the active travel and pedestrian paths via continuous footway junctions. An access junction at the north side of the road from Myreton Drive is displayed to provide access to airport security gates at this location.

The layout includes areas of SUDS, swales and filter drains that would form part of a new drainage network for this proposal. The indicative proposal in its current form does not display a detailed method of westward connection over the Gogar Burn to other parts of the IBG.

Scheme 1

The applicant submitted an updated proposed arrangement indicative drawing to which resulted in a minor amendment to the road and path layout. Revised supporting information relating to transport assessment, flood risk, and drainage was submitted in support of the revised scheme. No change was made to the application site boundary.

Supporting Information

The applicant has submitted the below information in support of the application and this is available to view on the Planning & Building Standards Online Services.

- Site location plan
- Supporting planning statement
- Indicative layout plans
- Drainage strategy plan and flood risk assessment
- Transport statement

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

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

a) the principle of the proposal is acceptable in this location;
b) the proposed design and layout would raise any issues;
c) the proposal achieves co-ordinated development;

d) the proposal raises any transport issues;
e) there are any other material considerations;
f) There are any impacts on equalities and human rights and
g) any issues raised in representations have been addressed.

a) Principle of the development

The applicant seeks planning permission in principle for a part of the Gogar Link Road.

The application site is located in an area identified as the 'International Business Gateway' (IBG) and must be considered in the context of policy Emp 6 (International Business Gateway) which states that all development must comply with the IBG Development Principles in the LDP. Bullet point five of the IBG Development Principles states that any necessary road infrastructure improvements should take into account the general development principles for West Edinburgh and relevant transport proposals in Table 9 of the LDP.

The LDP proposals map displays an indicative alignment for the Gogar Link Road in this part of West Edinburgh, and the road is refenced as T9 Gogar Link Road in Table 9 (Transport Proposals and Safeguards) of the plan. The applicant has submitted a red line site boundary and indicative road layout that reflects the general route corridor identified in the proposals map.

The proposal must be considered in the context of LDP policy Tra 10 (New and Existing Roads). The supporting text of this policy makes clear that new roads that would increase capacity on the road network are generally not supported however, where required to mitigate the impact of new development it is acknowledged that new roads can be necessary. In this case the road would serve an area of growth in the city that is allocated for development in the LDP through policy Emp 6 (International Business Gateway). As part of strategic infrastructure to support delivery of the International Business Gateway, a new road at this location is identified in Table 9 of the LDP which requires that it should be largely single carriageway with some widening to allow for public transport priority. The size and extent of the application site would allow for such a carriageway to be implemented.

The LDP Action Programme (LDPAP) dated December 2021 identifies road improvements to this area and the proposal would form the eastern part of 'Action Ref. no. TR-CZWETA-18 in the LDPAP' which is described as 'Link Road Part 2 Single Carriageway'. The proposal is consistent with the infrastructure actions identified in the LDPAP.

With reference to Council guidance, the West Edinburgh Strategic Design Framework (WESDF) sets out a framework for development in west Edinburgh. The WESDF shows an indicative alignment for the Gogar Link Road and the applicant's site boundary is consistent with the location for a new road this part of the city.

The principle of a new road with active travel provision at this location is supported by the adopted Edinburgh LDP (2016) and Council guidance.

b) Design and layout

The applicant submitted indicative site layout plans in support of the application. The LDP development principles for the IBG specifies that road infrastructure improvements should comply with the requirements identified in Table T9 of the plan; these refer to a new mostly single carriageway with some widening for public transport priority and the possibility of a bus or cycle/pedestrian link only.

The proposal is for part of the Gogar Link Road in the form of a 6.5-metre-wide single carriageway with new junctions and pedestrian crossings. Active travel and pedestrian path provision would include a combination of an associated segregated four-metre-wide active travel path, a separate three-metre-wide pedestrian path and an area of shared cycleway and footway could be developed within this application site. These paths could be developed as continuous foot and cycleways at junctions. The proposal would be capable of providing an active travel connection eastward to the West Craigs development area via a yet to be constructed pedestrian and active travel bridge over the east coast main railway line. Other features of the proposed design include access to the tram depot at Myreton Drive, a signalised junction at the tree-lined access to Castle Gogar, SUDS features and a retaining wall. The design does not demonstrate how the proposal would integrate with or serve other parts of West Edinburgh, including the IBG and airport, that the LDP envisages the Gogar Link Road will serve; this matter is addressed further in Section 3.3 c) below.

Despite the submission of detailed indicative layouts, it is recommended that the final proposals for the siting, layout, design, landscape environment and drainage details of the new road and active travel paths should all be reserved matters for further approval. A full list of reserved matters is attached and recommended should committee decide to grant permission in principle. These matters would be assessed against design and other relevant policies of either the LDP or its replacement plan depending on the timing of the application to address the reserved matters.

With reference to approved Council guidance, the WESDF outlines detailed design parameters for new roads in the area such as desired speed limits and carriageway designs; the applicant would be required to consider how the proposal addresses this guidance as part of any further application(s) and/or the road construction consent process.

The application red line extends to the water's edge of the Gogar Burn at the west of the site. In consultation comments SEPA had in place a holding objection until the Council could confirm that the integrity of the river corridor and any future works to the Gogar Burn and its potential realignment would not be compromised. The SEPA holding objection was removed following discussions that agreed a suitably worded condition be used to safeguard an appropriate buffer area for the Gogar Burn in line with SEPA planning guidance. Therefore, a condition is recommended to ensure that the proposal would provide a sufficient buffer area at the Gogar Burn's eastern side in order to safeguard the burn's riparian corridor in the context of strategic works in the area. An informative, the text of which was agreed with SEPA, is also attached to direct the applicant to the City's Water Vision guidance which should inform the detailed design of the road and paths.

The detailed design and layout of the proposal are reserved until the AMC planning stage where compliance with any planning permission in principle, the development plan and associated guidance such as the WESDF and the Edinburgh Design Guidance would need to be demonstrated.

c) Co-ordinated development

Criterion a) of LDP policy Des 2 (Co-ordinated development) supports new development that does not compromise the effective development of adjacent land.

The proposal forms one segment of the Gogar Link Road, the full indicative alignment of which is displayed in the proposals map of the Edinburgh LDP. The nature and purpose of this new road is described in Table 9 of the LDP, with supplementary details relating to the intended design available in the West Edinburgh Transport Appraisal (WETA) refresh (2016). An active travel route is featured that would provide connectivity to a planned and approved active travel bridge crossing over the east coast mainline to LDP housing proposal HSG 19 and beyond to new housing at Cammo.

The applicant has not demonstrated how the remainder of the Gogar Link Road can be delivered in this PPP application, however in principle it would be possible for other sections of the Gogar Link Road to connect to the red line area that has been identified in this application. A suitable area between the tram line and Castle Gogar at the western part of the application site could allow for a suitable bridge crossing of the Gogar Burn is shown. It is therefore recommended that information as to how the proposal can demonstrate an acceptable level of co-ordination with other sections of the Gogar Link Road be provided at the AMC planning stage. A condition is recommended to ensure this information is provided.

Objections raise concern that the proposal does not deliver the entire Gogar Link Road as it serves no development and does not provide a connection from Gogar Roundabout to Eastfield Road. There is no LDP policy requirement that the Gogar Link Road must be promoted in its entirety and the current LDP Action Programme does not specify any phasing requirements. In this context it is acceptable in principle to propose part of the road, provided it can be demonstrated that the adjoining part of the route to the west of the application site can be delivered. A similar approach has been approved by the Council for the IBG phase 1 (application reference: 15/05580/PPP) which included another section of the Gogar Link Road with no details of the remainder of the route travelling eastward. It is to be noted that the IBG phase 1 application is currently under consideration by Scottish Ministers.

Objections also assert that the proposal must consider how decommissioned airport land can be serviced and the wider economic development potential of the IBG. With reference to consideration of economic development potential for the IBG, the purpose of the Gogar Link Road as described in the table T9 of the LDP is to support the long-term development of West Edinburgh. To this effect, the proposal forms part of the Gogar Link Road as envisaged in the LDP, and its delivery will enable development of part(s) of the allocated IBG development allocation in the area surrounding the application site.

Consideration of access to decommissioned airport land is not a policy requirement for the Gogar Link Road in the LDP, however the applicant's indicative layout shows that access to security gates for decommissioned airport land would be possible.

Other comments suggest the Council should use compulsory purchase powers to deliver the Gogar Link Road; this is not an option that the Council currently considering and as such delivery of the road is reliant on the cooperation of relevant landowners and developers. Comments also suggest that planning applications for a proposed airport link road and mixed-use development at the decommissioned airport land in the surrounding area have not been adequately considered by the applicant's proposal. Both these applications are currently with Scottish Ministers for determination; however, the Council has expressed a view that both these applications do not comply with the LDP. Should either of the nearby applications be approved, the detailed design for the proposal is reserved and could consider how best to ensure an appropriate degree of compatibility with surrounding development.

In summary, the proposal does not fully demonstrate compliance with LDP policy Des 2 at this point in time, however this matter can be addressed by conditions and deferred to any subsequent AMC application.

d) Transport

The LDP and Council guidance requires new development to cater for a variety of transport modes and demonstrate sustainable travel capability.

A Transport Statement (TS) was submitted in support of the application. The supporting information asserts that the principle of the proposal is supported in planning and transport policy terms in the context of the transport strategy for the city. The TS and accompanying indicative layout plans demonstrate that the proposal would be capable of facilitating active travel modes and motorised vehicles to a capacity that is envisaged in the 2016 WETA refresh. The proposal would also add to the evolving path network in this part of the city and would be capable of providing a connection to the Edinburgh Gateway station where public transport is available.

The Roads Authority confirms no objection to the proposal subject to recommended conditions and informatives as appropriate. Consultation comments received require that all detailed design features for the new road and active travel paths, and submission of a Quality Audit be reserved, and these are attached as recommended conditions.

Traffic impact and infrastructure delivery

Representations object to the fact that the proposal is not apparently linked to any specific development and subsequently question its purpose. Part 2 of LDP policy Del 1 (Developer Contributions and Infrastructure Delivery) states that development should only progress where sufficient infrastructure is available or can be delivered at the appropriate time. It is noted above within this assessment that the Gogar Link Road is identified in the LDP and the LDP Action Programme as a key piece of infrastructure to facilitate planned growth in this part of the City. The proposal would comply with the intentions of policy Del 1 by ensuring enabling infrastructure to support growth in West Edinburgh is in place early.

As no transport generating land uses are included in this application, it is not necessary to consider LDP policy Tra 8 (Provision of Transport Infrastructure) which considers cumulative traffic impact on the City's road network and mitigation in the form of associated infrastructure requirements identified in Table 9 of the LDP. The proposal itself will form part of mitigation for future development in this area and represents early infrastructure delivery for long-term growth in West Edinburgh.

In summary, the indicative plans demonstrate that a new road and active travel path network at this location can be suitably designed for pedestrians, active travel and vehicles. The proposal will be required to comply with LDP policies Tra 1 (Location of Major Travel Generating Development), Tra 8 (Provision of Transport Infrastructure), Tra 10 (New and Existing Roads) and the Edinburgh Design Guidance in any subsequent AMC applications.

e) Other matters

Trees

LDP policy Env 12 (Trees) sets out tree protection requirements for new development. The application site includes part of a mature tree-lined avenue that provides access to Castle Gogar.

The LDP displays an indicative road alignment within the application site boundary. The LDP therefore implies that an element of tree removal from the tree lined avenue that provides access to Castle Gogar is acceptable in principle. No details have been submitted to identify the condition of the trees or their value as part of this PPP application. Any tree loss that would be required to facilitate a new road with associated paths at this location will need to be supported by a detailed tree survey to inform the detailed alignment. Where possible, the applicant will be required to retain high value trees as far as practicable in order to comply with the terms of LDP policy Env 12.

As part of the AMC planning stage, it is recommended that the application be required to submit a detailed arboricultural survey and accompanying report to inform an assessment of the impact on trees from the proposal. A condition is attached to ensure this matter is appropriately considered.

Protected species & habitat

The LDP, through policy Env 16 (Species Protection), seeks to ensure that new development avoids adverse impact(s) on protected species and habitat in the city. A small part of the application site is located within a Local Nature Conservation Site to which LDP policy Env 15 (Sites of Local Importance) applies.

Part of the site is rural or semi-rural in character, including mature trees and a small area that forms part of the Gogar Burn riparian corridor.

The applicant has not submitted any supporting information in relation to ecology or habitat therefore it is recommended that these details, in the form of an Extended Phase 1 Habitat Survey and any subsequent surveys, are considered at the AMC planning stage.

Due to the proximity of the Gogar Burn and mature trees within the site boundary it is further recommended that a Landscape and Habitat Management Plan be submitted at the AMC planning stage to ensure the proposal is consistent with nature conservation requirements identified in LDP policies Env 15 and Env 16.

Flooding and drainage

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

The applicant has addressed flooding and drainage in the submission and the Council's Flood Prevention planning is satisfied that the proposal and associated drainage arrangements would be acceptable. Whilst an indicative layout has been proposed, it is recommended that drainage details for the proposal be secured by condition.

SEPA confirms no objection to the proposal on flood risk grounds.

The proposal will be required to comply with policy Env 21 and further demonstrate this for a detailed road and path layout in any subsequent AMC application.

Aerodrome safeguarding

Edinburgh Airport's safeguarding team confirms no objection in consultation comments subject to further details relating to SUDS and drainage being submitted for consideration and subsequent agreement at the approval of matters specified in conditions planning stage.

Railway operation

Network rail raises no objection to the proposal subject to recommended informatives relating to access and construction methods.

Air quality

Policy Env 22 (Pollution and Air, Water and Soil Quality) supports development where there will be no significant effects on air quality, health, the environment and amenity. In this case the proposal does not include any traffic generating uses or offer a through-route to any destination that would generate new traffic impacts. Therefore, any impact on local air quality would be considered through future proposals for development in this area through the planning application process where necessary.

Contributions

As the proposal does not include any trip-generating land uses no contributions are required in this case.

Scottish Planning Policy

Scottish Planning Policy (SPP) presumption in favour of sustainable development is a significant material consideration due to the Edinburgh LDP being over 5 years old. The SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions.

The proposal is for part of a new road that will serve a growing part of Edinburgh. At the AMC planning stage, it will be possible for the applicant to provide appropriate design details relating to the creation of a pedestrian and active travel route to accompany the road with a view to introducing sustainable travel methods as part of the proposal. With reference to climate change adaptation and sustainability, it has been a long-standing strategic objective to introduce a multi-modal route in this area of the city. Whilst private cars would be able to use the Gogar Link Road it is envisaged that sustainable travel in the form of public transport (bus) and active travel modes would use the new road and paths which is consistent with SPP support for infrastructure delivery. Other matters including sustainable drainage design, impact on the water environment and any impact the natural environment would be addressed at the AMC planning stage where SPP sustainable development criteria would need to be considered as well.

The proposal is acceptable in principle in the context of SPP.

Emerging policy context

NPF 4 - Draft National Planning Framework 4 is being consulted on at present. As such, it has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

City Plan 2030 - While the proposed City Plan is the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

<u>f) Equalities and human rights</u>

The application has been considered with reference to equalities and human rights and there is no impact(s).

<u>g) Representations</u>

Four public comments were received consisting of three objections and one neutral comment.

Neutral comment:

- Noted improvements to active travel links to surrounding housing sites HSG 19 and HSG 20 - addressed in Section 3.3 c).
- Would like developer to consider junction and crossing improvements for active travel south and east of Edinburgh Gateway station - this matter is outwith the scope of this application site boundary.
- Concern that motorised users will travel via this route to avoid busy road approaches on to Gogar roundabout - addressed in Section 3.3 d).

- Suggest detailed design should provide a direct route to the rail crossing to nearby housing sites and at Myreton Drive - this would be considered at the detailed AMC planning stage.
- Support for proposal to include segregation for cyclists and pedestrians - addressed in Section 3.3 b).

Objection comments:

- Principle of proposal not acceptable in format proposed and is prejudicial to development in West Edinburgh - addressed in Section 3.3 c).
- Proposal is not co-ordinated development and applicant has not demonstrated ability to deliver a dual carriage to deliver access to the IBG area - addressed in Section 3.3 b), c) and d).
- Connections beyond the applications site's boundaries have not been demonstrated - addressed in Section 3.3 c).
- Unclear if the design can deliver a road as envisaged in the West Edinburgh Transport Appraisal refresh - addressed in Section 3.3 b) and c).
- The proposal could be contrary to public transport and active travel connections in West Edinburgh - addressed in Section 3.3 d).
- Unclear if the applicant is requesting approval of design details or a red line plan - addressed in Section 3.3 b).
- The Gogar Link Road must consider the economic development potential of the IBG and serve the airport and its surplus decommissioned land - addressed in Section 3.3 c).
- It is premature for the Council to determine this application without an agreed alignment for the Gogar Link Road between all stakeholders - addressed in Section 3.3 c).
- Suggestion of the Council using compulsory purchase powers to meet transport objectives in this area - addressed in Section 3.3 c).
- By terminating in a field and serving no development the proposal cannot be described as any part of the Gogar Link Road - addressed in Section 3.3 a).
- No evidence submitted to show the road will prioritise public transport - addressed in Section 3.3 d).
- Assertion that Transport Statement does not adequately consider traffic flows for wider West Edinburgh - addressed in Section 3.3 d).
- Proposal does not consider planning applications in the surrounding area - addressed in Section TBC.
- Aspects of the detailed design are not clear - the applicant advised during the application that a red line approval was sought with design details to be reserved matters.
- No Environmental Impact Assessment (EIA) screening has taken place - EIA screening has been completed (reference: 21/02941/SCR).

Overall assessment conclusion

The proposal provides the eastern part of the Gogar Link Road (Local Development Plan Transport Proposal and Safeguard reference T9) which is required to support the long-term development of West Edinburgh. The indicative layout provides for a mix of travel modes including motorised vehicles, active travel in the form of segregated cycle paths, segregated footpaths and shared cycle/footpaths in selected areas.

The proposal is for part of the Gogar Link Road only and compliance with Local Development Plan policy Des 2 (Co-ordinated development) is not currently demonstrated. It is recommended that a fully detailed design and information on how the proposal allows for connectivity into the western part of the IBG site be secured by condition and considered at the Approval of Matters Specified in Conditions planning stage.

The application has demonstrated that, subject to further detailed assessments, the proposal is capable of delivering a development that can comply with the Edinburgh Local Development Plan and the Council's non-statutory guidance. The indicative layout also confirms that in principle the proposal complies with the thirteen policy principles of sustainable development set out in Scottish Planning Policy.

Subject to the attached conditions, the proposal is acceptable in principle and there are no other material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. Notwithstanding the submitted drawings and for the avoidance of doubt, the indicative proposal plans submitted as part of the PPP application, and represented on planning drawing references 02A, 03A, 04, and 05A, do not represent an approved scheme and all site layout and design matters are reserved.

2. Prior to the commencement of any works on the site, details of the under-noted matters shall be submitted to and approved by the planning authority, in the form of a detailed of the site and inclusive of detailed plans, sections and all other structures.

Approval of Matters are as follows:

(a) Design details of all roads, junctions, pedestrian crossings, active travel paths and pedestrian paths, including dimensions, widths, layouts, cross sections and gradients;
(b) Design and configuration of public and open spaces, including all external materials and finishes;
(c) Submission of a Quality Audit;
(d) Surface water and drainage arrangements;
(e) Hard and soft landscaping details, including:
(i) Location and detailed specification of all mounding, walls, fences, gates and any other hard landscape treatments;
(ii) Tree survey and any subsequent tree removal and tree protection measures;
(iii) The location of new trees, shrubs and hedges;

(iv) A schedule of plants to comprise species, plant size and proposed number/density;
(v) Programme of completion and subsequent maintenance;
(vi) Existing and proposed services such as cables, pipelines, substations;
(vii) Other artefacts and structures such as street furniture, including lighting columns and fittings;
(viii) Details of phasing of these works;
(ix) Existing and finished ground levels in relation to Ordnance Datum.
(e) An Extended Phase 1 Habitat Survey and any subsequent protected species surveys, the findings of which shall be incorporated into a Landscape and Habitat Management Plan (LHMP) which shall be submitted to and approved by the planning authority for approval prior to the commencement of any works;
(e) Details of proposed street lighting;
(f) Submission of a swept path analysis for the road and all access points and junctions
(g) A programme for completion of the development.

3. The site layout to be submitted as part of the AMC application required under condition 2 above shall demonstrate that it will be feasible for the proposal to connect to other subsequent parts of the Gogar Link Road west of the site's boundary across the Gogar Burn via a bridge or other suitable means.

4. The site layout to be submitted as part of the AMC application required under condition 2 shall be capable of including a landscape buffer at the eastern side of the Gogar Burn in accordance with the principles set out in the Scottish Environmental Protection Agency's (SEPA) principles for buffer strips in guidance document Planning Background Paper: Water Environment (issue date 23 January 2017) and to the satisfaction of the planning authority. It shall be demonstrated that any future bridge crossing referenced in condition 3 can span the agreed buffer area.

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

Reasons:-

1. For the avoidance of doubt.

2. In order to enable the Planning Authority to consider these matters in detail.

3. In order to ensure co-ordinated development in West Edinburgh.

4. In order to ensure co-ordinated development in West Edinburgh and ensure the environmental integrity of the Gogar Burn and its surrounding riparian corridor.

5. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

1. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

2. The detailed design of the proposal and the site layout that must be submitted under the terms of condition 2 at the approval of matters specified in conditions planning stage shall refer to the Council's Vision for Water Management (November 2020) and comply with its principles for water management in the City.

3. The applicant should note the below Roads Authority matters:

- The proposed layout to be a reserved matter. This will require to be developed in the context of the West Edinburgh Transport Appraisal Refresh 2016 and the Council's wider aspirations for active travel and public transport. The existing access to the tram depot on Myreton Drive will require particular consideration in relation to any requirements for abnormal vehicles. For the avoidance of doubt, the proposed layout is not approved at this stage;

- Various orders, including waiting and loading restrictions, redetermination and stopping up orders may be required. These are subject to statutory process and cannot be guaranteed;

- 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, cycle tracks, verges and service strips to be agreed;

- A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.

4. The applicant should note the following matters in relation to the operational railway:

Access:
Any current access points of Network Rail must be maintained.

Construction Methodology:
The Developer is to consult with Network Rail's Asset Protection Engineers regarding the proposal and submit a working methodology, RAMS, plant positions and movements prior to construction.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 18 June 2021 and neighbours were notified on 08 and 09 July 2021. Four public comments were received consisting of three objections and one neutral comment.

Background reading/external references

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

Statutory Development Plan Provision	The application site is located within an area identified in the development plan as the 'urban area' and lies within a Special Economic Area (International Business Gateway - policy Emp 6). The LDP proposals map shows Road Safeguard Improvement: Gogar Link Road partially lies within the application site.
Date registered	28 May 2021
Drawing numbers/Scheme	01,

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Sean Fallon, Planning Officer
E-mail:sean.fallon@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

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

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

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

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

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

LDP Policy 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 Emp 6 (International Business Gateway) sets out uses that will be supported in principle for the development of an International Business Gateway within the boundary defined on the Proposals Map.

LDP Policy Tra 10 (New and Existing Roads) safeguards identified routes for new roads and road network improvements listed.

The West Edinburgh Planning Framework seeks to protect and enhance the national interests in West Edinburgh by setting out a strategic context for investing in transport and development, to facilitate improvement of the environment, living conditions, accessibility and overall quality in the area, and to safeguard and nurture the long term potential for West Edinburgh to become an internationally competitive business location

Relevant Non-Statutory Guidelines

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

Appendix 1

Application for Planning Permission in Principle 21/02941/PPP
At Site 100 Metres East Of , 194 Glasgow Road, Edinburgh
Proposed Gogar Link Road and active travel route (as amended).

Consultations

Archaeology response

The site currently runs east-west from the southern boundaries of Edinburgh Airport's (RAF Turnhouse) former crosswinds / Auxiliary airstrip, cutting across the historic treelined access road to Gogar Castle towards and ending at the Gogar Burn. RAF Turnhouse constructed during World War I and continued in active service through the Cold War though in a much-reduced capacity from the 1960/70's.

Prior to this the area formed part of the medieval Parish of Gogar situated on the southern side of the present-day Glasgow Road on the eastern bank of the Gogar Burn centred on the current Church. Excavations carried out at the site of the village by both Headland (PSAS Vol 139 p229-55) and GUARD (Published on SAIR 72 & 79) produced nationally important archaeological evidence charting the development of the village from the Anglo-Saxon Period through to the post-medieval. The proposed route will also cut across the tree-lined historic access road leading to the 17th century Gogar Castle to the North built on the site of an earlier house dating back to c.1300 belonging to the Forrester's of Corstorphine.

The recently completed excavations by CFA at Meadowfield Farm to the north of the railway line at Turnhouse, have confirmed evidence for its occupation going back to the around the 14th century. However, as well as medieval evidence the excavations at Meadowfield Farm have significantly produced two cannonballs probably relating to the 1650 battle between Cromwell and Leslie known as the Field of Flashes. This little understood battle occurred at Gogar to the north of the Glasgow Road an area thought to include this application site

Recent excavations as part of the Edinburgh Tram project at Gogar village to the South, along with those just completed in 2020/21 by both AOC at West Craigs Farm and CFA at Meadowfield Farm to the North, have confirmed that this area contains significant evidence for early medieval and prehistoric occupation. In addition, archaeological evaluation undertaken by CECAS in 1999 (Reed, D. (1999d) 'East Mains of Ingliston to Gogar and Carrick Knowe Golf Course (City parish of Edinburgh), field evaluation', DES 1999. Page(s): 37) identified a potential large double ditched enclosure (NT175SE 197) to the immediate south of this proposal.

As such the site has been identified as occurring within and area being of archaeological and historic significance relating to the development of the medieval and later parish of

Gogar, potentially earlier prehistoric occupation and the site of the 17th century Field of Flashes battlefield. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic Landscapes
the application will cut across the historic tree-lined access road to the 17th century Gogar Castle, a route depicted on General Roy's 1750's Military Survey and one which is likely to be contemporary with the 17th century house if not older (see above). The construction will require a localised significant impact therefore necessitating the removal of a section of these historic trees. Such impacts must be kept to a minimum and assessed as by our landscape colleagues.

Buried Archaeology
The proposals would require significant ground-breaking works regarding construction, landscaping services etc. Such works will have significant impacts upon any surviving archaeological remains, expected to range from remains associated with the 1650's Battle of the Field of Flashes too medieval and potentially prehistoric remains. It is essential therefore, that if permission is granted that an archaeological programme of work is undertaken prior to development, to fully excavate, record and analyse any surviving archaeological remains.

This strategy will require the undertaking of phased programme of archaeological investigation, the first phase being the undertaking of an archaeological evaluation (max 10%). The results of this evaluation work will inform the scope of secondary phases of investigation and analysis. Based upon the results from the adjacent sites at Gogar and Meadowfield/West Craigs, this is likely to include both set piece excavations and a wider programme of strip, map record and excavate during topsoil removal/landscaping works and possible public open days.

Given the recent discovery of 17th century cannonballs and the its close proximately to a former military airfield, metal detecting surveys will also be required to be undertaken during the evaluation to both recover artefacts and assess scope for potential more detailed battlefield survey's depending on results.

Public Engagement
As stated, it is likely that archaeological investigations will reveal to important remains associated with RAF Turnhouse and possibly dating back to early prehistory. It is therefore considered essential that a programme of public/community engagement is undertaken during all subsequent phases of development. The full scope of which will be agreed with CECAS but could include press calls, social media, site open days, viewing points, interpretation and exhibitions.

It is recommended therefore, that a condition be applied to any permission granted to secure this programme of archaeological works based upon the following CEC condition;

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

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

Network Rail response

iAt present, Network Rail has no issues with the principle of the proposed development. As the active travel route is located within close proximity to operational railway land, we would ask that the following be included as advisory notes should the council be minded to grant this application:

Access

Any current access points of Network Rail must be maintained.

Construction Methodology

The Developer is to consult with Network Rail's Asset Protection Engineers regarding the proposal and submit a working methodology, RAMS, plant positions and movements prior to construction.

Edinburgh Airport response

I've had a look at this and can confirm I've nothing to add and therefore happy to fully assess any SUDS and drainage details at the AMC planning stage.

Flood Planning response

This application can proceed to determination, with no further comments from CEC Flood Prevention.

Roads Authority response

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

1. The proposed layout to be a reserved matter. This will require to be developed in the context of the West Edinburgh Transport Appraisal Refresh 2016 and the Council's wider

aspirations for active travel and public transport. The existing access to the tram depot on Myreton Drive will require particular consideration in relation to any requirements for abnormal vehicles. For the avoidance of doubt, the proposed layout is not approved at this stage;

2. Various orders, including waiting and loading restrictions, redetermination and stopping up orders may be required. These are subject to statutory process and cannot be guaranteed;

3. 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, cycle tracks, verges and service strips to be agreed;

4. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.

SEPA comments

Thank you for consulting SEPA on planning application 21/02941/PPP, proposed Gogar Link Road & Active Travel Route, 100 Metres East of 194 Glasgow Road, Edinburgh.

We have no objection to this planning application on the grounds of flood risk. Please see our advice in Section 2 - Flood Risk.

We do wish to submit a holding objection until the City of Edinburgh provides clarification that this development, if permitted at this time, will not compromise the objectives identified in the city's adopted Water Vision and in the development of the City Plan 2030. Please see our comments in Section 1 - Context.

Context

The context of this application is its proposed development in an area of flood risk and where the quality of water in the watercourses is poor and needs to be improved. In order to deliver the scale of development proposed and likely for this area, a strategic approach to the management of surface water and the avoidance of flood risk is essential. The development of this strategic approach is being taken forward by partners (including the City of Edinburgh Council, Scottish Water and the Scottish Environment Protection Agency) through co-ordinated action such as the development of the City Development Plan 2030, the City of Edinburgh Council's Water Vision, a Strategic Flood Risk Assessment for the city, etc. SEPA's advice is that all proposed developments in this area should ideally help to deliver this strategic approach, including strategic infrastructure including, but not limited to, the potential for realigning the Gogar Burn to ensure water quality can be improved and greater capacity for increased rainfall and surface water discharge can be ensured. At the least, no development should compromise options for achieving these aims. Attached are our responses to planning application 21/00217/FUL (the airport Road) and 20/03219/PPP (Crosswinds) as examples of this advice and the context for it, e.g. national and city commitments to addressing the causes of climate change and preparing for its inevitable consequences.

We submit a holding objection until there is confirmation from the city, i.e. you and your colleagues leading on the Water Vision, the City Plan 2030 and other major applications such as Crosswinds (currently at appeal), that the link road and active travel route proposed in this application will not compromise the options being explored in this area for flood risk avoidance and water management or can be accommodated in them. One means of providing this confirmation could be a meeting (MS Teams) between partners (CEC, SW and SEPA) to overlay plans and options to identify any potential compromises or benefits, e.g. the currently proposed routes having an active role in providing part of the necessary infrastructure to manage water in this area.

Flood Risk

1. We have no objection to this application on the grounds of flood risk.

2. The site is partly within the surface water flood extent shown in the SEPA Flood Maps. The surface water flood maps are a composite of pluvial and sewer model outputs. We therefore recommend that you contact Edinburgh City Council Roads Authority regarding surface water flood risk and you may also need to contact Scottish Water. You can view the SEPA Flood Maps and find out more about them at www.sepa.org.uk/environment/water/flooding/flood-maps/

3. We hold a record of observed flooding at the Tram Depot due to surface water flooding following heavy rainfall 5th December 2020. We advise that contact is made with Edinburgh City Council, who as Flood Risk Management Authority (FRMA) may hold local information on observed flooding and flood alleviation in this area.

4. We have reviewed the Flood Risk Assessment (ref: P14822, Goodson Associates, May 2021), Proposed Arrangement Plan and Location Plan drawings and can make the following comments.

5. The FRA has considered flood risk from multiple sources and does not identify a fluvial flood risk to the proposed development. We note that any earthworks associated with the formation of the active travel routes are set sufficiently back from the Gogar Burn watercourse to avoid impacting on floodplain processes. Therefore, we are satisfied that the proposal will have a neutral impact on fluvial flood risk.

6. For information, safe access/egress by emergency vehicles and surface water management are matters under the remit of the local Flood Risk Management Authority at Edinburgh City Council. It is therefore for the FRMA to comment on the acceptability of the proposed flood mitigation measures.

7. We recommend that the applicant refers to our Standing Advice Guidance, particularly Section 5 (essential infrastructure or water compatible uses) and Section 11 (footpaths, access tracks, private roads, car parks and other landscaping proposals) for best practice.

8. As a member of the Edinburgh Partnership (CEC, Scottish Water, SEPA) we are aware of a proposed Gogar Burn watercourse enhancement and diversion (Local Development Plan Greenspace Proposal, reference: GS7). We therefore recommend that Edinburgh City Council considers this proposal in the wider context of West Edinburgh development strategies. (Please see Section 1 'Context' above.)

9. We are satisfied that the proposal complies with the principle of floodplain avoidance outlined in Scottish Planning Policy and therefore have no objection on flood risk grounds.

Please contact me if you would like to discuss this response or if you would like any further information.

SEPA further comments

I am writing in relation to SEPA's holding objection to planning application 21/02941/PPP of 10 September 2021 (our reference PERMS 2434). I have attached this for ease of reference.

Since then we have discussed the options for conditions and informative to address SEPA's concerns, and you have proposed a set of conditions, copied below.

On the basis of these, SEPA can withdraw its holding objection. Should the applicant not wish to accept these conditions, at all or in an amended form, or if the proposal changes in a way you consider to be material, SEPA should be re-consulted to ensure our position can remain as no-objection.

Please contact me if you would like any further information or if you have any questions.

Proposed Conditions:
1. Condition - Notwithstanding the submitted drawings and the avoidance of doubt, the indicative proposal plans submitted as part of the PPP application, and represented on planning drawing references 02A, 03A, 04, and 05A, do not represent an approved scheme and all site layout and design matters are reserved.
Reason - For the avoidance of doubt.

2. Condition - Prior to the commencement of any works on the site, details of the under-noted matters shall be submitted to and approved by the planning authority, in the form of a detailed of the site and inclusive of detailed plans, sections and all other structures. Approval of Matters are as follows:
(a) Design details of all road, junction, active travel paths and pedestrian paths, including dimensions, widths, layouts, cross sections and gradients;
(b) Design and configuration of public and open spaces, including all external materials and finishes;
(c) Submission of a Road Safety Audit;
(d) Surface water and drainage arrangements;
(e) Hard and soft landscaping details, including:
(i) Location and detailed specification of all mounding, walls, fences, gates and any other hard landscape treatments;
(ii) Tree survey and any subsequent tree removal and tree protection measures;
(iii) The location of new trees, shrubs and hedges;
(iv) A schedule of plants to comprise species, plant size and proposed number/density;
(v) Programme of completion and subsequent maintenance;
(vi) Existing and proposed services such as cables, pipelines, substations;

(vii) Other artefacts and structures such as street furniture, including lighting columns and fittings;
(viii) Details of phasing of these works;
(ix) Existing and finished ground levels in relation to Ordnance Datum.
(f) Details of proposed street lighting;
(g) Submission of a swept path analysis for the road and all access points and junctions;
(h) A programme for completion of the development.
Reason - In order to enable the Planning Authority to consider these matters in detail.

3. Condition - The site layout to be submitted as part of the AMC application required under condition 2 above shall demonstrate that it will be feasible for the proposal to connect to other subsequent parts of the Gogar Link Road west of the site's boundary across the Gogar Burn via a bridge or other suitable means.
Reason - In order to ensure co-ordinated development in West Edinburgh.

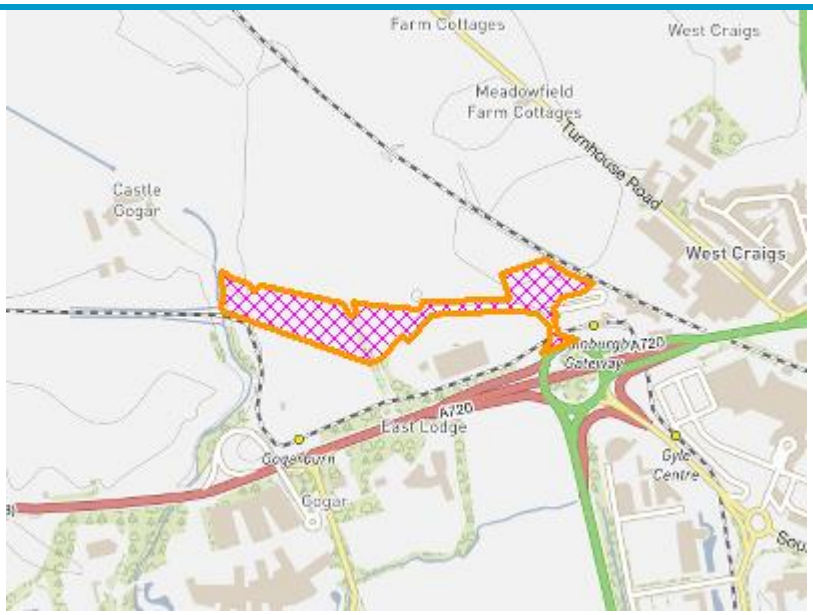
4. Condition - The site layout to be submitted as part of the AMC application required under condition 2 shall be capable of including a landscape buffer at the eastern side of the Gogar Burn in accordance with the principles set out in the Scottish Environmental Protection Agency's (SEPA) principles for buffer strips in guidance document 'Planning Background Paper: Water Environment' (issue date 23 January 2017) and to the satisfaction of the planning authority. It shall be demonstrated that any future bridge crossing referenced in condition 3 can span the agreed buffer area.
Reason - In order to ensure co-ordinated development in West Edinburgh and ensure the environmental integrity of the Gogar Burn and its surrounding riparian corridor.

5. Condition - No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, metal detecting survey, analysis, reporting, publication, interpretation and public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
Reason - In order to safeguard the interests of archaeological heritage.

Proposed informative:

1. The detailed design of the proposal and the site layout that must be submitted under the terms of condition 2 at the approval of matters specified in conditions planning stage shall refer to the Council's Vision for Water Management (November 2020) and comply with its principles for water management in the City'.

Location Plan



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