

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00 am Wednesday, 17th August, 2022**

Dean of Guild Court Room - City Chambers

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

### Contacts

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## 1. Order of business

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### 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 15 August 2022** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

## 2. Declaration of interests

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

## 3. Minutes

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- 3.1 Minutes of Previous Meeting of Development Management Sub-Committee 29 June 2022 – submitted for approval as a correct record 11 - 20

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

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

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|------------|--|---------|
| <b>4.1</b> | Report for forthcoming application by Forth Ports Limited. for Proposal of Application Notice at land 240 metres northwest of 26, Bath Road, North Leith - Mixed use development including Residential (Class 9) and sui generis Flats, Retail (Class 1), Financial, Professional and other services (Class 2), Food and Drink (Class 3), Business (Class 4), Industrial (Class 5), Storage and Distribution (Class 6), Hotel (Class 7), Non residential Institutions (Class 10), Assembly and Leisure (Class 11), sui generis car park / mobility hub, public realm works and all associated infrastructure - application no. 22/02855/PAN – Report by the Chief Planning Officer | 21 - 30 |
| <b>4.2</b> | Report for forthcoming application by Taylor Wimpey for Proposal of Application Notice at land 222 metres northwest of Ashley Cottage 29, Freelands Road, Ratho - Mixed use development including houses (Class 9), retail (Class 1), commercial uses (Class 2, 3 and Sui Generis), business (Class 4), community facilities (Class 10 and Sui Generis), cemetery extension (Sui Generis), open space landscape, access and associated infrastructure - application no. 22/03205/PAN – Report by the Chief Planning Officer  | 31 - 36 |
| <b>4.3</b> | Report for forthcoming application by The Board of Trustees of The National Galleries of Scotland for Proposal of Application Notice at land 93 metres west of Madelvic House, Granton Park Avenue, Edinburgh - The development of a sector-leading national centre for the care, conservation, research, storage and distribution of Scotlands collection of artworks, visitor and community-led spaces, active public realm spaces (including potential pop-up cafe use) and bio-diverse landscaping, new/improved access, parking and all other associated works -  | 37 - 46 |

application no. 22/02899/PAN – Report by the Chief Planning Officer

- 4.4** 1 Carlton Terrace, Edinburgh - Alterations to existing rear garden, including the construction of paved terraces, re-aligned internal walling, installation of pergola and planting (in part retrospective) - application no. 22/00495/FUL – Report by the Chief Planning Officer 47 - 56

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

- 4.5** 6 Cowan's Close, Edinburgh - Replace the single storey street cleansing office and car park with a 4 storey residential block including amenity space and planting space for both tenants and the nursery opposite - application no. 21/06745/FUL – Report by the Chief Planning Officer 57 - 80

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

- 4.6** 6 Cowan's Close, Street Cleansing Depot, Edinburgh - Complete demolition in a Conservation Area - application no. 22/00841/CON – Report by the Chief Planning Officer 81 - 88

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

- 4.7** Assembly Rooms, 54A George Street, Edinburgh - The installation of 3 temporary performance venues, Box Office and ancillary activities as part of the Edinburgh Festival Fringe. The block of road will be closed to all vehicle traffic in agreement with City of Edinburgh Council, but a 2 way cycle lane will be kept, and allowance for emergency vehicle access. Assembly will present a program of mixed arts and culture, as we have on this block of George Street for the past 6 years, tying in with other activity within the Assembly Rooms - application no. 22/02694/FUL – Report by the Chief Planning Officer 89 - 100

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

- 4.** 3F2, 14 Montpelier Park, Edinburgh - Extension to flat - reinstatement of planning consent 14/03456/FUL. (Proposed extension into attic of flat with velux roof windows and glazed cupola) - application no. 22/02406/FUL – Report by the Chief 101 - 110

Planning Officer

It is recommended that this application no **GRANTED**.

- 4.9** St James Crescent (Proposed Event Space), Edinburgh - 111 - 122  
Erection of temporary structures and enclosures, including bar,  
and other associated works to facilitate use of Calton View as an  
external events space - application no. 22/02040/FUL – Report by  
the Chief Planning Officer

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

- 4.10** St James Crescent (Proposed Event Space), Edinburgh - 123 - 134  
Erection of temporary structures and enclosures, including bar,  
and other associated works to facilitate use of Register Square as  
an external events space - application no. 22/02039/FUL –  
Report by the Chief Planning Officer

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

- 4.11** Teviot Place (Proposed Fringe Festival Venue Site), Bristo 135 - 146  
Square, Edinburgh - Temporary change of use and siting of  
performance units, catering units and other associated moveable  
structures for the Edinburgh Fringe Festival - application no.  
22/02987/FUL – Report by the Chief Planning Officer

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

## **5. Returning Applications**

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

- 5.1** 11 Stafford Street, New Town, Edinburgh - Change of Use from 147 - 148  
Class 4 (Offices) to Class 7 (Hotel) - application no.  
22/00982/FUL – Report by the Chief Planning Officer

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

## **6. Applications for Hearing**

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

6.1 None.

## 7. Applications for Detailed Presentation

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

7.1 30 Canaan Lane (Land to rear of), Edinburgh - New dwelling and driveway (amendment to 18.04505/FUL) - application no. 21/05402/FUL – Report by the Chief Planning Officer 149 - 160

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

7.2 179A Canongate, Edinburgh - Partial demolition of existing buildings and development of purpose-built student accommodation, ancillary uses and associated infrastructure (as amended) - application no. 22/01647/FUL – Report by the Chief Planning Officer 161 - 192

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

7.3 179A Canongate, Edinburgh - Partial demolition of existing buildings (as amended) - application no. 22/01648/CON – Report by the Chief Planning Officer 193 - 206

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

## 8. Returning Applications Following Site Visit

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

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

8.1 None.

## **Nick Smith**

Service Director – Legal and Assurance

## **Committee Members**

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Councillor Hal Osler (Convener), Councillor Alan Beal, Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor James Dalglish, Councillor Neil Gardiner, Councillor Euan Hyslop, Councillor Tim Jones, Councillor Amy McNeese-Mechan, Councillor Joanna Mowat and Councillor Kayleigh O'Neill

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

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The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The Develop Management Sub-Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh and remotely by Microsoft Teams.

## **Further information**

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

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

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# Minutes

## Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 29 June 2022

### Present:

Councillors Osler (Convener), Beal, Booth, Cameron (Items 1.1 – 4.4, 4.6, 4.9-4.11, 4.15, 7.1-7.4), Dalgleish (Items 1.1-4.4, 4.6, 4.7, 4.9 – 4.13 & 4.15-7.5), Gardiner, Hyslop, Jones, Key (Items 1.1-4.4, 4.6, 4.7, 4.9 – 4.13 & 4.15-7.5), Mowat and O'Neill (Items 1.1-4.7, 4.9-4.11, 4.15, 7.1-7.5).

### 1. Minutes

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#### Decision

To approve the minute of the Development Management Sub-Committee of 15 June 2022 as a correct record.

### 2. General Applications and Miscellaneous Business

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

#### Requests for Presentations:

Councillor Booth requested a presentation in respect of:

Item 4.5 – 134 Constitution Street, Edinburgh – application no. 21/05544/FUL

Item 4.7 – 46 Cumberland Street, Edinburgh – application no. 22/01239/FUL

Item 4.8 – 162 Ferry Road, Edinburgh – application no. 21/06362/FUL

Item 4.13 – 6 Rutland Court Lane, Edinburgh – application no. 22/00881/FUL

Item 4.14 – 11 Stafford Street, Edinburgh – application no. 22/00982/FUL

Item 4.16 – 34a William Street, Edinburgh – application no. 22/00982/FUL

Councillor Osler requested a presentation in respect of Item 4.12 – The Grange Club, 7 Portgower Place, Edinburgh – application no. 21/06513/FUL

Ward Councillor Mitchell requested a presentation in respect of Item 4.12 – The Grange Club, 7 Portgower Place, Edinburgh – application no. 21/06513/FUL

#### Requests for a Hearing:

Councillor Osler – Item 4.12 – The Grange Club, 7 Portgower Place, Edinburgh – application

no. 21/06513/FUL

Ward Councillor Mitchell – Item 7.1 - 10 Orchard Brae, Edinburgh – application no. 21/06512/FUL

Ward Councillor Faccenda – Item 4.5 - 134 Constitution Street, Edinburgh – application no. 21/05544/FUL

### **Decision**

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

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

### **3. The Forts, 3 Hawes Brae, South Queensferry**

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Details were provided of proposals for planning permission for the development of a Forth Bridge Walk Reception Hub building, new sections of bridge access system, new viewing platforms, alterations to Dalmeny Battery, demolition of 2 No. outbuildings, associated car parking, landscaping, servicing and alterations to existing vehicular and pedestrian access at The Forts, 3 Hawes Brae, South Queensferry – application no. 22/00358/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:

- 1) The conditions, reasons and informatives and a legal agreement set out in section C of the report by the Chief Planning Officer.
- 2) Additional conditions;
  - a) To increase the number of Disabled Persons car parking spaces to 5.
  - b) To increase the number of cycle parking spaces to 54.
- 3) Additional informatives;
  - a) To make the site more accessible taking in to account the Equality Act 2010.
  - b) To explore the options to increased Disabled Persons car parking further.

- moved by Councillor Osler, seconded by Councillor Mowat

### **Amendment**

To **CONTINUE** consideration of the application to allow engagement with the applicant.

- moved by Councillor Gardiner, seconded by Councillor Booth

### **Voting**

For the motion - 6

For the amendment - 5

(For the motion: Councillors Beal, Cameron, Dalgleish, Jones, Mowat and Osler.

For the amendment: Councillors Booth, Gardiner, Hyslop, Key and O'Neill.)

## Decision

To **GRANT** planning permission subject to:

- 1) The conditions, reasons and informatives and a legal agreement set out in section C of the report by the Chief Planning Officer.
- 2) Additional conditions;
  - a) To increase the number of Disabled Persons car parking spaces to 5.
  - b) To increase the number of cycle parking spaces to 54.
- 3) Additional informatives;
  - a) To make the site more accessible taking in to account the Equality Act 2010.
  - b) To explore the options to increased Disabled Persons car parking further.

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

## 4. Site 100 Metres East of 194 Glasgow Road, Edinburgh

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Details were provided of proposals for a planning permission in principle application for a proposed Gogar Link Road and active travel route (as amended) at Site 100 Metres East of 194 Glasgow Road, Edinburgh – application no. 21/02941/PPP

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 in principle subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.

- motion by Councillor Osler, seconded by Councillor Mowat

### Amendment

To **CONTINUE** consideration of the application to a future Develop-Management Sub-Committee meeting.

- moved by Councillor Booth, seconded by Councillor Hyslop

### Voting

For the motion - 6

For the amendment - 4

(For the motion: Beal, Dalgleish, Jones, Key, Mowat and Osler

For the amendment: Booth, Gardiner, Hyslop and O'Neill)

## Decision

To **GRANT** planning permission in principle subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.

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

## Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><b>4.1 – <a href="#">Report for forthcoming application by Shelborn Edinburgh Limited. for Proposal of Application Notice at 1 &amp; 3 Redheughs Avenue, Edinburgh.</a></b></p>	<p>Redevelopment of site for office development (Class 4), including selected demolitions, retention and refurbishment of the Younger Building, provision of a mobility hub, ancillary retail (Class 1) food and drink (Class 3/Sui Generis) and leisure (Class 11) uses, landscaping, car parking, access, infrastructure and associated works - 22.01063/PAN</p>	<p>To note the key issues at this stage.</p>
<p><b>4.2 - <a href="#">Report for forthcoming application by West Town Edinburgh Ltd. for Proposal of Application Notice at land 500 metres North East of Ingliston Park and Ride, 2 Eastfield Road, Edinburgh.</a></b></p>	<p>Relates to PPP for new neighbourhood comprising residential-led mixed use development including residential (Class 9) and sui generis flatted development (including student housing, build to rent and affordable housing), business and employment uses (Class 4), general industrial uses (Class 5), storage or distribution uses (Class 6), hotels (Class 7), residential institutions (Class 10), retail (Class 1), financial, professional and other services uses (Class 2), food and drink uses (Class 3), assembly and leisure uses (Class 11), other sui generis uses and other related infrastructure and associated works including car parking, servicing, access arrangements, formation of new roads and active travel networks, sustainable urban drainage and open space/public realm - application no. 22/01625/PAN</p>	<ol style="list-style-type: none"> <li>1) To note the key issues at this stage.</li> <li>2) To request the applicant incorporate Active Travel routes to provide good connections to West Edinburgh suburbs.</li> </ol>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><a href="#"><u>4.3 – Report for forthcoming application by West Town Edinburgh Ltd. for Proposal of Application Notice at land 500 metres North East of Ingliston Park and Ride 2, Eastfield Road, Edinburgh.</u></a></p>	<p>Relates to Phase 1 of new neighbourhood comprising residential-led mixed use development including residential (Class 9) and sui generis flatted development (including student housing, build to rent and affordable housing), business and employment uses (Class 4), general industrial uses (Class 5), storage or distribution uses (Class 6), hotels (Class 7), residential institutions (Class 8), non-residential institution uses/education (Class 10), retail (Class 1), financial, professional and other services uses (Class 2), food and drink uses (Class 3), assembly and leisure centres (Class 11), other sui generis uses and other related infrastructure and associated works including car parking, servicing, access arrangements, formation of new roads and active travel networks, sustainable urban drainage and open space/public realm – application no. 22/01626/PAN</p>	<p>1) To note the key issues at this stage.</p> <p>2) To request the applicant incorporate Active Travel routes to provide good connections to West Edinburgh suburbs.</p>
<p><a href="#"><u>4.4 – 6 Blackford Road, Edinburgh</u></a></p>	<p>Confirmation of Tree Preservation Order No. 201</p>	<p>To <b>CONFIRM</b> Tree Preservation Order No. 201</p>
<p><a href="#"><u>4.5 – 134 Constitution Street, Edinburgh</u></a></p>	<p>Change of use from office to form dwelling including timber clad first floor extension (as amended) - application no. 21/05544/FUL</p>	<p>1) To <b>REFUSE</b> the request for a hearing.</p> <p>2) To <b>CONTINUE</b> consideration of the of the application for a site visit.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.6 – <a href="#">42 Craigtenny Road, Edinburgh</a>	Change of use of existing Class 1 shop to form hot food shop including external extract duct (as amended) - application no. 20/04483/FUL	To <b>REFUSE</b> planning permission for the reasons set out in section C of the report by the Chief Planning Officer
4.7 – <a href="#">46 Cumberland Street, Edinburgh</a>	Change of use from residential to short-term let (Sui Generis) (In retrospect) - 22/01239	To <b>GRANT</b> planning permission subject to the informatives set out in section C of the report by the Chief Planning Officer
4.8 – <a href="#">162 Ferry Road, Edinburgh</a>	S42 variation to planning condition to extend opening hours from 8.00pm to 11.00pm - 21/06362/FUL	To <b>REFUSE</b> planning permission for the reasons set out in section C of the report by the Chief Planning Officer
4.9 – <a href="#">Gateside, Kirkliston</a>	- Confirmation of Tree Preservation Order No. 200	To <b>CONFIRM</b> Tree Preservation Order No. 200
4.10 – <a href="#">84 Joppa Road, Edinburgh</a>	Alteration to form small window extensions - application no. 22/00181/FUL	To <b>GRANT</b> planning permission subject to the informatives set out in section C of the report by the Chief Planning Officer.
4.11 – <a href="#">35A Moray Place, Edinburgh</a>	Change of use (retrospective) from residential to short-term let apartment (Sui Generis) - application no. 22/00672/FUL	To <b>GRANT</b> planning permission.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><b>4.12 – <a href="#">The Grange Club, 7 Portgower Place, Edinburgh</a></b></p>	<p>Installation of 2 tennis courts covered by an air supported dome; 2 padel tennis courts covered by steel frame structures with associated works to provide new access paths, fencing, landscaping and tree removal work (as amended) - application no. 21/06513/FUL -</p>	<p>1) To <b>REFUSE</b> the request for a hearing. 2) To <b>CONTINUE</b> consideration of the of the application for a site visit.</p>
<p><b>4.13 – <a href="#">6 Rutland Court Lane, Edinburgh</a></b></p>	<p>Change of use (retrospective) from residential to short-term let apartment (Sui Generis) - application no. 22/00881/FUL</p>	<p>To <b>GRANT</b> planning permission.</p>
<p><b>4.14 – <a href="#">11 Stafford Street, New Town, Edinburgh</a></b></p>	<p>Change of Use from Class 4 (Offices) to Class 7 (Hotel) - application no. 22/00982/FUL</p>	<p>1) To <b>GRANT</b> planning permission subject to the informatives set out in section C of the report by the Chief Planning Officer. 2) To add in the condition:</p> <ul style="list-style-type: none"> <li>• “Notwithstanding what is shown on the approved plans, details of a minimum of 2 cycle parking spaces shall be submitted for the approval by the Council’s planning authority and shall be installed prior to use hereby approved being taken up.”</li> </ul>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.15 - <a href="#">11 Stafford Street, Edinburgh</a>	- Conversion of Class 4 Offices to Class 7 Hotel, including replacement roof dormers - application no. 22/00977/LBC	To <b>GRANT</b> listed building consent subject to the informatives set out in section C of the report by the Chief Planning Officer.
4.16 – <a href="#">34A William Street, Edinburgh</a>	- Change the use from residential to commercial short-term let (in retrospect) - application no. 22/01193/FUL	To <b>GRANT</b> planning permission.
7.1 – <a href="#">10 Orchard Brae, Edinburgh</a>	Proposed residential and office development comprising the change of use, extension and alteration of the existing office building to form residential accommodation and office/co-working space, demolition of the existing rear extension and erection of a new build residential development, with associated active travel routes, open space, parking and other infrastructure (as amended) - application no. 21/06512/FUL	<ol style="list-style-type: none"> <li>1) To <b>REFUSE</b> the request for a hearing.</li> <li>2) To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives and a legal agreement set out in section C of the report by the Chief Planning Officer.</li> <li>3) To agree to add an additional informative for Section 75 regarding Affordable Housing.</li> </ol>



Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><a href="#">7.2 – The Forts, 3 Hawes Brae, South Queensferry</a></p>	<p>The development of a Forth Bridge Walk Reception Hub building, new sections of bridge access system, new viewing platforms, alterations to Dalmeny Battery, demolition of 2 No. outbuildings, associated car parking, landscaping, servicing and alterations to existing vehicular and pedestrian accesses - application no. 22/00358/FUL</p>	<p>To <b>GRANT</b> planning permission subject to:</p> <ul style="list-style-type: none"> <li>4) The conditions, reasons and informatives and a legal agreement set out in section C of the report by the Chief Planning Officer.</li> <li>5) Additional conditions; <ul style="list-style-type: none"> <li>a) To increase the number of Disabled Persons car parking spaces to 5.</li> <li>b) To increase the number of cycle parking spaces to 54.</li> </ul> </li> <li>6) Additional informatives; <ul style="list-style-type: none"> <li>a) To make the site more accessible taking in to account the Equality Act 2010.</li> <li>b) To explore the options to increased Disabled Persons car parking further.</li> </ul> </li> </ul> <p>(on a division)</p>
<p><a href="#">7.3 – The Forts, 3 Hawes Brae, South Queensferry</a></p>	<p>Installation of access system on Forth Bridge and replacement of existing wire mesh on Dalmeny Battery - application no. 22/00360/LBC</p>	<p>To <b>GRANT</b> listed building consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><b>7.4 – <a href="#">The Forts, 3 Hawes Brae, South Queensferry</a></b></p>	<p>Complete Demolition in a Conservation Area - application no. 22/00359/CON -</p>	<p>To <b>GRANT</b> conservation area consent subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.</p>
<p><b>7.5 – <a href="#">Site 100 Metres East of 194 Glasgow Road, Edinburgh</a></b></p>	<p>Proposed Gogar Link Road and active travel route (as amended) – application no. 21/02941/PPP</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives set out in section 3 of the report by the Chief Planning Officer.</p> <p>(on a division)</p>

## Development Management Sub Committee

**Wednesday 17 August 2022**

**Report for forthcoming application by**

**Forth Ports Limited. for Proposal of Application Notice**

**22/02855/PAN**

**at land 240 metres northwest of 26, Bath Road, North Leith. Mixed use development including Residential (Class 9) and sui generis Flats, Retail (Class 1), Financial, Professional and other services (Class 2), Food and Drink (Class 3), Business (Class 4), Industrial (Class 5), Storage and Distribution (Class 6), Hotel (Class 7), Non residential Institutions (Class 10), Assembly and Leisure (Class 11), sui generis car park /mobility hub, public realm works and all associated infrastructure.**

**Item number**

**Report number**

**Wards**

B13 - Leith

### **Summary**

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission in principle for a mixed use development including Residential (Class 9) and sui generis Flats, Retail (Class 1), Financial, Professional and other services (Class 2), Food and Drink (Class 3), Business (Class 4), Industrial (Class 5), Storage and Distribution (Class 6), Hotel (Class 7), Non-Residential Institutions (Class 10), Assembly and Leisure (Class 11), sui generis car park /mobility hub, public realm works and all associated infrastructure.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice on 26th May 2022 (22/02855/PAN).

## Links

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**Coalition pledges**  
**Council outcomes**

**Single Outcome Agreement**

## Recommendations

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

## Background

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### 2.1 Site description

The site comprises some 9.1 hectares of port operational land consisting of large areas of vacant quayside that were previously used as part of shipping operations at Leith Docks. The site also includes the northern part of Bath Road.

The site boundary extends up to and includes lengths of masonry walls of the wet docks of both Edinburgh Dock and Albert Dock. An industrial estate, including First Stage Studios, bounds the site to the east. A combination of industrial estate hardstanding, Edinburgh Car Pound and businesses at Tower Street, bound the site to the south. The land comprising the Edinburgh Car Pound is the subject of a detailed planning permission (application reference: 20/01313/FUL) for 212 flatted residences. A combination of Ocean Way, which adjoins Ocean Drive, and the car park of the building previously occupied by the Genting Casino, bound the site to the west.

The western extremity of the site lies within Leith Conservation Area.

The site contains the following listed buildings:

- Edinburgh Dock And Swing Bridge (Category B listed).- Reference: LB27606. Included within the listing is the Victorian rectilinear pitched roofed warehouse building, flagged and sett quayside, railway tracks, mooring bollards and cast-iron swing bridge.
- Edinburgh Dry Dock Pumping House (Category B listed - Reference: LB27615.
- Edinburgh Dry Dock (Category B listed) - Reference: LB27611.

The site is adjacent to the following listed buildings:

- Imperial Dock Grain Elevator (Category B listed) - Reference: LB27619.
- Leith Docks, Albert Dock with Swing Bridge and 3 travelling cranes (Category B listed) - Reference: LB27590.

The site is located near to the coast, which has the following designations: (i) the Firth of Forth Special Protection Area (SPA), (ii) a Site of Special Scientific Interest (SSSI), and (iii) a Ramsar Site.

The site is located within the Salamander Street Air Quality Management Area (AQMA). The AQMA was designated in January 2017 due to elevated levels of Particulate Matter 10 (PM10) being detected over a number of years.

This application site is located within the Leith Conservation Area.

## 2.2 Site History

There is no relevant planning history for this site.

### Neighbouring Sites

14 October 2021 - Screening Opinion adopted under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017) that EIA was not required for the following proposed works at the north western part of Leith Docks: Improvements to a berth located outside of the lock gates to be used primarily by the offshore renewables industry (120m), and to reconfigure a section of port land (of 15 hectares) to provide laydown and storage areas for the components associated with, e.g., offshore windfarms (such as nacelles, towers, blades, and foundations). (Application reference: 21/06126/SCR).

18 December 2020 - Planning permission granted for proposed residential development and associated landscaping, roads and infrastructure at 57 Tower Street & 1 Bath Road, Edinburgh, EH6 7BB. (Application reference: 20/01313/FUL)

3 February 2017 - Appeal allowed against refusal of planning permission for residential development consisting of 57 flats and associated infrastructure at land 96 metres south of 2 Ocean Drive, Edinburgh. (Application reference: 14/05127/FUL)  
- Planning permission now lapsed

## Main report

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### 3.1 Description of the Proposal

An application for planning permission in principle will be submitted for a mixed use development including Residential (Class 9) and sui generis Flats, Retail (Class 1), Financial, Professional and other services (Class 2), Food and Drink (Class 3), Business (Class 4), Industrial (Class 5), Storage and Distribution (Class 6), Hotel (Class 7), Non Residential Institutions (Class 10), Assembly and Leisure (Class 11), sui generis car park /mobility hub, public realm works and all associated infrastructure.

### 3.2 Key Issues

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

**a) The proposed development will have a detriment impact on the setting of any listed buildings and structures or the character and appearance of the conservation area;**

There are a number of listed buildings both within the site and near to the site, which are identified in the site description section of this report. The western extremity of the site is within Leith Conservation Area.

The impact of the proposed development on the character, appearance and setting of the identified listed buildings will be considered in relation to Sections 14 and 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997. The impact of the proposed development on the character or appearance of Leith Conservation Area will be considered in relation to Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against the relevant policies in the Edinburgh Local Development Plan.

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

The northern part of the site is located within sub area EW 1e of the Edinburgh Waterfront, Northern and Eastern Docks area as defined in the Edinburgh Local Development Plan. This area comprises general industrial, storage and business development and port-related uses and is identified in table 2 of the LDP as a Special Economic Area. In respect of sub area EW 1e, Policy Del 3 (Edinburgh Waterfront) states that planning permission will be granted for industrial and port-related development and compatible uses provided it complies with other relevant policies in the plan. Development should accord with the Leith Waterfront Development Principles. Also applicable to this area is LDP Policy Emp 8 (Business and Industry).

Policy Emp 8 Business and Industry Area states that planning permission will be granted for business, industry or storage development on sites identified on the Proposals Map as part of a Business and Industry Area Development, including change of use, which results in the loss of business, industrial or storage floorspace or potential will not be permitted in these areas.

The southern part of the site is located within sub area EW 1b of the Central Leith Waterfront area as defined in the Edinburgh Local Development Plan. In respect of that sub area, Policy Del 3 states that planning permission will be granted for development which will contribute towards the creation of new urban quarters at Leith Waterfront and Granton Waterfront. A key development principle of this sub area is that new housing should be designed to mitigate any significant adverse impacts on residential amenity from existing or new industrial development. LDP Policy Hou 1 (Housing Development) supports housing on sub area EW 1b as part of mixed-use regeneration proposals at Edinburgh Waterfront. Also applicable to this sub area is Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) which supports high quality, well designed arts, leisure and entertainment facilities and visitor attractions at Leith.

The entire site's current use for employment means policy Emp 9 (Employment Sites and Premises) must also be considered. The loss of an employment use requires to be assessed against LDP Policy Emp 9 (Employment sites and premises). This policy permits the introduction of non-employment uses on the proviso that they will not prejudice or inhibit the activities of any nearby employment use; and the proposal contributes to the comprehensive regeneration and improvement of the wider area.

The entire site is part of a larger area covered by the Leith Docks Development Framework, approved February 2005, the aim of which is to create a mixed and balanced community which exemplifies the principles of sustainability in terms of use, mix, accessibility and design.

A future application for planning permission in principle should be accompanied by a Planning Statement to justify the proposals in this location.

**c) Quantum of development and mix of uses, scale, massing, height and position of buildings and relationship of buildings to spaces and movement routes etc. are acceptable within the character of the area;**

A key consideration is ensuring that these are acceptable within the character of the area, integrate with the existing townscape from key views and approaches and also contribute to a sense of place. The proposal should comply with the Edinburgh Design Guidance. The proposal will be considered against the provisions of the Edinburgh Local Development Plan and Edinburgh Design Guidance. A Design and Access Statement will be required to accompany the application.

**d) The amenity of neighbouring developments is not adversely affected and the future occupiers/users of the proposed uses have acceptable levels of amenity in relation to noise, daylight, sunlight privacy and immediate outlook;**

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

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

Pedestrian and cyclist permeability and connectivity through the site and beyond are key considerations. The proposal should have regard to the Council's parking standards, transport policies in the Edinburgh Local Development Plan and the requirements of the Edinburgh Street Design Guidance. Consideration should be given to the impact on traffic flows on local roads and access to public transport, including trams which will operate on the tram line located nearby to the west of the site, which is under construction. Transport information will be required to support the application to assess the effects of the proposal on local infrastructure and the accessibility of the site.

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

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

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;



- Transport Information;
- Sustainability Statement;
- Cultural Heritage impact Statement;
- Townscape and Visual Impact Assessment;
- Topographical information;
- Archaeological Assessment;
- Flood Risk Assessment and Surface Water Management Plan;
- Drainage Impact Assessment;
- Site Investigation Report; and,
- Ecology report.

The application will be required to be screened for an Environmental Impact Assessment (EIA).

### **3.3 Assessment**

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

## **Financial impact**

---

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

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

---

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

## **Equalities impact**

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

## **Sustainability impact**

---

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

## **Consultation and engagement**

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

Pre-application discussions are taking place on this proposal.

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

Public engagement will be undertaken via a bespoke webpage. Details of the proposal, including exhibition boards, will be uploaded onto the website for the public to view.

An online public consultation event was held on 23rd June 2022 between 15:00 and 19:00, which allowed members of the public to ask questions and make comments. Following the event the prospective applicant/their agent provided the opportunity for members of the public to ask further questions by email. A second public event is proposed late summer/early autumn, details of which will be confirmed to the Council in due course.

A feedback form will be posted on the webpage for people to provide their comments which will be taken into consideration as proposals develop.

Publicity - An advertisement of the online event was placed in the Edinburgh Evening News at least 7 days prior to 23rd June 2022.

The prospective applicant/their agent we will liaise with the Community Councils to make further arrangements to meet them in due course if they wish. Leaflets/posters advertising the events have been/will be displayed in public areas and distributed to neighbouring properties.

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

## **Background reading/external references**

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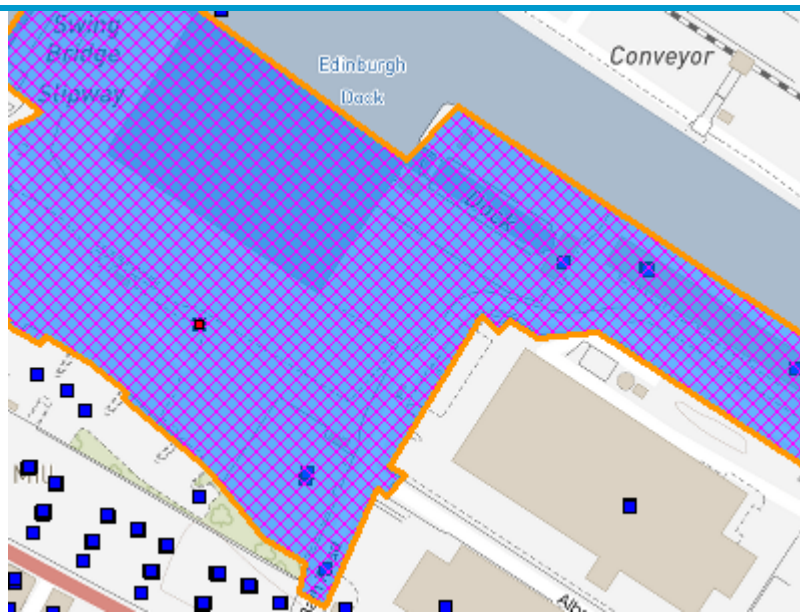
- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

**David Givan**  
**Chief Planning Officer**  
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## Location Plan

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## Development Management Sub Committee

**Wednesday 17 August 2022**

**Report for forthcoming application by**

**Taylor Wimpey for Proposal of Application Notice**

**22/03205/PAN**

**at land 222 metres northwest of Ashley Cottage 29,  
Freelands Road, Ratho.**

**Mixed use development including houses (class 9), retail (class1) commercial uses (class 2, 3 and Sui Generis), business (class 4), community facilities (class10 and Sui Generis), cemetery extension (sui generis), open space, landscape, access and associated infrastructure.**

**Item number**

**Report number**

**Wards**

B02 - Pentland Hills

### **Summary**

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for full planning permission in relation to a mixed use development including houses (class 9), retail (class1) commercial uses (class 2, 3 and Sui Generis), business (class 4), community facilities (class10 and Sui Generis), cemetery extension (sui generis), open space, landscape, access and associated infrastructure at Land 222 Metres Northwest Of Ashley Cottage 29, Freelands Road, Ratho, Newbridge, Edinburgh

In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997, as amended, the applicants submitted the Proposal of Application Notices on 13 June 2022.

## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## **Recommendations**

---

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

## **Background**

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### **2.1 Site description**

The site occupies 43.08 acres of land north of Ratho, south of the M8 motorway and contained to the west by Baird Road. The site's topography is relatively flat with some localised areas where site level differences are more noticeable.

The site is predominantly agricultural in nature, surrounding the Ratho Cemetery on three sides, with land to the south being occupied by residences.

The site contains few built or natural features, excluding some woodland to the north that runs parallel to the M8 Motorway, and immediately adjacent to the south western boundary of the site a disabled people's centre and children's play area.

### **2.2 Site History**

16/01688/PAN

Land 222 metres northwest of Ashley Cottage 29, Freelands Road, Ratho, Newbridge

An urban extension to Ratho of approximately 150-200 houses.  
Pre-application Consultation approved.

12 April 2016

## **Main report**

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

An application for planning permission in principle will be submitted for a mixed use development. No details have been submitted regarding, access, design, number of units, commercial floorspace or other aspects of the proposal.

### **3.2 Key Issues**

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

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

The site is designated as Green Belt in the Edinburgh Local Development Plan. A reasoned justification to allow development within the Green Belt will be required.

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

The application will be for planning permission in principle. A design and access statement will be required to accompany the application.

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

The proposal should have regards to transport policies of the Edinburgh Local Development Plan. Consideration should be given to the impact on traffic flows on local roads and access to public transport.

A transport statement will be required to support the application.

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

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

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Landscape and Visual Impact Appraisal;
- Flood Risk Assessment and Surface Water Management Plan;
- Tree survey and constraints plan;
- Air Quality Impact Assessment;
- Noise Impact Assessment and
- Phase 1 Habitat and Protected Species Survey

### **3.3 Assessment**

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

## **Financial impact**

---

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

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

---

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



## **Equalities impact**

---

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

## **Sustainability impact**

---

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

## **Consultation and engagement**

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

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

The Proposal of Application Notice (reference: 22/03205/PAN) outlined:

An online exhibition including a live 'question and answer' event was held between 3.00pm - 7.00pm on the 28th of June 2022. During that time representatives of the applicant were available to answer questions via a live chat facility on the consultation website.

The applicant intends to carry out a second public consultation event in August 2022 (date and format to be confirmed).

A copy of the PAN has been sent to all relevant parties including Ratho & District Community Council, local ward councillors, ward councillors of the neighbouring Almond ward, constituency MP and MSP and the South-West Locality Office.

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

## **Background reading/external references**

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

**David Givan**  
**Chief Planning Officer**  
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## Location Plan



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**END**

## Development Management Sub Committee

**Wednesday 17 August 2022**

**Report for forthcoming application by**

**The Board of Trustees of The National Galleries of Scotland. for Proposal of Application Notice**

**22/02899/PAN**

**at land 93 metres west of Madelvic House, Granton Park Avenue, Edinburgh.**

**The development of a sector-leading national centre for the care, conservation, research, storage and distribution of Scotlands collection of artworks, . visitor and community-led spaces, active public realm spaces (including potential pop-up café use) and bio-diverse landscaping, new/improved access, parking and all other associated works.**

**Item number**

**Report number**

**Wards**

B04 - Forth

### **Summary**

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The purpose of this report is to inform the Development Management Sub-Committee of forthcoming planning applications for the development of a sector-leading national centre for the care, conservation, research, storage and distribution of Scotlands collection of artworks, visitor and community-led spaces, active public realm spaces (including potential pop-up café use) and bio-diverse landscaping, new/improved access, parking and all other associated works.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice (application number - 22/02899/PAN) on 13 June 2022.

# Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## **Recommendations**

---

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

## **Background**

---

### **2.1 Site description**

The area of the site is approximately 4.5 Hectares and lies to the south of Waterfront Avenue. The site is relatively flat and undeveloped; Waterfront Avenue is set down at a lower level than the site. There is an embankment which runs along the southern site boundary fronting Waterfront Avenue.

The site lies to the north of the residential areas of Granton. Lidl and B&M stores form the southern edge of the site. Further west is Morrisons and the Granton campus of Edinburgh College. To the north lies former industrial land which has recently been redeveloped for housing.

Existing storage buildings for the National Museums Scotland and the National Galleries of Scotland lie to the south west of the site, with United Wire and the vacant Grade B listed former Madelvic Car Factory to the east. Further along Waterfront Avenue to the west on the opposite side of the road is Caroline Park House and grounds which are category A listed. The category B listed Granton Gasholder is further west and is clearly visible in the skyline along Waterfront Avenue looking west.

The site has a site-specific Place Brief to guide development of the site, and the Granton Waterfront Development Framework covers the site which outlines the vision, high level strategies and design principles to guide development of the wider Granton Waterfront.

### **2.2 Site History**

28 February 2001 - Outline planning permission granted for mixed use development (including retail, food and drink, public house, residential, education, business, leisure/assembly/hotel, open space, and associated landscaping) (as amended) (application reference: 00/01169/OUT). Masterplan partly implemented; permission now lapsed.

#### **History of nearby sites**

18 July 2013 - PAN approved for proposed residential development of 194 units at the former production block, Madelvic House (application reference: 13/02605/PAN)

23 January 2017 - Planning permission granted for the conversion and upgrade of existing offices to community facilities at Madelvic House, including ancillary cafe. Change of use from class 2 to class 10 with ancillary class 3 use. Internal alterations and to reinstate openings to the rear of the building (application ref: 16/06013/FUL)

1 February 2017 - Listed Building consent granted for conversion and upgrade of existing offices to community facilities at Madelvic House, including ancillary cafe. Change of use from class 2 to class 10 with ancillary class 3 use. Internal alterations and to reinstate openings to the rear of the building (application reference: 16/05948/LBC)

15 June 2017 - Proposed new community garden at former production block, Madelvic House granted for five years (application reference: 17/01717/FUL)

17th May 2021 - PAN approved for residential and commercial development on land south east of Waterfront Avenue to west of diagonal (application reference: 21/02412/PAN)

10 March 2022 - Mixed use development on land to west of diagonal for 75 residential units and three commercial units granted (application reference: 21/04049/FUL)

26th November 2021 - PAN approved for proposed phase 4 residential development at Waterfront Avenue with associated infrastructure and landscape west of Saltire Street (application reference: 21/05960/PAN).

## **Main report**

---

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

The forthcoming detailed planning application is for a sector-leading national centre for the care, conservation, research, storage and distribution of Scotlands collection of artworks. It is proposed that it will include visitor and community-led spaces and will aim to maximise public access and facilitate a programme of education and outreach programmes. This will make full use of benefits including active public realm spaces (including potential pop-up café use) and bio-diverse landscaping, new/improved access, parking and all other associated works.

### **3.2 Key Issues**

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

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

The site is located in the urban area within Edinburgh Waterfront: Central Development Area (EW 2b) in the Edinburgh Local Development Plan (LDP).

The site is indicated as an area for cultural use or housing led regeneration. Proposals will be expected to include the following:

- encourage the enhancement of employment and a 'destination' through existing and new commercial, cultural, tourist and retail opportunities.
- complete the approved street layout and perimeter block urban form and
- provide a strategic flood risk assessment.

As this forms part of the wider Waterfront area, LDP Policy Del 3 (Edinburgh Waterfront) will be of relevance to the assessment of the site. This policy states that planning permission will be granted for development which maximises the development potential of the area, creates a series of mixed use sustainable neighbourhoods, provides a mix of house types, sizes and affordability, and provides open space to meet the needs of the local community, create local identity and a sense of place, provide local retail facilities and leisure and tourism attractions, transport measures including a contribution to the proposed tram network and other public transport improvements, and the provision of a network of paths for pedestrians and cyclists.

Proposals should accord with the approved 'Granton Waterfront Development Framework' (GWDF) principles (February 2020). The site falls within the area 'The Link' and is described as 'A Cultural landscape and making space reconnecting neighbourhoods. Linking existing routes and sites to maximise connections and views to the city and waterfront. Infilling gap sites, highlighting existing assets and creating new active street frontages.'

The site is shown as 'The Artworks' for the National Galleries of Scotland (NGS), including a new cultural plaza along the existing diagonal path/cycleway at the key junction between proposed new NGS site and the National Museum Scotland (NMS) facilities. Development should promote culture and learning strategies, partnership working, green routes, views and connections, and opportunities for creative industry.

The 'Granton National Collections Facility Place Brief' was approved on 1st May 2016. The development of this site by National Galleries Scotland for the purpose of a National Collection Facility is supported. An indicative building footprint is shown as well as a designed public space which should be created between the NCF building and the existing cycle/footpath known as The Walk.

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

The site is adjacent to two category B listed buildings: the production block and administration Block, Madelvic Car Factory. In the wider townscape the proposed development has potential to affect the setting of listed buildings at Caroline Park House and grounds, and the Granton Gasholder. The proposal will be assessed in relation to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against relevant policies in the Edinburgh Local Development Plan.

### **c) Design, Scale and Layout**

The Granton National Collections Facility Place Brief (2016) identifies design and placemaking criteria to guide development proposals on the main site. Consideration is also given to the wider development area to promote good placemaking beyond the site boundary.

The 'Granton Waterfront Development Framework' sets out a number of design principles applicable to the site, including locations of primary and secondary frontages. The framework states that this area site should offer opportunities for creative and cultural workspace combined with residential flatted development. Gap sites should be in-filled to create density, active frontages and activity within this area. A cultural plaza is to be formed along the existing diagonal path/cycleway at the key junction between the proposed new NGS and NMS facilities. New pedestrian/ cycle routes are indicated through the site. Heights are to be developed but indicatively 3-5 (domestic height) storey blocks (4-storey average) with some 6 storey at key locations are identified.

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

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

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

The LDP Proposals Map contains the tram route safeguard along Waterfront Avenue and running close to the west of the diagonal pedestrian/ cycle path. A new tram stop is proposed to the north at Saltire Square. Primary and secondary proposed active travel routes run through or close to the site.

### **e) Other Environmental Factors**

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

There are a number of existing trees on the site.

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



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

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

### **3.3 Assessment**

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

## **Financial impact**

---

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

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

---

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

## **Equalities impact**

---

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

## **Sustainability impact**

---

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The Proposal of Application Notice (reference: 22/02348/PAN) outlined a first Public in person drop in event on Monday 6 June 2022 (between 3pm - 7pm) at Edinburgh College (Granton Campus), and an online drop-in question & answer session on Tuesday 7 June 2022 (between 5pm - 7pm). A public notice advertising the first event was placed in the Edinburgh Evening News at least 7 days prior to the 1st event i.e., on or before 30 May 2022.

Postal invites to the 1st and 2nd events were issued to: Granton and District Community Council, West Pilton/West Granton Community Council, Councillor Cammy Day, Councillor Sanne Dijkstra-Downie, Councillor Stuart Dobbin and Councillor Kayleigh O'Neill, Deirdre Brock MP, Ben Macpherson MSP, Jeremy Balfour MSP, Sarah Boyack MSP, Miles Briggs MSP, Foyso Choudhury MSP, Alison Johnstone MSP, Lorna Slater MSP and Sue Webber MSP.

Local residents and businesses surrounding the application site, were notified of the events at least a week before. Posters advertising the events will also be distributed to places in the local area where people congregate e.g. local libraries, shops, community centres etc.

The first public event took place on 6th June 2022 3pm-7pm at Edinburgh College (Granton Campus) and an online drop in question-and-answer session on 7th June 2022 5-7pm.

A second consultation event will take place (date/ time to be confirmed) to present more detailed proposals for the site following receipt and evaluation of feedback from the first event. This will comprise an in person drop-in exhibition and an online drop-in question and answer session.

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

## **Background reading/external references**

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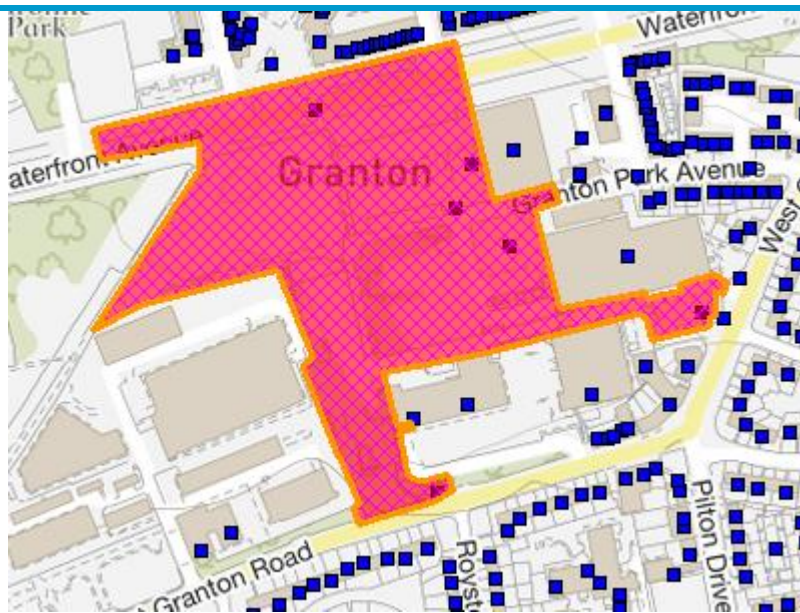
- To view details of the proposal of Application Notice go to
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- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

**David Givan**  
**Chief Planning Officer**  
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## Location Plan

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## Development Management Sub-Committee Report

**Wednesday 17 August 2022**

**Application for Planning Permission  
1 Carlton Terrace, Edinburgh, EH7 5DD**

**Proposal: Alterations to existing rear garden, including the construction of paved terraces, re-aligned internal walling, installation of pergola and planting (in part retrospect).**

**Item – Committee Decision  
Application Number – 22/00495/FUL  
Ward – B11 - City Centre**

### **Reasons for Referral to Committee**

The application has been referred to the Development Management Sub-Committee because 29 letters of objection to the proposals have been received. 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 **Granted** subject to the details below.

### **Summary**

The proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and are in accordance with the development plan. There are no material considerations which indicate that the proposal should be refused. Therefore, the recommendation is to grant planning permission.

## **SECTION A – Application Background**

### **Site Description**

The property is a Georgian townhouse on the corner of Carlton Terrace and Carlton Terrace Lane. The property was listed category A on 16 December 1965 (Ref 49746). The rear garden slopes upwards and is surrounded by a high stone boundary wall. There is established vegetation within the garden including trees along the rear boundary.

The property is located within New Town Conservation Area and the World Heritage Site.

### **Description of the Proposal**

This is a retrospective planning application, and the following works have already been carried out:

Construction of paved terraces - with the total coverage of approximately 30% of the whole garden in hard landscaping

Re-alignment of internal walling in order to provide raised planters

Installation of timber pergola

### **Relevant Site History**

19/04104/FUL

1 Carlton Terrace

Edinburgh

EH7 5DD

Conversion of basement flat and upper house to reinstate original townhouse as single dwelling, with attendant internal alterations and increase in height of garden boundary wall (as amended).

Granted

27 November 2019

19/06034/FUL

1 Carlton Terrace

Edinburgh

EH7 5DD

Proposed kitchen extension to rear of existing townhouse (as amended).

Refused

13 July 2020

20/03242/FUL

1 Carlton Terrace

Edinburgh

EH7 5DD

Enlarge existing rear extension at basement level.

Granted

7 October 2020

### **Other Relevant Site History**

None

### **Pre-Application process**

There is no pre-application process history.

## **Consultation Engagement**

### **HISTORIC ENVIROMENT SCOTLAND RESPONSE**

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 10 February 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 18 February 2022;

**Site Notices Date(s):** 15 February 2022;

**Number of Contributors:** 32

## **Section B - Assessment**

### **Determining Issues**

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
  
- b) 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):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

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 - Setting sets out the principles that apply and how they should inform planning policies.

The proposed works are to the rear garden of the property. The works are landscaping works to resurface and re-level aspects of the garden to make the garden more useable for the applicants. A large proportion of green space is being retained and the proposed materials which are predominantly sandstone are of high quality. A new pergola is proposed towards the rear of the garden, but this is a lightweight timber construction and is not significantly visible from public view.

Overall, the proposals represent an acceptable landscaping scheme for its context and does not introduce any elements that would not be inappropriate in a private garden. The garden setting of the listed building is preserved and there is no impact on its setting.

HES has been consulted on the proposal and raised no objections to the proposed works.

### **Conclusion in relation to the listed building**

The proposals comply with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

### **b) The proposals harm the character or appearance of the conservation area?**

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

The proposed landscaping works will retain an appropriate ratio of soft and hard landscaping for the rear garden. The proposed materials are high quality and appropriate for its context. The proposed pergola is light weight and not highly visible from public view. In addition, it is a structure that would be considered typical and appropriate in a garden. The proposals preserve the character and appearance of the conservation area.



## **Conclusion in relation to the conservation area**

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **c) 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 policies Env 1, Env 4 and Env 6
- LDP Design policies Des 5 and Des 12

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 4 and Env 6.

#### Impact on the setting of the listed buildings and conservation area

This has been assessed in sections a) and b) and the proposals comply with LDP Policies Env 3 and Env 6.

#### Outstanding Universal Value of World Heritage Site

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

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

For the reasons stated in sections a) and b), the proposed development will not threaten this authenticity.

The proposed external alterations will have no detrimental impact on the character or appearance of the Georgian New Town, nor its relationship with the medieval Old Town.

The development will therefore cause no harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with Edinburgh Local Development Plan Policy Env 1.

#### Scale, form, design and neighbourhood character

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and will preserve the character and appearance of the conservation area as detailed in section a) of the assessment.

The patio and pergola are modest additions which retain adequate garden space. The latter will not be visible from the street as there is a change in the ground level and the high stone wall will prevent from any visibility to the public.

The design, size and width of pergola will appear modest in relation to the adjacent boundary wall and the property. In this regard it will not appear an overly dominant or incongruous addition on the streetscene which is residential in character.

The proposal therefore complies with LDP Policy Des 12.

### Amenity

The proposals have been assessed in terms of amenity and no impacts were identified.

In regard to privacy, the introduction of formal seating areas within the garden including beneath the pergola will potentially increase the use of the garden and change perceptions of privacy and overlooking. However, planning cannot control noise and use of a private garden space. The gardens are sloping and the existing change in levels already results in a degree of overlooking into neighbouring gardens. There has been no change to the garden levels as part of this scheme. There is a stone boundary wall separating the property from its neighbour and some vegetation which helps to reduce overlooking at present and the proposed trellis that would be installed to the back of the pergola would help to reduce views. Taking the existing situation into account and the fact that the garden levels have not changed, there will be no material loss of privacy for neighbouring occupiers.

In regard to daylight and sunlight, the proposal complies with the criteria of the guidance therefore will not result in any unreasonable impact on neighbouring occupiers.

The development will not impact on neighbouring residential amenity, complying with LDP Policy Des 12.

### Trees

The applicant has removed one tree from the rear garden prior to landscaping work. The site is located within the conservation area where trees are generally retained in the interest of character. Whilst it is accepted that in this instance the tree has been removed, a condition is appended to this permission requiring a replacement tree to be planted

### **Conclusion in relation to the Development Plan**

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and will preserve the special character and appearance of the conservation area.

Therefore, the proposals comply with LDP policy Env 6 and Des 12 and the overall objectives of the Development Plan.

**d) 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 proposal complies with Paragraph 29 of SPP.

Emerging policy context

Draft National Planning Framework 4 has been consulted on but has not yet been adopted. Therefore, 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

A total of 32 representations were received and all comments have been addressed in the report above. A summary of the representations is provided below:

*material considerations*

- overdevelopment, overshadowing, loss of sunlight;
- loss of privacy;
- inappropriate materials and design for conservation area and setting of listed building;
- negative impact on conservation area;
- visually intrusive;
- adverse impact on setting of listed building;
- contrary to Policy Env 3, Env 4 Env 6;
- changes in land level are not appropriate;
- disruptive to the Carlton Terrace Lane and World Heritage Site;
- contrary to HES Managing Change: Setting;
- impressive and aesthetically pleasing garden;
- better living standard.

### *non-material considerations*

- set up precedent -there is no precedent in planning as each application is considered on its own merits;
- noise and disturbance- this would be controlled under other legislation if a statutory nuisance was identified.

### **Conclusion in relation to identified material considerations**

#### **Overall conclusion**

The proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and are in accordance with the development plan. There are no material considerations which indicate that the proposal should be refused. Therefore, the recommendation is to grant planning permission.

### **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

#### **Conditions:-**

1. Prior to the commencement of works on site, details of the planting of two trees within the rear garden ground, to replace the trees that have been lost (Sorbus tree or otherwise agreed) shall be submitted for approval by the Planning Authority. The trees should be standard size (8-10cm girth) or larger and supported by a suitable stake and guard. The agreed trees will then be planted within 12 months of the commencement of the approved development and maintained thereafter.

#### **Reasons:-**

1. In order to safeguard protected trees.

#### **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.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - Local Development Plan**

**Date Registered: 3 February 2022**

### **Drawing Numbers/Scheme**

01-05

Scheme 1

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

Contact: Weronika Myslowiecka, Planning Officer  
E-mail: [veronika.myslowiecka@edinburgh.gov.uk](mailto:veronika.myslowiecka@edinburgh.gov.uk)

## Summary of Consultation Responses

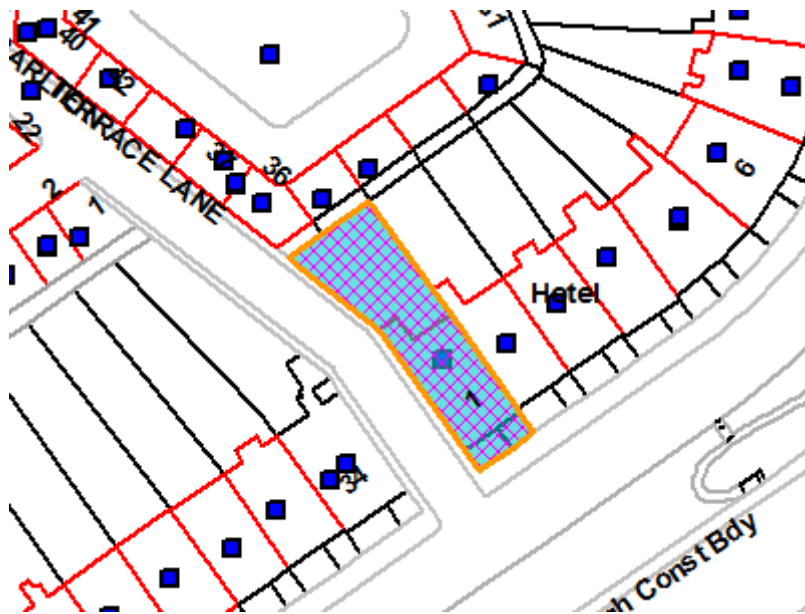
NAME: HISTORIC ENVIROMENT SCOTLAND RESPONSE

COMMENT: No comments.

DATE: 24 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 Report

**Wednesday 17 August 2022**

**Application for Planning Permission  
6 Cowan's Close, Edinburgh, EH8 9HF**

**Proposal: Replace the single storey street cleansing office and car park with a 4 storey residential block including amenity space and planting space for both tenants and the nursery opposite.**

**Item – Local Delegated Decision  
Application Number – 21/06745/FUL  
Ward – B15 - Southside/Newington**

### **Reasons for Referral to Committee**

The application has been referred to the Development Management Sub-Committee because the Council is the applicant and the works are more than minor routine operations. 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 **Granted** subject to the details below.

### **Summary**

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan.

The proposal will not harm the setting of the neighbouring listed buildings and will preserve and enhance the character and appearance of the conservation area. The proposal complies with the development plan and the principle of residential use on the site is acceptable. The scale, form and design are appropriate and the proposal will create a sense of place. Neighbouring amenity will not be unreasonably affected and future occupiers will have a good living environment. Trees will not be harmed and biodiversity will be improved. There are no flooding, sustainability, transport or archaeology issues. There are no material considerations that outweigh this conclusion. The proposal is acceptable.

## SECTION A – Application Background

### Site Description

The application site is a Council depot on the west side of Cowan's Close, a cul-de-sac, which backs onto the rear of Clerk Street.

A single storey building sits at the back of the plot at the southern end with the bulk of the site being tarmac and used for parking and storage. There are also portacabins on the site.

The site is bounded on the front by a high timber fence and two sets of high metal gates, to the south side and rear (west side) by a stone wall and to the north side by a building. On the south and southern end of the west of the site there are trees just over the boundaries.

The street and surrounding area are predominantly residential although there is a mix of uses including shops and other commercial uses at ground floor level in Clerk Street, a nursery opposite the site and hotels nearby.

The buildings to the rear and south are listed buildings. There are Georgian tenements at 20-44 Clerk Street & 2-6 Rankeillor Street to the west and 8-52 Rankeillor Street to the south are category B listed buildings (date of listing: 14/12/1970, listing references: LB28548 & LB29605).

The application site is in South Side Conservation Area.

### Description of the Proposal

The proposal is for an 100% affordable housing development of 19 units catering for those with additional needs and dedicated solely to the Health and Social Care Partnership (HSCP). It will comprise of a single flatted block with net internal area of approximately 4000 sqm, 4 storeys high served by a stair/lift core and deck access on the upper floors. A mix of 1, 2 & 3 bedroom, mainly dual access flats, all wheelchair accessible.

The existing building will be demolished.

Amenity space and planting space and cycle/mobility scooter storage are also proposed.

### Amended Scheme

Scheme 2 has been amended to include cycle parking in the mobility scooter storage shed and removal of the ambulance bay (proposed for the public road).

### Supporting Information

- Design and Access Statement
- Bat Report
- Pre-application Advice
- Site Investigation Report



- Drainage, Flooding and Surface Water Management Report
- Noise Impact Assessment
- Tree Survey Report
- Arboricultural Impact Assessment Tree Protection Plan
- Transport Statement
- S1 Sustainability Form

### **Relevant Site History**

22/00841/CON  
6 Cowan's Close  
Street Cleansing Depot.  
Edinburgh  
EH8 9HF  
Complete Demolition in a Conservation Area.

### **Other Relevant Site History**

No other relevant site history.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Archaeology

Waste and Cleansing Services

Environmental Protection

Affordable Housing

Communities and Families

Roads Authority (Transport Planning)

Flood Planning

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 10 January 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 14 January 2022;

**Site Notices Date(s):** 11 January 2022;

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) 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):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

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 impact of the proposal on the setting of the listed buildings to the west and to the south, i.e. in Clerk Street and in Rankeillor Street, requires to be assessed. The existing building on the site is not listed.

The following Historic Environment Scotland (HES) Managing Change guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: 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 listed buildings to the south west and south are category B and are stone terraces. Their rear setting consists of gardens, stone boundary walls and trees. The proposal will not change these existing elements that contribute to the setting of the listed buildings. From Cowan's Close the rear elevations are slightly obscured by trees which give glimpses of the rear elevations and the proposal will still enable some views of the rear elevations of the neighbouring listed buildings from the street.

The proposal will change the setting of the listed buildings within Cowan Street. However, the site currently does not contribute positively to the setting of the listed buildings. The proposed building will have a neutral effect on the setting of the listed building. The proposed building will be lower than the height of the neighbouring listed tenement buildings and, thus, will not detract from their setting of the listed buildings.

Creating a garden to the rear and south side of the proposed building will enhance the setting by providing gardens next to the gardens of the listed buildings. This will create a softer setting than currently exists. As such it will not harm the special architectural or historical interest of the listed buildings. The positioning of the building will enable, albeit more restricted, views through the spaces to the rear elevations of the listed buildings on Clerk Street and Rankeillor Street.

The proposals will not erode the key characteristics or the qualities of the existing setting.

### **Conclusion in relation to the listed building**

The proposal will not harm the setting of the neighbouring listed buildings nor their special architectural features and historic interest. The proposal conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997.

### **b) The proposals harm the character or appearance of the conservation area?**

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

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

South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area. It states that development opportunities for infill or replacement may arise within the area and will be considered in terms of the relevant guidance. South Side is one of the most historically and architecturally important parts of Edinburgh with a rich mixture of stages of development and an abundance of heritage interest.

The Character Appraisal goes on to say that, "General issues to be taken into account in assessing development proposals in the Conservation Area include the appropriateness of the overall massing of development, its scale (the expression of size indicated by the windows, doors, floor heights, and other identifiable units), its proportions and its relationship with its context i.e. whether it sits comfortably. Development should be in harmony with, or complimentary to, its neighbours having regard to the adjoining architectural styles. It should also, as far as possible, fit into the "grain" of the Conservation Area. It is also important where new uses are proposed that these respect the unique character and general ambience of the Conservation Area.

Cowan's Close contains a mixture of architectural styles and periods of development. The prevailing height is four storeys and the proposed building height is similar to the predominant height of buildings found in South Side conservation area. The building will be set back slightly from the pavement which reflects the modern building opposite and diagonally opposite which are at the southern end of Cowan's Close. The proposed height of the proposed building is similar to the predominant height of buildings found in South Side. The buildings to the northern end are hard on the heel of the pavement. In this make up of the streetscene, the proposed building will relate well to the existing buildings including their height, materials and positioning. Sitting forward on the site nearer the road and being similar in height to surrounding buildings, the proposed building will contribute to the streetscene and relate better to the other buildings in the street and immediate surrounding area.

Introducing green space in the form of a communal garden will contribute to the spatial pattern and be in keeping with the established pattern of rear gardens found to the rear of tenements in the conservation area.

Modern elements will be incorporated into the new building which are not traditional features in the conservation area. Examples are solar panels in the slate roof plane and air source heat pumps on the rear of the building masked by the decking railings. Decked access is also not a design feature traditionally found in the conservation area. However, it will not be seen from the streetscene and there will be almost no public views of it in the conservation area. Such features have been integrated into the building in a subtle way. South Side Conservation Area contains a wide variety of architectural styles, time periods and materials and Cowan's Close also has a mix of building design and materials. In this context, the proposed modern building will sit comfortably within the street and conservation area.

The proposal will enhance the appearance of the conservation area.

In terms of the conservation area's character, the proposed residential development will be in keeping with the residential character of this part of the conservation area. Residential use in a predominantly residential street within the conservation area, will contribute to its prevailing residential character in the secondary street of the conservation area and will not impact on the role and character of the main streets and thoroughfares.

The proposal will preserve and enhance the character and appearance of the conservation area.

### **Conclusion in relation to the conservation area**

The proposal does not harm the conservation area. Therefore, it is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **c) 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 policies Env 3, Env 5, Env 6, Env 8, Env 9, Env 12, Env 16, Env 21
- LDP Design policies Des 1, Des 4, Des 5, Des 6
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 6
- LDP Employment policy Emp 9
- LDP Transport policies Tra 2, Tra 3, Tra 4
- LDP Delivering The Strategy policy Del 1

The non-statutory 'Listed Buildings and Conservation Area' guidance and the Edinburgh Design Guidance are material considerations that are relevant when considering the development plan policies.

#### Setting of listed buildings

LDP Environment 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.

The impact on the setting of the neighbouring listed buildings has been assessed in section a) above which concluded that the special the setting of the listed buildings would be preserved. As the proposal complies with the statutory test, it therefore also complies with LDP policy Env 3.

#### Conservation 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 impact on the character and appearance of the conservation area has been considered above in b). It was concluded that the proposed development would not have any material impact on the character of the conservation area and would preserve and enhance the character and appearance of the conservation area.

The proposal complies with LDP Policy Env 6.

### Principle of Development

Local Development Plan (LDP) policy Hou 1 (Housing Development) supports housing on suitable sites in the urban area, provided that the proposals are compatible with other policies in the Plan.

LDP policy Emp 9 (Employment Sites and Premises) sets out the criteria for the redevelopment of employment sites.

The application site is in a predominantly residential street and area. The principal of development for residential use in this location is acceptable. The proposal complies with policy Hou 1.

The change of use of the site from employment to residential will not prejudice or inhibit the activities of nearby employment use. Although the street and surrounding area are predominantly residential, there is a mix of uses including those with employees. These uses currently coincide and the proposal will not alter this relationship. The proposal complies with criteria (a) of LDP policy Emp 9.

Although not part of a comprehensive regeneration of the area, the proposal will improve the street and wider area by introducing a development more in keeping with the immediate surrounding uses, mainly residential, and which will preserve and enhance the character and appearance of the area. The proposal partly complies with LDP policy Emp 9 criterion (b) and is partly a minor infringement of criterion (b).

Criterion (c) of LDP policy Emp 9 is not applicable because the site area is less than one hectare.

Overall, the proposal complies with LDP policy Emp 9.

The proposal complies with LDP policies Hou 1 and the minor infringement of LDP policy Emp 9 is justified in this instance.

### Scale, Form and Design

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

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

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

LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility.

The proposal will reuse a brownfield site which is currently not contributing to a sense of place. The proposed building will sit forward in the plot, giving a stronger street definition and presence which will be in keeping with the majority of other buildings in the street. The proposal will contribute to a sense of place.

The proposed block of flats will be of a similar height to neighbouring flatted blocks. Although a stand alone building, its strong building line will sit comfortably with the mainly terraced buildings in the street. It will not detract from the setting of other surrounding buildings and its modern contemporary design will have a positive impact on the townscape. The roof pitch is appropriate for a modern building sitting within a street and surrounding area with a range of architectural styles, albeit mainly pitched. Whilst the decked access is not an established feature in the surrounding area, it will not be seen from the public street and is integrated well into the design of the building. In this context, it will provide for individual private access to the each of the special needs flats and this approach is supported in this case.

Materials proposed will be compatible with the mix of traditional and modern materials in the street and surrounding area and are acceptable. Details of facilities such as down pipes, expansion joints and vents on elevations are essential features and, given that will not overly dominate the elevations. Whilst roof vents are not shown on the drawings, should they be installed they would be a minor detail and not detract from the overall design concept.

The bin store, substation and sprinkler tanks will be integrated into the building at ground floor level. The position of these facilities at the southern end of the proposed building forms an overall design concept for the development and is acceptable.

Garden ground will be created to the rear which reflects the pattern of gardens in the area and also to the south of the site, which is the same situation with the garden area in the property opposite.

The proposed development is close to shops and other facilities in the area including public transport. The higher density of the development and its location will provide for good urban living as it will be near to local facilities for its residents and, thus, will support local facilities.

A mix of one, two and three bedroom flats will be provided and these will provide housing for those with special needs. The proposal will contribute to and enhance the housing mix in the area. Therefore, there will be an appropriate mix of housing. The proposed complies with Policy Hou 2 in terms of variation in unit sizes and provision for people with special needs in an accessible location.

Scope to improve the public realm is limited due to the existing street situation although the pavement will become 2 metres wide. The design focus has been to position the building to reflect that of the existing buildings in the street and to enable a communal rear garden space for the wellbeing of residents who will have with special.

There are several protected public views listed in the Edinburgh Design Guidance in terms of the application site. These include E1a+b Pleasance to Salisbury Crags and Calton Hill, S7b+d Braid Hills, east end to Calton Hill and to Arthur's Seat and Salisbury Crags and S10a Liberton, S11b and S12c+d from Liberton Cemetery, Old Dalkeith Road and Craigmillar Castle to Arthurs's Seat and Salisbury Crags. The proposed building will sit within an area and street of similar building heights and will not interrupt public views.

The proposal complies with LDP policies Des 1, Des 4, Hou 4 and Hou 2.

### Amenity

Local Development Plan (LDP) Policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected and that permission will be granted for development where it is demonstrated that future occupiers have acceptable levels of amenity.

Edinburgh Design Guidance advises that achieving reasonable amenity needs to be balanced against achieving good townscape.

LDP Policy Hou 4 (Housing Density) states that the density of a development on a site will be dependent on its characteristics and those of the surrounding area and that proposals will not be permitted which would result in unacceptable damage to local character, environmental quality or residential amenity. Policy Hou 4 (Housing Density) also takes account of the need to create an attractive residential environment within the development.

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.

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. It also states that private open space/gardens should be designed for a range of functions and sets out minimum unit sizes.



### *Neighbouring Amenity*

Most of the overshadowing will be on the street and garden ground area of the application site. Some overshadowing to neighbouring properties will occur and this is within acceptable limits as set out in the Edinburgh Design Guidance.

Proposed rear windows will be mostly 14 metres from the rear boundary with some windows being closer at 9 metres. When taken with the existing garden depth of the existing buildings to the rear, the windows will be more than 18 metres opposite each other. This is a sufficient distance to maintain a reasonable level of privacy to existing neighbouring properties.

The Edinburgh Design Guidance advises that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

The proposed air source heat pumps (ASHP) do not require acoustic attenuation and the Acoustic Report submitted demonstrates that this is the case. Environmental Protection has confirmed that the noise impact assessment provided in support of the application confirms that noise from the proposed air source heat pumps will not impact upon residential amenity.

Any noise levels is expected to be that normally associated with residential living. Anti-social behaviour, such as noise disturbance, can be dealt with through relevant legislation, such as Environmental Health Acts or by Police Scotland.

The proposal will not have an unreasonable impact on neighbouring properties' amenity.

### *Amenity of Future Occupiers*

Floor space in excess of the minimum sizes in the Edinburgh Design Guidance will be provided. Daylight into the properties will be sufficient due to the units being dual access and having appropriate window sizes. As the building will be stepped back slightly from the pavement edge, those on the ground floor will have adequate privacy.

Communal garden space will be provided for occupants. Those in ground floor flats will have direct access to the rear private communal garden and those living in the upper floors will also have a communal winter garden area on each decking level. A requirement for 20% of the communal open space to be usable will be met with the provision of picnic areas, growing spaces and wide and easy paths for wheelchairs and mobility scooters. There will also be mobility scooter storage in the garden.

The proposal will provide a good living environment.

The site may have become contaminated from previous uses of the land and therefore should be made safe for the proposed end use. A condition is recommended below to that effect and, therefore, Environmental Protection offers no objections to the application subject to a condition relating to Site Investigation and, if necessary, remediation of the site. It is acknowledged that the applicant has submitted Site Investigation information. However, it has not yet been confirmed by Environmental Protection that the information demonstrates no risk to human health.

Therefore, a site investigation condition will be attached to the planning permission, should permission be granted.

Community security will be improved by introducing more overlooking of the street as the building will be closer to the road.

The proposal complies with LDP polices Des 5, Hou 4 and Hou 3.

### Sustainability

Policy Des 6 (Sustainable Buildings) sets out criteria for new buildings in relation to carbon dioxide emissions, zero carbon generating technologies and minimal environmental resource use and impact.

The proposed building will be constructed to the latest Building Regulations including those relating to energy efficiency.

The development is well placed for public transport use, walking and cycling. In this regard, a car free development is proposed which will also contribute to a sustainable development.

The proposal complies with policies Des 6.

### Flood Planning

LDP Policy Env 21 (Flood Protection) states that planning will not be granted for development that would increase flood risk or be at risk of flooding. Flood Planning has advised that, following the provision of additional flooding and drainage information, this application can proceed to determination with no further comments from CEC Flood Prevention. The proposal complies with policy Env 21.

Flooding and Drainage information was submitted and further information requested by Flood Planning in the form of an updated SWMP has been provided. Flood Planning has advised that the application can proceed to determination. Therefore, there are no flooding or drainage issues.

The proposal complies with policy Env 21.

### Trees and Biodiversity

Policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland 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.

Policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law, unless: a) there is an overriding public need for the development and it is demonstrated that there is no alternative b) a full survey has been carried out of the current status of the species and its use of the site c) there would be no detriment to the maintenance of the species at favourable conservation status; d) suitable mitigation is proposed.

There are no trees on the site although there are trees in the adjacent gardens. The tree survey and information provided state that due to the tarmac covering nearly all of the site, that the proposed development will have no adverse impact on the roots of the trees in the neighbouring surrounding gardens. Due to the positioning of the proposed building, there will be no impact on the canopies of the trees.

The bat report concluded that the existing building has low bat roost potential and no evidence of bats was found. Therefore, the proposal will not adversely impact on such protected species. There are no significant ecological constraints to development.

Greening the site around the proposed building with trees and planting will enhance biodiversity and be an improvement on the current situation on site. It is acknowledged that there will be quite a bit of hard landscaping and this is needed to enable residents to move around the garden more easily. On balance, providing 19 special needs/accessible and affordable homes where residents can use the garden outweighs the provision of more greenery to absorb rainfall and Flood Planning has advised that it has no concerns. The proposed planting will contribute to biodiversity.

The proposal complies with LDP policies Env 12 and Env 16.

It is recommended that an informative be placed on any forthcoming planning permission to remind the application that trees are protected by BS 5837(2012) - Trees in relation to demolition, development and construction.

### Archaeology

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

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

The City Archaeologist has advised that ground works of this development may have a significant archaeological impact and may find evidence of earlier development on the site. Therefore, it is recommended that a condition be used to require a programme of archaeological works.

The proposal, with the use of a condition, complies with LDP policies Env 8 and Env 9.

## Transport and Parking

LDP Policies Tra 2 - Tra 4 set out the requirements for private car and cycle parking. The Council's Parking standards are set out in the Edinburgh Design Guidance.

Policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

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

Policy Tra 4 (Design of Off Street Car and Cycle Parking) sets out that design considerations which will be taken into account. This includes location of parking, structured planting, safety and community recycling space.

The Roads Authority (Transport Planning) has advised that it has no objections subject to conditions or informatives as appropriate in relation to car club space contribution, a Travel Plan, proposed on-street ambulance space and residential parking permits. A revised drawing has been provided removing the on-street ambulance space which was intended for patient transport ambulances.

Zero parking spaces complies with the parking standards as it does not exceed the maximum amount of parking spaces and is acceptable. Due to the nature of the future occupants, the proposed 14 cycle spaces and 8 mobility scooter spaces are also acceptable. The cycle and mobility scooter spaces will be provided in covered secure storage.

The pavement along the frontage of the application site will be 2m which complies with the advice in the Edinburgh Design Guidance.

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

## Delivering the Strategy (Developer Contributions)

A sum of £7,000 is required for the proposed car club space. The developer will be required to pay this contribution money in advance of the commencement of development. A suitable legal agreement is required to secure the developer contribution.

This application is for a development consisting of up to 19 homes. The homes will be delivered by the City of Edinburgh Council (CEC) and the development will consist of 19 (100%) homes for social rent. This is welcomed by the department (Housing and Development).

All 19 homes will be fully wheelchair adapted and have been designed to housing for varying needs and secured by design standard, and the City of Edinburgh Council housing design requirements. The City of Edinburgh Council will be the landlord for the social rented units.

The provision of affordable housing proposed in the scheme is acceptable to Housing Management and Development. A suitable legal agreement is required to ensure the delivery of the affordable housing units.

### Waste

An integral refuse storage area is proposed on the ground floor of the building. A waste strategy has been agreed with Waste and Cleaning Services.

### **Conclusion in relation to the Development Plan**

The proposal complies with the development plan. The principle of residential use on the site is acceptable. The proposal will not harm the setting of the neighbouring listed buildings and will preserve and enhance the character and appearance of the conservation area. The scale, form and design are acceptable and the proposal will create a sense of place. Neighbouring amenity will not be unreasonably affected and future occupiers will have a good living environment, with the use of a condition relating to site investigation. Trees will not be harmed and biodiversity will be improved. There are no flooding, sustainability, transport or, with the use of a condition archaeology issues. There are no material considerations that outweigh this conclusion. The proposal is acceptable.

#### **d) 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 proposed development will re-use previously developed land to provide residential units in the form of affordable socially rented flats. The proposal will be a sustainable land use which will create a sense of place, including communal amenity open space and landscaping. It will near local facilities including bus routes which can provide access to parks or public open spaces. Cycle and mobility scooter parking for both residents and visitors, waste recycling bins and compliance with building regulations will contribute to the mitigation of climate change through, for example zero car parking and heating systems. The proposal will make efficient use of land.

The proposal complies with the principles of Paragraph 29 of SPP.

#### Emerging policy context

The Draft National Planning Framework 4 has been consulted on 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. Therefore, the proposal is not required to comply with the technical requirements for housing proposals outlined in Appendix D.

### Equalities and human rights

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

The proposal will provide housing for those with special needs in the form of 19 accessible social rented flats. This will provide access to appropriate accommodation. The position of the bins, at the southern end of the building enables the access and entrances to be nearer the northern end of the street giving slightly closer access to the main roads and facilities beyond.

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

A summary of the representations is provided below:

#### *material considerations*

- design - uniform; imposing height; unattractive; details impact on appearance of elevation e.g. downpipes, movement joints, vents; roof pitch;
- scale - too large; too high. Addressed in section c) under heading Scale, form and design.
- positioning (too close to existing buildings on Clerk Street). addressed in section a) Listed buildings and setting and section c) Amenity.
- loss of daylight. Addressed in section c) Amenity.
- loss of privacy. Addressed in section c) Amenity.
- principle of development - need for extra flats; need for affordable housing. Addressed in section c) Principle of development.
- detrimental impact on surrounding buildings - obscure historic houses and tenements; obscuring/diminishing surround buildings; lack of sympathy; inappropriate for its surroundings. Addressed in section a) Listed buildings and setting and in section b) Conservation area.
- drawings - no scale on drawings; no dimensions on roof pitch; elevations and perspectives are inconsistent. Sufficient information has been submitted to enable the application to be considered.
- public realm - no consideration. Addressed in section c) Scale, form and design.
- parking and cycle parking. Addressed in section c) Transport and parking.
- detracts from setting of listed buildings. Addressed in section a) Listed buildings and setting.
- greenspace - amount; positioning. Addressed in section c) Amenity.
- community security - lack of passive surveillance. Addressed in section c) Amenity.

- water management & sustainable urban drainage. addressed in c) Flood Planning.
- biodiversity & more greenery. Addressed in section c) Trees and biodiversity.
- pavement - widths; needs to be wider; dropped kerbs to allow easy access. Addressed in section c) Transport and parking.
- waste strategy - bin storage location. Addressed in section c) Scale, form and design.
- affordable housing statement should be included. Sufficient information was provided in terms of the proposed provision of Affordable Housing.

*material support comments*

- materials - brick nice;

*non-material considerations*

- opportunity to create unique, attractive series of lower dwellings. The planning authority can only consider the application submitted. It cannot assess alternative suggestions.
- obscure skylines and vistas towards Salisbury Crag's and Arthur's Seat
- Edinburgh City Council will reconsider and commission a proposal that is more sympathetic to its surroundings and more imaginative in design. The planning authority is not responsible for commissioning the proposal.
- timing of application submission. Applicants can submit an application at any time and the planning authority has no control over this.
- introduce shared surface. The planning authority can only consider the application submitted and cannot take into account suggestions for changes to the proposal.
- develop space (public realm) between application site, road and nursery. The planning authority can only assess the application submitted.
- increase height to give more light. The planning authority can only assess the application in front of it.
- contrary to City Plan 2030 Appendix D (Technical Requirements for Housing Proposals). City Plan is not yet adopted, and little weight can be given to Appendix D.
- technical and cost issues with roof. This is not a planning matter.
- roof pitch may change. The planning authority can only assess the application submitted. Should the roof design, including pitch, be amended this could be the subject of a non-material variation to the planning permission or a new full planning application, as appropriate.
- redesign building - e.g., variable height/stepping down. The planning authority can only assess the application submitted.
- compliance with pre-application advice. This is a view of the proposed development and there is no requirement to comply with the exact pre-application advice.
- plant street trees and planting. The planning authority can only consider the application in submitted. The Roads Authority is responsible for changes to the road layout.
- future of permit holder spaces. This is the responsibility of the Roads Authority.
- on street electric vehicle charging points. This is the responsibility of the Roads Authority.

- reconfigure internal layout of flats. The applicant is experienced in providing internal flat layouts for varying needs residents.
- tenancy agreements - restrictions; possible use as short term lets. Tenancy restrictions is the responsibility of the landlord. A change of use to a short term holiday let would require planning permission.

## **Conclusion in relation to identified material considerations**

### **Overall conclusion**

The proposal is acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan.

The proposal complies with the development plan. The principle of residential use on the site is acceptable. The proposal will not harm the setting of the neighbouring listed buildings and will preserve and enhance the character and appearance of the conservation area. The scale, form and design are acceptable and the proposal will create a sense of place. Neighbouring amenity will not be unreasonably affected and future occupiers will have a good living environment. Trees will not be harmed and biodiversity will be improved. There are no flooding, sustainability, transport or, archaeology issues. There are no material considerations that outweigh this conclusion. The proposal is acceptable.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions :-**

1. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.



2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

**Reasons:-**

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to safeguard the interests of archaeological heritage.

**Informatives**

It should be noted that:

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

£7,000 contribution towards car club space. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

25% of residential units to be affordable housing units.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. The applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

6. The applicant should be advised that, as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_-\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A -New Build).
7. The applicant should consider electric charging points inside the mobility scooter & cycling store.
8. Trees are protected by BS 5837(2012) - Trees in relation to demolition, development and construction.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

### **Further Information - Local Development Plan**

**Date Registered: 10 January 2022**

### **Drawing Numbers/Scheme**

01-02, 03A, 04- 11, 12A, 15.

Scheme 2

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

Contact: Jackie McInnes, Planning officer  
E-mail: [jackie.mcinnnes@edinburgh.gov.uk](mailto:jackie.mcinnnes@edinburgh.gov.uk)

## Summary of Consultation Responses

NAME: Archaeology

COMMENT: It is recommended that a programme of archaeological work is carried out prior to development to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains prior to construction. This will require a phased archaeological programme of works. The initial phase will be the undertaking of an archaeological evaluation of the site (10%) the results of which will inform the scope of secondary mitigation.

DATE: 18 January 2022

NAME: Waste and Cleansing Services

COMMENT: An agreement on the waste strategy and requirements for this development has been reached and conditions apply.

This agreement relates to the drawings provided and it has been agreed that these comply with our current waste and recycling instructions for Architects and developers.

DATE: 24 March 2022

NAME: Environmental Protection

COMMENT: Environmental Protection offers no objections to the application subject to the following condition:

### Conditions :-

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

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

DATE: 27 January 2022

NAME: Affordable Housing

COMMENT: The applicant has made a commitment to provide 100% on site affordable housing and this is welcomed by the department.

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

DATE: 24 March 2022

NAME: Communities and Families

COMMENT: The proposed development of 19 new flats, including 12 one-bedroom flats that have not formed part of this assessment, would not be expected to generate at least one additional pupil using the latest pupil generation rates set out below. Accordingly, we would not seek a contribution towards education infrastructure for the proposed development.

DATE: 6 April 2022

NAME: Roads Authority (Transport Planning)

COMMENT: No objections subject to appropriate conditions and informatives relating to:

1. £7,000 contribution for car club space;
2. Travel Plan;
3. On-street ambulance space not acceptable and not approved;
4. Not be eligible for residential parking permits.

Note:

- zero car parking acceptable;
- In view of the anticipated occupants, 14 cycle spaces and 8 mobility scooter spaces acceptable;
- Blue badge holders are entitled to park free of charge in residents' and pay and display spaces, as well as on yellow lines unless loading is prohibited.

DATE: 23 May 2022

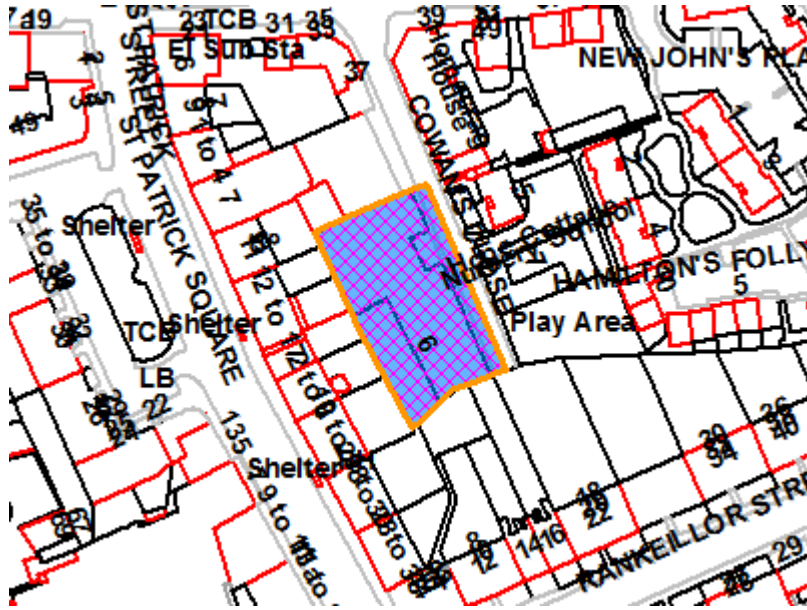
NAME: Flood Planning

COMMENT: Thank you for providing the additional information. This addresses our previous consultation comments. This application can proceed to determination with no further comments from CEC Flood Prevention.

DATE: 5 April 2022

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 17 August 2022**

**Application for Conservation Area Consent  
6 Cowan's Close, Street Cleansing Depot, Edinburgh.**

**Proposal: Complete Demolition in a Conservation Area.**

**Item – Delegated Decision  
Application Number – 22/00841/CON  
Ward – B15 - Southside/Newington**

### **Reasons for Referral to Committee**

The application has been referred to the Development Management Sub-Committee because the Council is the applicant and the works are more than minor routine operations. 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 **Granted** subject to the details below.

### **Summary**

The demolition of the existing building is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance and LDP Policy Env 5.

## **SECTION A – Application Background**

### **Site Description**

The application site is a Council depot on the west side of Cowan's Close, a cul-de-sac, which backs onto the rear of Clerk Street.

A single storey building sits at the back of the plot at the southern end with the bulk of the site being tarmac and used for parking and storage. There are also portacabins on the site.

The site is bounded on the front by a high timber fence and two sets of high metal gates, to the south side and rear (west side) by a stone wall and to the north side by a building. On the south and southern end of the west of the site there are trees just over the boundaries.

The street and surrounding area are predominantly residential although there is a mix of uses including shops and other commercial uses at ground floor level in Clerk Street, a nursery opposite the site and hotels nearby.

The buildings to the rear and south are listed buildings. There are Georgian tenements at 20-44 Clerk Street & 2-6 Rankeillor Street to the west and 8-52 Rankeillor Street to the south are category B listed buildings (date of listing: 14/12/1970, listing references: LB28548 & LB29605).

The application site is in South Side Conservation Area.

### **Description Of The Proposal**

The proposal is to demolish the existing building on the site.

### **Supporting Information**

- Heritage Statement

### **Relevant Site History**

21/06745/FUL  
6 Cowan's Close  
Edinburgh  
EH8 9HF

Replace the single storey street cleansing office and car park with a 4 storey residential block including amenity space and planting space for both tenants and the nursery opposite.

### **Other Relevant Site History**

No other relevant site history.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

HES

Archaeology



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

## Publicity and Public Engagement

**Date of Neighbour Notification:** Not Applicable

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 4 March 2022;

**Site Notices Date(s):** 1 March 2022;

**Number of Contributors:** 0

## Section B - Assessment

### Determining Issues

Consent is required because section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act") states that in making a decision on the demolition of a building in a conservation area section 6 to 25 of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings. The proposals therefore require to be assessed in terms of Section 64 of the 1997 Heritage Act:

- Having due regard to HES Policy and guidance, does the proposed demolition conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

### Assessment

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

- a) the demolition of the building and its replacement is acceptable;
- b) the demolition will have an adverse impact on the character and appearance of the conservation area and
- c) public comments have been addressed.

#### a) Demolition of Building and Replacement

Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in making a decision on the demolition of a building in a conservation area, certain provisions of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings.

Historic Environment Scotland's Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (April 2019) outlines criteria to assess the acceptability of the demolition of unlisted buildings within conservation area, including:

- *the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site;*
- *if the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated;*
- *where demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult, consent to demolish should be given only where there are acceptable proposals for the new building.*

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) only supports the demolition of unlisted buildings in conservation areas which are considered to make a positive contribution to the character of the area in exceptional circumstances. If the building does not make a positive contribution, its removal is considered acceptable in principle so long as the replacement building enhances or preserves the character of the area. If it does make a positive contribution, consideration of Policy Env 2 (Listed Buildings - Demolition) is required to be taken into account.

Historical information shows that a new access into Cowan's Close was formed by 1932, the buildings on the west side had been cleared and the existing service building had been constructed on the development site. The existing building does not contribute positively to the character and appearance of the conservation area. It has no features of special architectural or historic interest.

The HES interim guidance and the similar advice in LDP policy Env 5 (Conservation Areas - Demolition) sets out that consent should generally only be given where there are acceptable proposals for the new building.

The proposals for the redevelopment of the site are recommended for grant under application 21/06745/FUL. The flats proposed for the site represent a high quality development which will make a positive contribution to the conservation area.

A condition is recommended to ensure that the building is not demolished before a detailed scheme has been granted and the Notification of Initiation of Development has been received with a start date for the detailed development.

The demolition of the existing building is therefore acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance and LDP Policy Env 5.

## **b) Character and Appearance of Conservation Area**

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

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

The South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area. It states that the South Side is one of the most historically and architecturally important parts of Edinburgh with a rich mixture of stages of development and an abundance of heritage interest.

The demolition of the existing building will not have an adverse impact on the character or appearance of the conservation area. Currently the site does not contribute to the qualities described in the character appraisal and the architectural character of the building does not contribute to the amenity of the conservation area.

## **c) Public Comments**

No comments were received.

## **Conclusion**

The demolition of existing building is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance and LDP Policy Env 5 and will preserve the character and appearance of the conservation area, with reference to Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions :-**

1. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation of Development for planning permission application reference 21/06745/FUL.

### **Reasons:-**

1. In order to safeguard the character of the conservation area.

## **Informatives**

It should be noted that:

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

## **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - Local Development Plan**

**Date Registered: 22 February 2022**

## **Drawing Numbers/Scheme**

01,02.

Scheme 1

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

Contact: Jackie McInnes, Planning officer  
E-mail:jackie.mcinnes@edinburgh.gov.uk

## Summary of Consultation Responses

NAME: HES

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

DATE: 10 March 2022

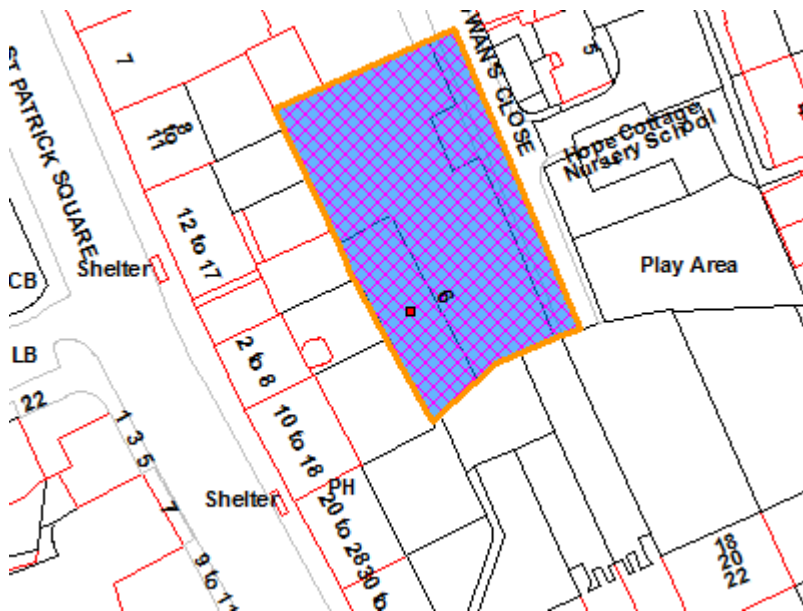
NAME: Archaeology

COMMENT: It is recommended that a programme of archaeological work is carried out to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken. This will require a phased archaeological programme of works. The initial phase will be the demolition of any structures to ground level followed by the undertaking of an archaeological evaluation of the site (10%) the results of which will inform the scope of secondary mitigation.

DATE: 3 March 2022

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 17 August 2022**

**Application for Planning Permission  
Assembly Rooms, 54A George Street, Edinburgh**

**Proposal: The installation of 3 temporary performance venues, Box Office and ancillary activities as part of the Edinburgh Festival Fringe. The block of road will be closed to all vehicle traffic in agreement with City of Edinburgh Council, but a 2 way cycle lane will be kept, and allowance for emergency vehicle access. Assembly will present a program of mixed arts and culture, as we have on this block of George Street for the past 6 years, tying in with other activity within the Assembly Rooms.**

**Item – Committee Decision  
Application Number – 22/02694/FUL  
Ward – B11 - City Centre**

### **Reasons for Referral to Committee**

The application has been referred to the Development Management Sub-Committee because the application is of the wider public interest.

### **Recommendation**

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

### **Summary**

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and comply with the development plan. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

## SECTION A – Application Background

### Site Description

The application relates to a central section of George Street, bound by Hanover Street to the east and Frederick Street to the west. The Assembly Rooms is directly to the south of the site and will be used as an associated event space throughout the Edinburgh Festival Fringe.

All of the buildings along George Street bordering the application site are listed buildings (Class A, B and C).

The application site is located within the Old and New Towns World Heritage Site and the New Town Conservation Area.

### Description of the Proposal

The proposal is for a family-friendly festival hub and seeks consent for the following elements:

- The Spiegeltent Bijou (indoor venue with 220 capacity);
- The Front Room (indoor theatre venue with 74 capacity);
- The Powder Room (indoor theatre venue with 74 capacity);
- Two Container Bars;
- Box Office;
- Food and Coffee Concessions;
- Cabin Toilets;
- Tree installation and stage (Polinations).

The proposals require this section of George Street to be closed between Frederick Street and Hanover Street and a TTRO has been applied for. The northern side of George Street will remain open as a pedestrian and cycle route, and it will also form the Blue Light Route into the site.

The space will primarily be used for those waiting to access performances at the Assembly Rooms venue and other surrounding venues. The outdoor space is based on a 1500-person capacity.

Accessible toilets will be provided on-site. The boundary of the site is contained by a 0.8m fence. There are also boxes with adjoining banners to delineate the licensed area.

### Proposed Key Dates

- Build period: 29 July - 4 August 2022;
- Operational period: 4 August - 27 August 2022;
- Take down: 28 August - 2 September 2022.

### Proposed Operational Times

- Bars: 1000-midnight Monday to Saturday, 1100-midnight Sunday;
- Site open with box office access: 1000;
- Final evening show start: 2230.



It must be noted that by the time of determination, the use will have been operational since the 4 August (excluding the build period). The application was not made in retrospect, as the use was not taken up before the application was made.

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

No other relevant planning site history.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

Historic Environment Scotland

Edinburgh World Heritage

Environmental Protection

Archaeology

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 7 June 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 17 June 2022;

**Site Notices Date(s):** 14 June 2022;

**Number of Contributors:** 0

## **Section B - Assessment**

### **Determining Issues**

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) 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):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

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 buildings and their setting?**

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

- Managing Change - Setting
- Managing Change - World Heritage

The Managing Change guidance states setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

Given the temporary nature of the proposal, it is considered there will be no adverse impact on the surrounding listed buildings and their setting.

## **Conclusion in relation to the listed buildings**

The proposal will have no detrimental impact on the setting of the neighbouring listed buildings. The proposal therefore is acceptable with regard to section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

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

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

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

The structures will be subservient to the surrounding historic buildings and will be well contained to ensure they do not detract from the character or appearance of the conservation area.

**Conclusion in relation to the conservation area**

Overall, the proposal will not have an adverse impact on the character or appearance of the South Side Conservation Area and therefore is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

**c) 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 Design policies Des 1, Des 4 and Des 5;
- LDP Environment policies Env 1, Env 3 and Env 6;
- LDP Shopping and Leisure policies Ret 7.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3 and Env 6.

Use

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) seeks to ensure that entertainment and leisure developments can be integrated well with the surrounding environment, are easily accessible by sustainable transport modes and do not introduce unacceptable noise and late night disturbance to local residents.

The site is located within the City Centre in the Local Development Plan. It is considered that the proposal can be well integrated into the surrounding environment with minimal impact on the historic environment. The proposal is located within a central location which is considered easily accessible by various sustainable modes of transport and no parking will be provided to accommodate the proposal.

Impacts of noise and disturbance in relation to criterion b) are considered below.

The principle of development is considered acceptable given the temporary nature of the proposal and is supported in this location. The proposal complies with LDP Policy Ret 7.

### World Heritage Site

LDP Policy Env 1 (World Heritage Sites) states that "development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh... as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted."

Edinburgh World Heritage (EWH) were consulted on this proposal and whilst they do not object, they noted that they cannot give full support to this application. EWH noted that the proposals to introduce substantial structures in the highly important public realm of George Street, would disrupt the important urban characteristics and therefore cause a level of harm to the Outstanding Universal Value of the World Heritage Site. They note that these impacts are temporary in nature and have been in this location in some form in the past - it is also relevant to note that this impact will affect this important space for a notable proportion of the year and sit within the cumulative context of other festival-related structures.

On balance, a pragmatic approach must be taken and fully considering the cultural and economic benefits in line with the Festival. It is considered that the overall proposal is acceptable in planning terms and should be supported.

Given the temporary nature of the proposal and the contribution to the City's cultural offering and economic recovery, it is considered to comply with LDP Policy Env 1.

### Listed Buildings and Conservation Area

The impact on surrounding listed buildings and the conservation area has been assessed above and complies with LDP Policies Env 3 and Env 6.

### Amenity

LDP Policy Des 5 seeks to ensure that the amenity of neighbouring residents is not adversely affected by development.

The applicant has stated, 'exposure to noise must be considered not only for the event phase...but also to the construction phase, where certain construction tasks carry risks of causing damage to workers hearing or disruption to neighbouring residents and businesses. The Control of Noise at Work Regulations (2005) requirements and guidance from The Purple Guide (2018) will be followed'.

Environmental Protection have requested a Noise Impact Assessment before they can support the application, to demonstrate that amplified music and vocals from the site can meet NR15 within the living apartments of any nearby noise-sensitive receptors, with windows partially open for ventilation during night time hours.

Due to timescales, a Noise Impact Assessment was not requested and deemed unnecessary as this is a very busy area during the festival, for a temporary period, and a pragmatic approach should be taken. It is considered that proposal is acceptable in planning terms and should be supported.

It is considered that the proposal complies with LDP Policy Env 5.

### **Conclusion in relation to the Development Plan**

Overall the proposals comply with the Local Development Plan and given the temporary nature of the proposal, is supported in this central location.

#### **d) 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 proposal complies with Paragraph 29 of SPP.

##### Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet 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

No representations were received.

### **Conclusion in relation to identified material considerations**

The proposal fully addresses the material considerations as set out above.

## Overall conclusion

The proposal is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with the development plan. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Conditions :-

1. The development hereby approved shall be permitted during the time period of 29 July 2022 - 2 September 2022 only and all structures shall be removed from the site by 2 September 2022.

### Reasons:-

1. In recognition of the temporary nature of the proposals.

### Informatives

It should be noted that:

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

### Background Reading/External References

To view details of the application go to the [Planning Portal](#)

**Further Information - [Local Development Plan](#)**

**Date Registered: 30 May 2022**

### Drawing Numbers/Scheme

01-12

Scheme 1

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

Contact: Nicola Orr, Planning Officer  
E-mail: nicola.orr@edinburgh.gov.uk

## Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No comment on the proposals.

DATE: 20 June 2022

NAME: Edinburgh World Heritage

COMMENT: Proposals involving the occupation of public space affect a number of important elements of the World Heritage Site's OUV. In particular the highly characteristic, and in this case carefully designed, relationship between buildings and their public space - in this case, at the heart of the First New Town at George Street. Conserving this clear distinction between buildings and public space is highly important to understanding and appreciating Edinburgh's unique quality and urban design, as well as

protecting the setting and significance of key historic buildings such as the Category A listed Assembly Rooms and many other listed buildings and monuments in the site environs. Alongside this, the authenticity and integrity of the World Heritage Site's layout, buildings, open spaces and views are central to the World Heritage Site's value.

The proposals to introduce substantial structures in the highly important public realm of George Street, would disrupt these important urban characteristics and therefore cause a level of harm to the OUV of the World Heritage Site. We entirely appreciate that these impacts are temporary in nature and have been in this location in some form in the past - it is also relevant to note that this impact will affect this important space for a notable proportion of the year and sit within the cumulative context of other festival-related structures.

Therefore, while we are highly supportive of the festivals and their cultural contribution to Edinburgh and do not object in the circumstances, we cannot give our full support to this particular application.

DATE: 13 July 2022

NAME: Environmental Protection

COMMENT: This site is an established entertainment venue for the Fringe. However it has historically generated some complaints about noise affecting the amenity of nearby noise-sensitive receptors.

Therefore, before we can support the application, we would need the applicant to submit a Noise Impact Assessment demonstrating that amplified music and vocals from the site can meet NR15 within the living apartments of any nearby noise-sensitive receptors, with windows partially open for ventilation during night time hours (from 23.00).

DATE: 17 June 2022

NAME: Archaeology

COMMENT: The site lies at the centre of George Street and Edinburgh's Georgian New Town and adjacent to several listed buildings including the A-listed Assembly Rooms. As such the site is regarded as being of archaeological and historic significance. However, given the temporary nature of this scheme, it is

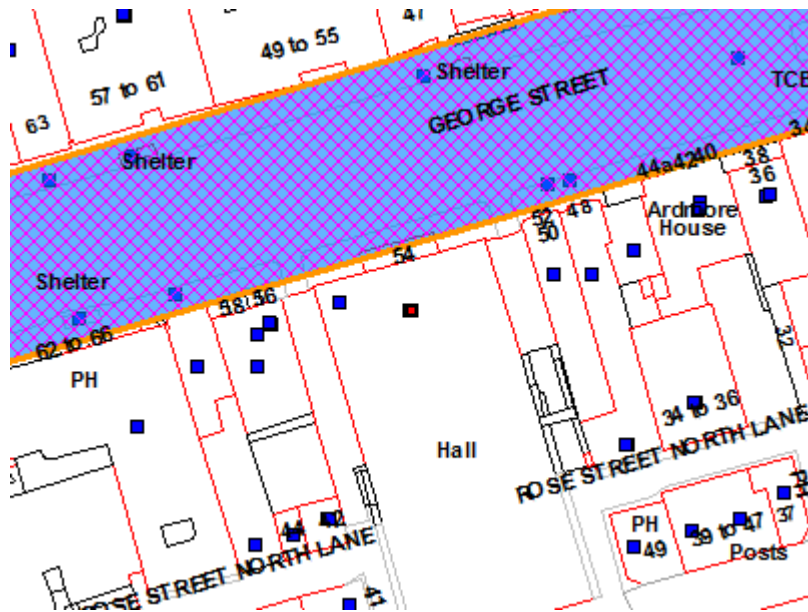


considered that this proposal will not have any significant implications on any buried remains nor on the permanent setting of any of the adjacent Listed Buildings.

DATE: 7 June 2022

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 17 August 2022**

**Application for Planning Permission  
3F2 14 Montpelier Park, Edinburgh, EH10 4NJ**

**Proposal: Extension to flat - reinstatement of planning consent  
14/03456/FUL.(Proposed extension into attic of flat with velux roof  
windows and glazed cupola.)**

**Item – Committee Decision  
Application Number – 22/02406/FUL  
Ward – B10 - Morningside**

### **Reasons for Referral to Committee**

This application has been referred to the Development Management Sub-Committee because it has been called in by a councillor. 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 **Granted** subject to the details below.

### **Summary**

The proposed works to the dwelling will preserve the character and appearance of the conservation area and are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable.

## **SECTION A – Application Background**

### **Site Description**

The application refers to a flat that occupies the third and fourth floors of the tenement located on the west side of Montpelier Park. The tenement is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

The character of the area is defined by traditional four storey tenements with slate roofs and large cupola roof lanterns above communal stairwells of various design and styles. The surrounding area is primarily residential and the property forms part of one of these tenemental blocks with communal door, stairwell, and amenity ground to the rear.

Residential development in the area primarily consists of rear alterations, window replacements, and attic conversions which include primary elevation rooflights.

### **Description of the Proposal**

The application is for external alterations to the property and seeks approval for a scheme originally granted in 2014 but permission has since expired.

The application refers to the installation of two stacked conservation style Velux units on the primary elevation. One fixed lower section, and one top hung upper section directly above; a uPVC cupola on the flat roof; and four top hung conservation style Velux windows on the rear elevation roofscape.

The property is not listed and there are no planning controls over the internal works to create additional floorspace. The internal works are not development.

### **Amendments**

The current proposal has been amended to include conservation style Velux windows. Supporting information has also been supplied for these.

The previous scheme was amended to remove a proposed Velux Cabrio balcony from the primary elevation, which was replaced with the two stacked Velux units - comprising of a fixed lower unit and top hung upper unit.

### **Relevant Site History**

14/03456/FUL

3F2

14 Montpelier Park

Edinburgh

EH10 4NJ

Proposed extension into attic of flat with velux roof windows and glazed cupola.

Granted

18 December 2014

### **Other Relevant Site History**

In the surrounding area there are other examples roofscape development which include a mix of conservation style and non-conservation style Velux windows on the primary elevation roofscape.

05/03585/FUL

86/5 Montpelier Park

Edinburgh

EH10 4NG

Attic conversion and formation of roof terrace to the rear, addition of velux rooflights to the front.

Granted

Wed 14 Dec 2005

06/01485/FUL

13 3F2 Montpelier Park

Edinburgh

EH10 4LU

Add roof window in top floor flat, through roof above in shared ownership

Granted

Fri 26 May 2006

07/00669/FUL

56 / 3F3 Montpelier Park

Edinburgh

EH10 4NH

Alterations to form 4 attic rooms, each with a roof window and a bathroom

Granted

Mon 26 Mar 2007

07/04223/FUL

3F2 44 Montpelier Park

Edinburgh

EH10 4NH

Convert attic space to form 3no bedrooms and 1no bathroom, including formation of access stair and 4 no roof lights

Granted

Wed 14 Nov 2007

13/02411/FUL

3F2 50 Montpelier Park

Edinburgh

EH10 4NH

Attic Conversion to form 2no velux rooflights to front elevation and 3no velux rooflights to rear elevation.

Granted

Thu 22 Aug 2013

16/03013/FUL

3F1 32 Montpelier Park

Edinburgh

EH10 4NJ

Loft conversion with new internal stair internal alterations including new en-suites to existing top floor flat in existing tenement building.(as amended).

Granted

Thu 28 Jul 2016

17/04996/FUL

3F2 68 Montpelier Park

Edinburgh

EH10 4NQ

Within existing flat new stairs to be installed for access to the attic level. Within the attic level new insulations and wall, floor and ceiling linings to be added. New internal walls, 5no conservation rooflights and new terrace within pitch of roof.

Granted

Fri 08 Dec 2017

18/04540/FUL

3F2 20 Montpelier Park

Edinburgh

EH10 4NJ

Proposed extension of the existing top floor flat into the attic space with two rooflights to the front elevation, three rooflights to the rear elevation and two skylights in the central flat-roofed section.

Granted

Thu 04 Oct 2018

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

No consultations undertaken.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 20 May 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 27 May 2022;

**Site Notices Date(s):** 24 May 2022;

**Number of Contributors:** 3

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

When looking specifically at the proposed conservation style Velux windows of the primary elevation roofscape, these will not have a detrimental impact on the architectural merits of the property as the lower unit will be fixed in place, and the upper unit is top hung. As only one window can be opened, this creates an opening style which is part of the established character of the area, additionally, this will not create a balcony as there would be no extension of the floor space. Moreover, the units will not be readily visible from public viewpoints due to the width of the street in relation to the height of the building and the slope of the roof.

With regards to the four rear elevation conservation style Velux units, these will not have a detrimental impact on the character of the building or the surrounding area. One of the windows on the rear elevation will be almost completely obscured from view by the chimney. The remaining three windows will be seen from Merchiston Park, although this will be from a distance of approximately 50 metres away and viewed between two villa properties.

The proposed Velux units are all conservation style, timber construction with a central glazing bar and top hung (with the expectation of one fixed unit).

While the uPVC cupola would not comply with the conservation area guidance, the inconspicuous location directly on the flat roof section means the cupola is not readily visible from the street on Montpelier Park and due to the size, it would not be visually dominant from Merchiston Park. Therefore, it is deemed the cupola will not detrimentally affect the character of the area.

The introduction of roofscape development will result in the loss of some slate, however as the windows will occupy a small portion of the front and rear roof planes the character of the building as a stone roof tenement will not be impacted. Furthermore, there is an established character in the area of roofscape developments including the installation of rooflights.

Therefore, the alterations will not have a detrimental impact on the historic features of the building or the surrounding area.

### **Conclusion in relation to the conservation area**

The works will preserve the special character and appearance of the conservation area.

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **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.

### Scale, form, design and neighbourhood character

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and will preserve the character and appearance of the conservation area as detailed in section a) of the assessment.

### Neighbouring Amenity

With respect to privacy, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory 'Guidance for Householders'. The proposals will not result in any unreasonable loss to neighbouring amenity.

In regard to privacy, there would be sufficient distance from direct window to window viewing as required in the Guidance for Householders. As such, there are no new concerns regarding privacy as a result of this proposal.



## **Conclusion in relation to the Development Plan**

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and will preserve the special character and appearance of the conservation area.

Therefore, the proposals comply with LDP policy Env 6 and Des 12 and the overall objectives of the 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 proposal complies with Paragraph 29 of SPP.

#### Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet 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

Three objections have been received summarised as:

##### *material considerations*

Concerns the proposal is out of character for the area - considered, further detailed in section a) above.

Concerns for the use of uPVC - considered, further detailed in section a) above.

Concerns for privacy from the primary elevation units - considered, further detailed in section b) above.

Concerns for the use of Velux Cabrio balcony - considered, this was removed from the 2014 application, full details in "amendments" and section a) above.

#### *non-material considerations*

Concerns for HMO and short term let uses and associated noise - This would be a non-material planning consideration because only external alterations of a residential property are being assessed. Planning cannot control internal works of a non-listed building, however, if a change of use did occur, this could be investigated by planning enforcement and other future relevant licensing regimes.

Concerns for ownership - This is a non-material planning consideration as ownership disputes would be a civil matter.

Concerns for aged drainage system - This is building warrant issue and not relevant to the planning consent.

#### **Conclusion in relation to identified material considerations**

The proposals do not raise any issues in relation to other material considerations identified.

#### **Overall conclusion**

The proposed works to the dwelling will preserve the character and appearance of the conservation area and are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable.

### **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. 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. This application relates to a flatted building. This planning permission does not affect the legal rights of any other parties with an interest in the building. In that respect, the permission does not confer the right to carry out the works without appropriate authority.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

### **Further Information - Local Development Plan**

**Date Registered: 20 May 2022**

### **Drawing Numbers/Scheme**

01 - 04, 05A

Scheme 2

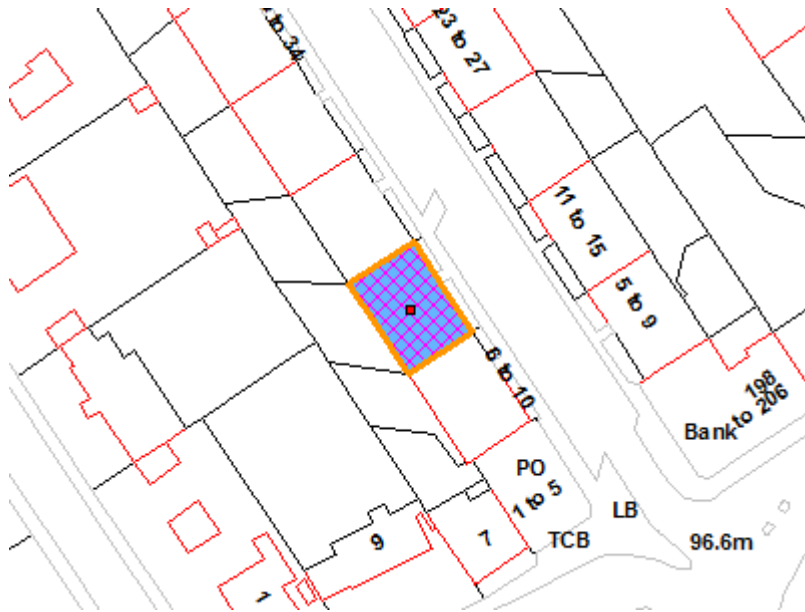
**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Blair Burnett, Assistant Planning Officer  
E-mail:blair.burnett@edinburgh.gov.uk

## Summary of Consultation Responses

No consultations undertaken.

### Location Plan



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## Development Management Sub-Committee Report

**Wednesday 17 August 2022**

**Application for Planning Permission  
Proposed Event Space, St James Crescent, Edinburgh**

**Proposal: Erection of temporary structures and enclosures, including bar, and other associated works to facilitate use of Calton View as an external events space.**

**Item – Other Item at Committee  
Application Number – 22/02040/FUL  
Ward – B11 - City Centre**

### **Reasons for Referral to Committee**

This application has been referred to the Development Management Sub-Committee because the application is of the wider public interest.

### **Recommendation**

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

### **Summary**

The proposals are acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and are in accordance with the development plan. There are no material considerations which indicate that the proposal should be refused. Therefore, the recommendation is to grant planning permission.

## **SECTION A – Application Background**

### Site Description

The site is located in the external space on Level 05 on the eastern side of the St James Quarter. The terrace is bound by Aparthotel and the cinema blocks, and faces out over Leith Street.

Access to the terrace is from the walkway around the St James Galleria, passing between Aparthotel and the cinema.

The site is located within the UNESCO Old and New Towns of Edinburgh Heritage Site and the New Town Conservation Area.

### Proposal

The application seeks permission for the erection of temporary structures and enclosures to facilitate the use of Carlton View as an external events space for a defined period each year.

The space is proposed as part of a series of linked event spaces within St James Quarter originally approved under outline planning permission 08/03361/OUT.

The structures will be in the form of a stretched tent, a bar, storage area, seating and planting. The space is proposed to operate between 10am and 11pm from mid July to the end of October each year, with two weeks to set up and take down on either side.

The space will have the capacity to accommodate up to 150 people.

Servicing and deliveries will be via the St James Quarter service yard and existing facilities. There will be additional toilet facilities, including disabled toilets adjacent to the terrace.

### Supporting Documents

Noise Management Plan submitted in support of the application.

### **Relevant Site History**

22/02039/FUL

Proposed Event Space

St James Crescent

Edinburgh

Erection of temporary structures and enclosures, including bar, and other associated works to facilitate use of Register Square as an external events space.

### **Other Relevant Site History**

22/02035/FUL

Erection of temporary structures and enclosures, including Speigeltent and bar, and other associated works to facilitate the use of St James Square as an external event space at St James Square, Edinburgh.

### **Pre-Application process**

Pre-application discussions took place on this application.

## Consultation Engagement

Environmental Protection

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 1 June 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 6 May 2022;

**Site Notices Date(s):** 29 April 2022;

**Number of Contributors:** 0

## 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 impact on the character or appearance of the conservation area?**

Section 64 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states: "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Courts have clarified that Section 64 means that there is a strong presumption against granting planning permission for development which would conflict with the objective of preserving or enhancing the character or appearance of the conservation area. 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 New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four-storey corner and central pavilions.

The temporary nature of the structures is a material factor in the assessment of any impact on the character or appearance of the conservation area. The structure will be set within the context of the wider contemporary development. The development is located on the 5th level of the modern building and will have no impact on the skyline. As such, the development will not appear as an incongruous addition or have any impact on the appearance or character of the conservation area.

The proposals therefore are acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **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:

Delivering the Strategy Policy Del 2  
Shopping and Leisure Policy Ret 11  
Environment Policies Env 1 and Env 6  
Design Policy Des 5

The non-statutory Listed Building and Conservation Area Guidance and Guidance for Businesses are material considerations relevant when considering LDP policy.



### Impact on the UNESCO World Heritage Site

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

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

LDP Policy Env 1 states Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted. This policy requires development to respect and protect the outstanding universal values of the World Heritage Sites and their settings. Setting may include sites in the immediate vicinity, viewpoints identified in the key views study and prominent landscape features throughout the city.

Due to the temporary nature and the size, scale and design of the proposed structures it is considered that there would not be an adverse impact on the setting of the World Heritage Site.

The proposal will not have an impact on the outstanding universal value and the reasons for inscription in compliance with policy Env 1.

### Impact on the setting of the Conservation Area

LDP Policy Env 6 (Conservation Areas - Development) supports development within a conservation area or affecting its setting which preserves or enhances the special character and appearance of the conservation area and is consistent with the relevant character appraisal, preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character and demonstrates high standards of design and utilises materials appropriate to the historic environment.

This has been assessed through sections a) above, and the proposals comply with LDP Policies with Env 6 in terms of its impact on the conservation area.

### Principle

The site is within the City Centre as identified in the Edinburgh Local Development Plan (LDP).

LDP Policy Del 2 City Centre supports a mix of uses appropriate to the location of the site and proposals that are comprehensively designed considering relevant development briefs and guidance.

Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) states:

Planning permission will be granted for high quality, well designed arts, leisure and entertainment facilities and visitor attractions in the City Centre, at Leith and Granton Waterfront and in a town centre, provided:

- a) The proposal can be integrated satisfactorily into its surroundings with attractive frontages to a high quality of design that safeguards existing character;
- b) The proposal is compatible with surrounding uses and will not lead to a significant increase in noise, disturbance and on- street activity at unsocial hours to the detriment of living conditions for nearby residents;
- c) The development will be easily accessible by public transport, foot and cycle.

The site is located within the city centre as defined in the Local Development Plan. The principle of leisure and entertainment provision is generally accepted within this area. The temporary nature and positioning of the installations ensures the proposal will integrate adequately into its surroundings. Criteria b) and c) are considered below.

LDP Policy Ret 11 Food and Drink Establishments permits changes of use in areas where the use will not lead to an unacceptable impact on residential amenity. Matters of amenity are addressed in the amenity section below.

The principle of the use of the site is therefore acceptable given the temporary nature of the proposal.

### Amenity

LDP Policy Ret 11 Food and Drink Establishments permits changes of use in areas where the use will not lead to an unacceptable impact on residential 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.

There nearest residential properties will rooms associated with the Apart Hotel which is part of the St James Quarter development, and residential properties on the upper floors of tenements along Leith Street.

Environmental Protection were consulted on the proposal and has raised concerns about the noise from outdoor activities affecting the amenity of nearby residents, particularly in the tenements on Leith Street and requested a Noise Impact Assessment to be submitted.

A Noise Management Plan was submitted by the applicant which advised that Calton View would be used for a "summer outdoor bar with low levels of background music", however no details of noise levels have been provided.

Notwithstanding the above, the proposed operating hours will ensure the space will cease operation at 11pm. The proposal is a high level terrace event space within the wider St James Quarter, which forms part of the brief for various external outside spaces as approved by the St James Masterplan and outline permission. The space will face towards the office buildings opposite. As such, external events space of this scale, in this central location, is unlikely to give rise to noise disturbance of a scale that would cause an unreasonable impact on neighbouring amenity.

Operational matters would be covered by licensing/permits.

Given the location and site context, the proposal should not result in an increase in noise that will result in a harmful impact upon neighbouring residential amenity. The proposal is therefore in line with the objectives of LDP Des 5.

### Waste

Servicing and deliveries will be via the St James Quarter service yard and existing facilities.

### Access and Parking

The proposal makes no amendments to existing arrangements.

The proposal is located within a central location and no additional parking will be provided for the event. Parking, including disabled parking provision is located within the St James Centre Car Park.

The site is in an accessible location with good transport links.

### **Conclusion in relation to the Development Plan**

Overall, the proposals will contribute to an appropriate mix of uses in this city centre location. The proposal will preserve the appearance of the conservation area. Given the location and site context, the proposal should not result in an increase in noise that would result in an unreasonable impact upon neighbouring residential amenity.

Overall, the proposals comply with the objectives of the Local Development Plan.

### **d) there are any other material considerations which must be assessed?**

The following material 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 proposal complies with the relevant sustainability principles set out in SPP.

#### Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet 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

No representations have been received in relation to the proposal.

### **Overall Conclusion**

The proposals are acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and are in accordance with the development plan. There are no material considerations which indicate that the proposal should be refused. Therefore, the recommendation is to grant planning permission.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions :-**

1. Permission is hereby granted for a restricted period as follows: Development hereby granted shall only be operational annually from 11th July to 31st October inclusive. Two weeks prior to operation is allowed for set up whilst all structures shall be removed from the site by 14th November of each year.

### **Reasons:-**

1. To ensure the development remains of a temporary nature.

### **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.

## **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - Local Development Plan**

**Date Registered: 20 April 2022**

## **Drawing Numbers/Scheme**

01-06

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

## Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: Environmental Protection is unable to support this application.

The proposal is for an external events space named Carlton View to operate for three consecutive months each year (mid-July to mid-October). This area is accessed from Level 5 of the St James Quarter and looks out over Leith Street towards Calton Hill. The hours of operation would be 10am - 11pm daily.

Environmental Protection has significant concerns about the noise from outdoor activities affecting the amenity of nearby residents, particularly in the upper floors of the tenements on Leith Street. The proposal description for an "outdoor events space" gives no detail as to what noise might be generated.

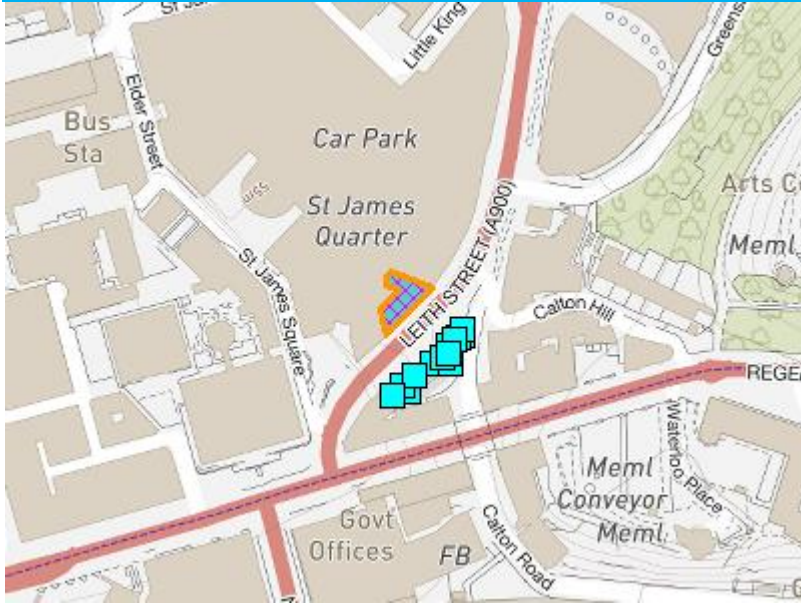
A Noise Impact Assessment was requested by this service. That has not been forthcoming. The applicants did submit a Noise Management Plan, which advised that Carlton View would be used for a "summer outdoor bar with low levels of background music", however no details of noise levels have been provided. In addition, the plan is reliant on reactive action generated by residents taking proactive action by complaining. This service is very concerned as to what the applicant would be allowed to do with the site, which may generate noise and negatively impact nearby residents, should this application be granted.

Therefore, Environmental Protection cannot support the application and recommend refusal.

DATE: 14 July 2022

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 17 August 2022**

**Application for Planning Permission  
Proposed Event Space, St James Crescent, Edinburgh**

**Proposal: Erection of temporary structures and enclosures, including bar, and other associated works to facilitate use of Register Square as an external events space.**

**Item – Other Item at Committee  
Application Number – 22/02039/FUL  
Ward – B11 - City Centre**

### **Reasons for Referral to Committee**

This application has been referred to the Development Management Sub-Committee because the application is of wider public interest.

### **Recommendation**

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

### **Summary**

The proposals are acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and are in accordance with the development plan. There are no material considerations which indicate that the proposal should be refused. Therefore, the recommendation is to grant planning permission.

## **SECTION A – Application Background**

### Site Description

The site is an area of existing open space positioned at the main entrance to the St James Quarter Galleria. The site comprises the southern edge of St James Quarter, set back from Leith Street and Waterloo Place and bordered by the galleria and existing neighbouring units.

The Category A Listed General Register House (LB27636) lies to the south west of the public square, with the Category B Listed Sassine Office (LB30027) and Category B Circular Record Hall (LB30025) to the west.

The site is located within the UNESCO Old and New Towns of Edinburgh Heritage Site and the New Town Conservation Area.

### Proposal

The application seeks permission for the erection of temporary structures and enclosures to facilitate the use of Register Square as an external events space for a defined period each year.

The space is proposed as part of a series of linked event spaces within St James Quarter originally approved under outline planning permission 08/03361/OUT.

The structures will be in the form of a stretched tent, with low level timber perimeter fencing, a bar and seating. The space is proposed to operate between 10am and 11pm from the middle of June to the end of August each year, with one week on either side for set up and take down.

The space will have the capacity to accommodate up to 100 people.

Servicing and deliveries will be via the St James Quarter service yard and existing facilities.

### Supporting Documents

Noise Management Plan submitted in support of the application.

### **Relevant Site History**

22/02040/FUL

Proposed Event Space

St James Crescent

Edinburgh

Erection of temporary structures and enclosures, including bar, and other associated works to facilitate use of Calton View as an external events space.

### **Other Relevant Site History**

22/02035/FUL

Erection of temporary structures and enclosure, including Spiegeltent and bar, and other associated works to facilitate use of St James Square as an external events space at St James Square, Edinburgh.

### **Pre-Application process**

Pre-application discussions took place on this application.

## Consultation Engagement

Environmental Protection

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 1 June 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 6 May 2022;

**Site Notices Date(s):** 29 April 2022;

**Number of Contributors:** 1

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
  
- b) 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):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

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 in the Historic Environment - Setting

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

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.

Historic Environment Scotland's Managing Change guidance on Setting gives guidance on when proposals impact the setting of listed buildings.

The proposal sits within the urban context of the surrounding modern St James Quarter development, including the contemporary hotel development. Given the transient nature of the installations, along with their scale and positioning within the context of the developed square, the proposed event space will not be to the detriment of the nearby listed buildings to the west and will continue to preserve their historical setting, in compliance with Managing Change guidance.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would not result in harm to the setting of listed buildings.

### b) The proposals impact on the character or appearance of the conservation area?

Section 64 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states: "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Courts have clarified that Section 64 means that there is a strong presumption against granting planning permission for development which would conflict with the objective of preserving or enhancing the character or appearance of the conservation area. 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 New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four-storey corner and central pavilions.

The temporary nature of the structures is a material factor in the assessment of any impact on the character or appearance of the conservation area. The structure will be set within the context of the wider contemporary development and will have no impact on the skyline. The development will sit within the context of the backdrop of the entrance to the modern St James Quarter and public space.

The proposals therefore are acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **c) The proposals comply with the development plan?**

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

Delivering the Strategy Policy Del 2  
Shopping and Leisure Policy Ret 11  
Environment Policies Env 1, Env 3 and Env 6  
Design Policy Des 5

The non-statutory Listed Building and Conservation Area Guidance and Guidance for Businesses are material considerations relevant when considering LDP policy.

#### Impact on the UNESCO World Heritage Site

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

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

LDP Policy Env 1 states Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted. This policy requires development to respect and protect the outstanding universal values of the World Heritage Sites and their settings. Setting may include sites in the immediate vicinity, viewpoints identified in the key views study and prominent landscape features throughout the city.

Due to the temporary nature and the size, scale and design of the proposed structures it is considered that there would not be an adverse impact on the setting of the World Heritage Site.

The proposal will not have an impact on the outstanding universal value and the reasons for inscription in compliance with policy Env 1.

#### Impact on the setting of the Listed Buildings

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

This has been assessed through sections a) above, and the proposals comply with LDP Policies Env 3 in terms of its impact on the setting of the listed buildings.

#### Impact on the setting of the Conservation Area

LDP Policy Env 6 (Conservation Areas - Development) supports development within a conservation area or affecting its setting which preserves or enhances the special character and appearance of the conservation area and is consistent with the relevant character appraisal, preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character and demonstrates high standards of design and utilises materials appropriate to the historic environment.

This has been assessed through sections b) above, and the proposals comply with LDP Policies with Env 6 in terms of its impact on the conservation area.

#### Principle

The site is within the City Centre as identified in the Edinburgh Local Development Plan (LDP).

LDP Policy Del 2 City Centre supports a mix of uses appropriate to the location of the site and proposals that are comprehensively designed considering relevant development briefs and guidance.

Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) states:

Planning permission will be granted for high quality, well designed arts, leisure and entertainment facilities and visitor attractions in the City Centre, at Leith and Granton Waterfront and in a town centre, provided:

- a) The proposal can be integrated satisfactorily into its surroundings with attractive frontages to a high quality of design that safeguards existing character;
- b) The proposal is compatible with surrounding uses and will not lead to a significant increase in noise, disturbance and on- street activity at unsocial hours to the detriment of living conditions for nearby residents;
- c) The development will be easily accessible by public transport, foot and cycle.

The site is located within the city centre as defined in the Local Development Plan. The principle of leisure and entertainment provision is generally accepted within this area. The temporary nature and positioning of the installations ensures the proposal will integrate adequately into its surroundings. Criteria b) and c) are considered below.

LDP Policy Ret 11 Food and Drink Establishments permits changes of use in areas where the use will not lead to an unacceptable impact on residential amenity. Matters of amenity are addressed in the amenity section below.

The principle of the use of the site is therefore acceptable given the temporary nature of the proposal.

### Amenity

LDP Policy Ret 11 Food and Drink Establishments permits changes of use in areas where the use will not lead to an unacceptable impact on residential 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.

There nearest residential properties will be located to the west of the site along St James Walk and residential properties on the upper floors of tenements along Leith Street.

Environmental Protection were consulted on the proposal and has raised concerns about the noise from outdoor activities affecting the amenity of nearby residents, particularly in the tenements on Leith Street and requested a Noise Impact Assessment to be submitted.

The applicant has submitted a Noise Management Plan, which advised that the current proposals for Register Square include a summer bar offering with limited scope for amplified music and sound, however no details of noise levels have been provided.

Notwithstanding this, the space sits at the entrance of the St James Quarter within the public realm where there is currently public seating and a significant level of on street activity existing. There have been examples of temporary event/bar uses in the space previously.

Furthermore, the proposed operating hours will ensure the space will cease operation at 11pm. The site is also located adjacent to the corner of a busy city centre road junction so there will be moderate traffic noise present during these hours. As such, an external events space of this scale, in this central location, is unlikely to give rise to noise disturbance of a scale that would cause an unreasonable impact on neighbouring amenity.

However, in the interest of neighbouring amenity, it is recommended that the application be limited to a three-year period to allow any issues to be taken into account for any future applications.

Overall, this is a city centre location with a substantial pedestrian footfall and where on-street activity at ground level currently exists. The proposed mitigative measures in the form of restricting the consent to allow any impact to be monitored and addressed is considered reasonable in this instance to ensure the proposal will not be to the detriment of residential amenity.

Operational matters would be covered by licensing/permits.

Given the location and site context, the proposal should not result in an increase in noise that will result in a harmful impact upon neighbouring residential amenity. The proposal is therefore in line with the objectives of LDP Des 5.

### Waste

Servicing and deliveries will be via the St James Quarter service yard and existing facilities.

### Access and Parking

The proposal makes no amendments to existing arrangements.

The proposal is located within a central location and no additional parking will be provided for the event. Parking, including disabled parking provision is located within the St James Centre Car Park, with drop off at Elder Street.

The site is in an accessible location with good transport links.

The use of the space and structures will not impede pedestrian flow in and around the St James Quarter or impact pedestrian safety.

### **Conclusion in relation to the Development Plan**

Overall, the proposals will contribute to an appropriate mix of uses in this city centre location. The proposal will not harm the setting of any nearby listed buildings, and preserve the appearance of the conservation area. Given the location and site context, the proposal should not result in an increase in noise that would result in an unreasonable impact upon neighbouring residential amenity.

Overall, the proposals comply with the objectives of the Local Development Plan.

### **d) there are any other material considerations which must be assessed?**

The following material 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 proposal complies with the relevant sustainability principles set out in SPP.

#### *Emerging policy context*

The Draft National Planning Framework 4 has been consulted on but has not yet 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

One representation has been received objecting to the proposal.

### *Material Considerations*

The appearance and low-quality materials will be detrimental to both the setting of the new St James Centre and the Grade-A listed Register House which abuts the site-addressed above.

The development represents the commercialisation of the public realm and should be refused, as it clutters the routes and views very deliberately and recently created-addressed above.

Should be for one year only so an assessment can be made on the impact of the "events space" on the setting- a suitable condition has been recommended.

The proposals fail to preserve or enhance the special character of the Conservation area, contradict Edinburgh Council guidance and conflicts with the Local Development Plan policy ENV 3, ENV 4 & ENV 6- addressed above.

### **Overall Conclusion**

The proposals are acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and are in accordance with the development plan. There are no material considerations which indicate that the proposal should be refused. Therefore, the recommendation is to grant planning permission.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

## Conditions:-

1. Notwithstanding the approved plans, permission is hereby granted for a restricted period as follows: Permission is granted for a period of three years only and development hereby granted shall only be operational from 13th June to 31st August inclusive. One week prior to operation is allowed for set up and all structures shall be removed from the site by 5th September of each year.

## Reasons: -

1. In the interests of neighbouring amenity.

## 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.

## Background Reading/External References

To view details of the application go to the [Planning Portal](#)

**Further Information - [Local Development Plan](#)**

**Date Registered: 19 April 2022**

## Drawing Numbers/Scheme

01-07

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: Environmental Protection

COMMENT: Environmental Protection is unable to support this application.

The proposal is for an external events space at Register Square to operate for three consecutive months each year (mid-July to mid-October). This area is at the southern edge of the St James development, bordered by Leith Street and Waterloo Place. The hours of operation would be 10am - 11pm daily.

Environmental Protection has significant concerns about the noise from outdoor activities affecting the amenity of nearby residents, particularly in the tenements on Leith Street. The proposal description for an "external events space" gives no detail as to what noise might be generated.

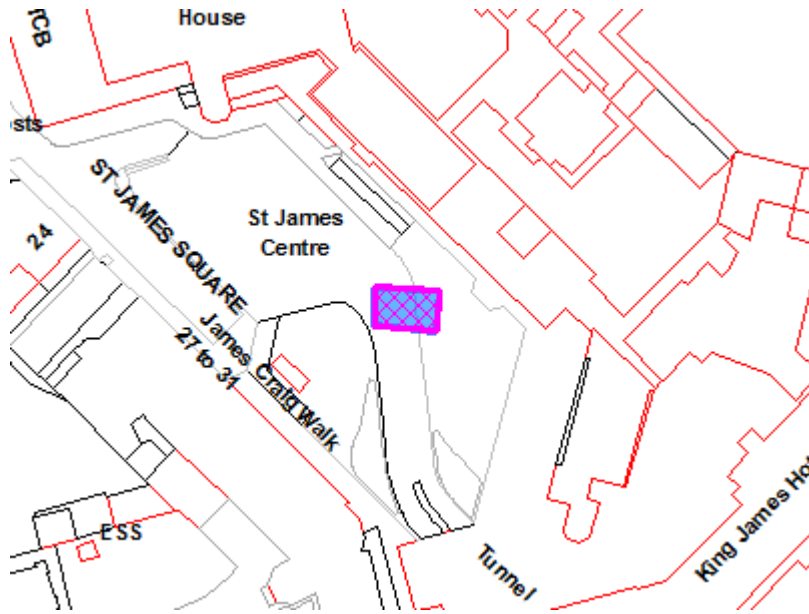
A Noise Impact Assessment was requested by this service. That has not been forthcoming. The applicants did submit a Noise Management Plan, which advised that "The current proposals for Register Square include a summer bar offering with limited scope for amplified music and sound", however no details of noise levels have been provided. In addition, the plan is reliant on reactive action generated by residents taking proactive action by complaining. This service is very concerned as to what the applicant would be allowed to do with the site, which may generate noise and negatively impact nearby residents, should this application be granted.

Therefore, Environmental Protection cannot support the application and recommend refusal.

DATE: 14 July 2022

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 17 August 2022**

**Application for Planning Permission  
Proposed Fringe Festival Venue Site Teviot Place, Bristo Square,  
Edinburgh**

**Proposal: Temporary change of use and siting of performance units,  
catering units and other associated moveable structures for the  
Edinburgh Fringe Festival.**

**Item – Committee Decision  
Application Number – 22/02987/FUL  
Ward – B15 - Southside/Newington**

### **Reasons for Referral to Committee**

The application has been referred to the Development Management Sub-Committee because the application is of the wider public interest.

### **Recommendation**

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

### **Summary**

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and comply with the development plan. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is located on the northern end of Bristo Square, adjacent to the Edinburgh University Students Association and Chaplaincy building. Potterow and Lothian Street lie directly to the north of the application site.

The site is a valuable area of open space and public realm used regularly by pedestrians with various elements of street furniture and trees throughout the site.

Category A listed McEwan Hall (Ref: LB27993) lies to the west of the application site, alongside other Category B listed buildings around the perimeter of Bristo Square.

The application site is located within the South Side Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

### **Description of the Proposal**

The proposal seeks to erect temporary structures to support a public performance and events plaza known as 'Potterrow Plaza', consisting of:

- Two units as performance spaces. These units will measure 12m long x 2m wide x 2.5m high and 7m long x 2m wide x 2.5m high. Each performance space has a capacity of 25 and 30 respectively;
- One food trailer measuring 5m long x 3m wide x 2m high;
- One bar measuring 4m long x 2m wide x 2m high; and
- Outdoor seating and associated facilities (e.g., picnic benches, bistro table, chairs and umbrellas).

Full capacity of the Plaza will be 300 people and the space will be delineated by a perimeter fence measuring 1.3m in height.

### Proposed Key Dates 2022

- Set up: 18 July - 2 August;
- Operational: 3 - 29 August;
- Take down: 30 August - 5 September.

### Proposed Operational Hours 2022

- 1000 - 0300.
- The final performance will conclude at 2200.

Temporary consent is sought for the same period over a recurring three year period (specific dates for 2023 and 2024 to be confirmed).

### **Supporting Information**

A Planning and Design Statement and Noise Management Plan were submitted in support of the application. These are available to view on the Planning and Building Standards Online Services.

### **Relevant Site History**

22/01359/FUL

Proposed Fringe Festival Venue Site Teviot Place

Bristo Square

Edinburgh

Edinburgh Festival Fringe venue site comprising one temporary performance venue, bar, toilets and ancillary offices and storage.

Granted

17 June 2022

22/01360/FUL

Proposed Fringe Festival Venue Site Teviot Place

Bristo Square

Edinburgh

Edinburgh Festival Fringe venue site comprising one bar and ancillary storage.

Granted

17 June 2022

22/01362/FUL

Proposed Fringe Festival Venue Site Teviot Place

Bristo Square

Edinburgh

Edinburgh Festival Fringe venue site comprising a box office, bars, food traders and ancillary office and storage.

Granted

17 June 2022

### **Other Relevant Site History**

No other relevant planning history.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

Historic Environment Scotland

Edinburgh World Heritage

Environmental Protection

Archaeology

Transport Planning

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 22 June 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 1 July 2022;

**Site Notices Date(s):** 28 June 2022;

**Number of Contributors:** 0

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) 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):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

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 - Setting
- Managing Change - World Heritage

The Managing Change guidance states setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.



Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

Given the temporary nature of the proposal, it is considered there will be no adverse impact on the surrounding listed buildings and their setting.

### **Conclusion in relation to the listed building**

The proposal will have no detrimental impact on the setting of the neighbouring listed buildings. The proposal therefore is acceptable with regard to section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **b) The proposals harm the character or appearance of the conservation area?**

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

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

The application site is located within the Second Expansion Area of the South Side Conservation Area. The South Side Conservation Area Character Appraisal notes that Bristo Square is extremely permeable for pedestrians and provides an appropriate setting to the McEwan Hall.

Whilst the proposal would reduce the available area for pedestrians for a temporary period, the square would become a focal point and bring additional vibrancy to the well utilised area of public realm. The structures will be located in an area of open space on a smaller scale than any of the important surrounding historic buildings. The proposal will not detract from the character or appearance of the conservation area.

### **Conclusion in relation to the conservation area**

Overall, the proposal will not have an adverse impact on the character or appearance of the South Side Conservation Area and therefore is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **c) 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 Design policies Des 1, Des 4 and Des 5;
- LDP Environment policies Env 1, Env 3 and Env 6; and
- LDP Shopping and Leisure policies Ret 7.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3 and Env 6.

## Use

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) seeks to ensure that entertainment and leisure developments can be integrated well with the surrounding environment, are easily accessible by sustainable transport modes and do not introduce unacceptable noise and late night disturbance to local residents.

The site is located within the City Centre in the Local Development Plan. It is considered the proposal can be well integrated into the surrounding environment with minimal impact on the historic environment. The proposal is located within a central location which is considered easily accessible by various sustainable modes of transport and no parking will be provided.

Impacts of noise and disturbance in relation to criterion b) are considered below.

The principle of development is considered acceptable given the temporary nature of the proposal and is supported in this location. The proposal complies with LDP Policy Ret 7.

## World Heritage Site

LDP Policy Env 1 (World Heritage Sites) states that "development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh... as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted."

Edinburgh World Heritage were consulted on this proposal and noted that proposals involving the occupation of public space affect a number of important elements of the World Heritage Site's Outstanding Universal Value (OUV). The proposals to introduce new structures in these important public spaces would disrupt these characteristics and cause harm to the OUV of the World Heritage Site. However, in this case, this is offset to some degree by the specific contribution that the Edinburgh Festival and Fringe themselves make to Edinburgh's heritage and cultural value, as well as the temporary nature of the proposals. It has also been recognised the unique context of recovery from the pandemic.

The industrial nature of the proposals are considered to provide a juxtaposition to the local setting and character.

Therefore, given the temporary nature of the proposal and the contribution to the City's cultural offering and economic recovery, it is considered to comply with LDP Policy Env 1.

## Listed Buildings and Conservation Area

The impact on surrounding listed buildings and the conservation area has been assessed above and complies with LDP Policies Env 3 and Env 6.

## Amenity

LDP Policy Des 5 seeks to ensure that the amenity of neighbouring residents is not adversely affected by development.

The applicant submitted a Noise Management Plan outlining their plans to limit noise pollution to surrounding residents and businesses. However, Environmental Protection has requested a full Noise Impact Assessment demonstrating that amplified music and vocals from the site can meet NR15 within the living apartments of any nearby noise-sensitive receptors. A Noise Impact Assessment was not requested from the applicant as it was considered unnecessary.

Whilst the proposal will be operational in some form until 0300 daily, any mitigation required from this will be covered via Licensing. On balance, a pragmatic approach must be taken as this is a very busy area during the festival, for a temporary period, and it is considered that overall the proposal is acceptable in planning terms and should be supported.

It is considered that the proposal complies with LDP Policy Env 5.

### **Conclusion in relation to the Development Plan**

Overall the proposals comply with the Local Development Plan and given the temporary nature of the proposal, is supported in this location. There are no material considerations that would outweigh this conclusion.

#### **d) 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 proposal complies with Paragraph 29 of SPP.

#### Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet 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.

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

## Public representations

No representations were received.

## **Conclusion in relation to identified material considerations**

The proposal fully addresses the material considerations as set out above.

## **Overall conclusion**

The proposal is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with the development plan. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions:-**

1. The development hereby approved shall be permitted during the time period of 18 July 2022 - 5 September 2022 (50 days) only and all structures shall be removed from the site by 5 September 2022. A 50-day period within a similar timeframe to facilitate Edinburgh Festival infrastructure is also approved for 2023 and 2024. The dates shall be submitted to the Planning Authority prior to the use being taken up in 2023 and 2024.

### **Reasons: -**

1. In recognition of the temporary nature of the proposals.

### **Informatives**

It should be noted that:

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

2. The applicant should liaise with the Council as Roads Authority during the construction, operation and decommissioning of the site to ensure the impact on pedestrians and other road users is minimised.
3. As per the submitted Noise Management Plan, there should be no amplified music in the external areas, so as not to interfere with performances within the structures at the site.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - Local Development Plan**

**Date Registered: 16 June 2022**

### **Drawing Numbers/Scheme**

01-07

Scheme 1

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

Contact: Nicola Orr, Planning Officer  
E-mail: nicola.orr@edinburgh.gov.uk

## Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No comment.

DATE: 4 July 2022

NAME: Edinburgh World Heritage

COMMENT: Proposals involving the occupation of public space affect a number of important elements of the World Heritage Site's OUV. This can be mitigated by reducing scale, footprint and through contextual design (eg the industrial container aesthetic does not respond to a very distinctive local character).

The contribution that the Edinburgh Festival and Fringe make to Edinburgh's cultural value and pandemic recovery, we do not object.

We question whether this should be a single year permission rather than 3 years.

Given the number of applications for festival structures, a renewed and inclusive strategy for the location and design of such structures in planning terms would enhance clarity and identify collaborative opportunities for all involved.

DATE: 28 June 2022

NAME: Environmental Protection

COMMENT: This site is directly adjacent to another site used as a long-established entertainment venue for the Fringe. However, there are nearby noise-sensitive receptors. The Noise Management Plan for the site advises that there will be no amplified music in the external areas, so as not to interfere with performances within the structures at the site.

Also, before we can support these applications, we would need the applicants to submit a Noise Impact Assessment demonstrating that amplified music and vocals from the site can meet NR15

within the living apartments of any nearby noise-sensitive receptors, with windows partially open for ventilation during nighttime hours (from 23.00).

DATE: 13 July 2022

NAME: Archaeology

COMMENT: The site is regarded as being of archaeological and historic significance however given the nature of this scheme, it is considered that this proposal will not have any known, significant archaeological implications.

DATE: 7 July 2022

NAME: Transport Planning

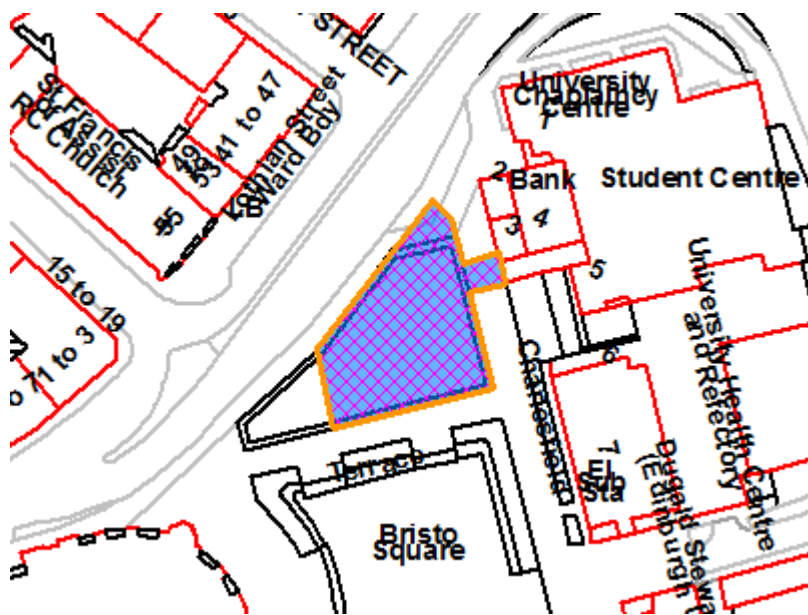
COMMENT: No objection.

The applicant should be aware of the potential impact of the proposals on pedestrian and other road users and should liaise with the Council as Roads Authority during the construction, operation and decommissioning of the site.

DATE: 27 June 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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## Development Management Sub Committee

report returning to Committee - Wednesday 17 August 2022

### **Application for Planning Permission 22/00982/FUL at 11 Stafford Street, New Town, Edinburgh. Change of Use from Class 4 (Offices) to Class 7 (Hotel).**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### **Recommendations**

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

### **Background information**

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This application was considered at Committee on 29 June 2022. Committee resolved to grant planning permission subject to the conditions and informatives outlined in the report of handling and an additional condition requiring cycle parking. Due to the nature of the proposal and its location there should also be a tram contribution for a 15 bed hotel, as per the LDP contributions policy. This information was omitted from the previous report.

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

### **Main report**

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#### Transport Contributions

LDP Policy Del 1 requires contributions from any development if it will have a net impact on infrastructure capacity and it will be necessary to mitigate that impact by providing additional capacity or otherwise improving existing infrastructure.

The proposed site is adjacent to the operational Edinburgh Tram.

Transport has indicated that developer contributions are required for this application. A contribution net sum of £35,625 (based on existing 334m<sup>2</sup> GFA office (£26,446) and proposed 15 bed hotel (£62,071) in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum is to be indexed as appropriate and the use period to be 10 years from date of payment.

It is recommended that this be secured through a legal agreement.

### Conclusion

Overall, the proposals comply with the development plan and non-statutory guidance. The proposed use is appropriate in this location, the proposals will preserve the character of the conservation area and there will be no adverse impact on the setting of the listed building, there are no transport issues. There will be adverse impact on residential amenity. There are no other material considerations to outweigh this conclusion.

### **Links**

#### **Policies and guidance for this application**

LDPP, LEN04, LEN06, LDES01, LDES05, LDES12, LHOU07, LEMP10, LEMP09, LTRA02, LTRA03, LDEL02, LDEL01, NSG, NSBUS, NSLBCA, OTH, CRPNEW,

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

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=R8254PEWJT800>

Or Council Papers online

**David Givan**  
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## Development Management Sub-Committee Report

**Wednesday 17 August 2022**

**Application for Planning Permission  
Land to rear of, 30 Canaan Lane, Edinburgh**

**Proposal: New dwelling and driveway (amendment to 18/04505/FUL).**

**Item – Committee Decision  
Application Number – 21/05402/FUL  
Ward – B10 - Morningside**

### **Reasons for Referral to Committee**

The application is presented to the Development Management Sub-Committee due to the degree of public representation. Under the Council's Scheme of Delegation the scheme must be determined by the Development Management Sub-Committee.

### **Recommendation**

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

### **Summary**

The proposed form and design are appropriate to the surrounding character and would not have a significant impact on the character and appearance of the conservation area. No significant loss of residential amenity arises.

The proposal complies with the Local Development Plan and with Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 and with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. No other considerations outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The site stands on Jordan Lane but was previously the southern section of garden ground belonging to a house to the north, at 30 Canaan Lane. The site extends to 432 square metres and is enclosed by a high stone wall, which screens it from Jordan Lane. Six immature trees stand against this south boundary wall, the most significant being a group in the south-west corner.

The site lies at a transition point in the form and character of Jordan Lane: with four storey tenements to the immediate west; and lower cottages and houses to the east and south. The road (which is a cul-de-sac) also narrows from two lane to single lane at this same point.

The north-west section of the lane up to the western boundary of the site is of tenemental form. Other than one further tenement to the east, the lane is otherwise characterised by one and two storey traditional houses, all with traditional slate roofs. There are two existing buildings on the lane which do not fit this overall character: a 1970s chalet-style house to the immediate east of the site, with a red tile roof; and a recently constructed, two storey block to the south-west, with a flat roof. These two structures now contribute to the wider mix of styles on the lane.

Three cottages on the south side of Jordan Lane, on the opposite side from the site, are each listed category C. Each (11, 12 and 13 Jordan Lane) was listed on 29 April 77 references 27479, 27474 and 27479 respectively.

The site lies in the Morningside Conservation Area.

### **Description of the Proposal**

The application proposes a single storey house, finished with a mixture of natural stone and smooth render. It would have a traditional pitched slate roof, with a dormer finished in black zinc.

The application represents an amendment in form and design in relation to a live and extant planning permission for a house in the same position and of the same footprint but of different form and design: originally approved with a flat roof instead of pitched, and with a substantial basement level element. The basement has proven structurally non-viable and is now omitted. The lost volume is moved to the proposed attic.

The vehicle access and parking is unaltered from the original scheme and this element of the works has already begun. The garden layout and tree retention also remain as agreed.

### **Supporting Information**

The application included a Design Statement, Tree Survey and Report and Surface Water Management Plan.

### **Relevant Site History**

18/04505/FUL

Land To Rear Of 30

Canaan Lane

Edinburgh

EH10 4SU

New dwelling house and driveway accessed from Jordan Lane (as amended)

Granted

17 January 2019

18/04505/VARY  
Land To Rear Of 30  
Canaan Lane  
Edinburgh

Non-Material Variation to planning consent 18/04505/FUL - variation to house design.  
VARIED  
16 July 2020

### **Other Relevant Site History**

No other relevant site history.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Roads Authority

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 22 October 2021

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 29 October 2021;

**Site Notices Date(s):** 26 October 2021;

**Number of Contributors:** 27

## **Section B - Assessment**

### **Determining Issues**

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) 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):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

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 - Setting of Listed Buildings

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 considers impact on setting. This is usually interpreted as meaning impact on a view from a public street to the listed building (s)..

In this instance the site itself does not contain a listed building, nor does any immediately adjacent plot hold a listed building. However, three conjoined listed cottages are situated on the opposite side of Jordan Lane, to the south of the site, and objectors have raised the issue of impact on setting. These cottages, 11, 12 and 13 Jordan Lane, are listed category C. In terms of public views of these cottages, the bulk of the proposal would remain behind its own unaltered outer boundary wall. The proposal would not block or impede the public view of the listed buildings. The roof of the proposal would be visible to a small degree when viewing the listed buildings from the west but would not have any significant impact on that view.

## **Conclusion in relation to the listed building**

There is no adverse impact on the setting of the listed buildings and the proposal complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the character and appearance of a conservation area is retained.

Due to the outer boundary wall, which encloses the site, the bulk of the proposal would be hidden from public view. The dormer and small sections of the roof would be visible from certain locations, but not readily from the immediately adjacent pavement and road due to the height of the boundary wall. From the west, the dormer front would align with the tenement to the west, running at first floor level. The tenement would hide the west gable of the proposal. A glimpse view of the dormer and apex of the east gable would be visible over a short section of Jordan Lane to the south-east and would be seen against the backdrop of the four-storey tenement gable. This alteration is not significant on the existing view of the blank gable.

The changes to streetscape are not significant and the streetscape will remain largely unaltered.

The proposed form and appearance of the building would be appropriate and would preserve the character and appearance of the conservation area.

**Conclusion in relation to the conservation area**

The works preserve the character and appearance of the conservation area and are acceptable in regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

**c) 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 Policies Env3, Env 6, Env 12 and Env 21
- LDP Housing Policy Hou 1
- LDP Design Policies Des 1, Des 3 and Des 4
- LDP Transport Policies Tra 2 and Tra 3

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 4 and Env 6. These issues are addressed in sections a) and b)

Principle of Residential Use

LDP Policy Hou 1 (Housing Development) considers sites suitable for housing.

The site lies in a residential area and the principle of a single house on the site was accepted within the previous permission. This permission has been implemented and the principle of a house is therefore already established, in compliance with LDP Policy Hou 1. The principle of a single house on the site remains acceptable.

## Impact on Historic Environment

LDP Policy Env 3 (Listed Buildings - Settings) considers the setting of listed buildings.

As outlined in section a) the site contains no listed buildings and the impact on the setting of listed buildings on the south side of Jordan Lane is not significant.

LDP Policy Env 6 (Conservation Areas - Development) considers impact of development on the character and appearance of the conservation area. The Morningside Conservation Area Character Appraisal states *The principal feature of the urban fabric is a subtle Victorian grid structure responding to the topography by setting up views to the castle and dividing the area into unequally sized rectangular perimeter blocks. Perimeter blocks are surrounded by substantial Victorian housing composed of individual, semi detached and terraced housing that exhibit continuity through their uniform heights, massing and use of stone and slated roofs. Gardens with mature trees predominate throughout the area, having a strong greening affect throughout the area. Northern views along streets to Blackford Hill and the Braids and southern views back to the City skyline are important.*

As assessed in section b) the enclosing wall greatly mitigates the impact on the wider conservation area, with the bulk of the proposal being screened from public view.

The proposal will stand on Jordan Lane which is a street of very mixed character. The only visible element will be a small section of roof and the front dormer. These features will not have a significant impact on character or appearance of the street.

LDP policies Env 3 and Env 6 are met.

## Scale, Form and Design

LDP Policy Des 1 (Design Quality and Context) considers the form and design of a proposal drawing on the positive characteristics of the surrounding area, with the need for a high quality design which is appropriate in terms of height, scale, form, layout and materials.

The lane has an eclectic mix of building styles and dates. The proposed design is a modern bungalow, with attic accommodation in the roof space. This takes its lead from the several cottages on the lane and the structure stands largely parallel to the lane. The broken line of the frontage takes its lead from several buildings on the lane which have a similar stepped form. The proposed design fits within the existing range of building styles and is acceptable.

LDP Policy Des 3 (Development Design Incorporating and Enhancing Existing and Potential Features) supports development where existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

The outer boundary wall remains intact, other than the already approved new vehicular gate, and the outward appearance will be unaltered.



LDP Policy Des 4 (Development Design, Impact on Setting) states that planning permission will be granted for development where it makes a positive impact on its surroundings, including the character of the wider townscape and landscape and impact on existing views.

The impact on the existing streetscape is both minimal and acceptable and in compliance with LDP Policies Des 1, Des 3 and Des 4 .

#### Impact on the amenity of existing residences

The Edinburgh Design Guidance (EDG) considers impact upon neighbouring amenity.

##### i) Daylight and Sunlight

The proposal lies in a gable-to-gable relationship with the adjacent tenement to the west. No daylight issues arise in this direction.

Although the proposal rises higher than the previously approved, flat-roofed design, the proposal is in accordance with the 45-degree method for daylight to all other sides. Therefore, daylight to neighbouring properties is adequately maintained.

In terms of sunlight, the building's positioning alongside the tenement gable alleviates all impact to the west, and its position north of Jordan Lane means there are no impacts to the houses to the south. There will be a small impact around 6pm in relation to the house to the east, but this is acceptable given the impact of the existing four storey gable of the tenement on the same property. There is also a small but acceptable impact on winter sun at midday to the house to the north

##### ii) Privacy and Outlook

As a single storey proposal behind an enclosing wall, few privacy concerns arise.

The proposed dormer would look over the southern boundary wall, onto Jordan Lane, but is more than nine metres from the road centre. The EDG accepts lower privacy standards when matching the prevailing pattern. The dormer is less onerous in privacy terms than the predominant tenemental windows which are 1.5 metres further forward. The cottage to the south is set only six metres from the road centre. Given the existing street pattern, especially the similarity in position to the tenemental windows, and given the screening value of the south wall, the dormer is acceptable in privacy terms.

The proposals comply with the Edinburgh Design Guidance.

#### Tree Protection

LDP policy Env12 considers tree protection.

The site contains a number of immature trees with those on the southern boundary contributing to the streetscape. Trees located on the northern half of the site and one tree in the centre of the south wall are already authorised for removal. No further trees are proposed for removal beyond those already consented.

The small cluster of trees in the south-west corner is maintained and this will preserve the main view from the west, where this group form a significant element of the street character. No issues arise in relation to policy Env12.

### Surface Water Management

LDP policy 21 considers Flood Protection.

A surface water management plan has been submitted. This shows that all paving shall be porous and excess water shall be addressed by a soakaway system in the south-west section of the site. LDP policy Env21 is addressed.

### Access, Car and Cycle Parking

The site immediately attaches an adopted road (Jordan Lane) and has existing access rights. No further changes are required to the roadway.

LDP Policy Tra 2 (Private Parking) requires that developments make provision for car parking levels which comply with and do not exceed the parking levels set out in the accompanying non-statutory guidelines on parking.

The car parking arrangement is unaltered in comparison to the extant planning permission.

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

As an enclosed and secure site, the proposal easily affords accommodation for cycles.

The proposal does not raise concerns in relation to LDP Policies Tra2 and Tra3.

### Open Space

LDP Policy Hou 3 (Private Green Space) sets out open space standards for new development.

The open space arrangement is unaltered in relation to the live planning permission, with lawn areas to both north and south-west. The open space would create an acceptable level of amenity and remain acceptable, compatible with the aims of LDP Policy Hou 3.

### **Conclusion in relation to the Development Plan**

The proposal complies with all relevant policies within the LDP and with Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997.

**d) 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 proposal complies with Paragraph 29 of SPP.

Emerging policy context

NPF 4 - Draft National Planning Framework 4 has been consulted on but has not yet been adopted. Therefore, 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

Twenty seven representations were received: twenty three in objection, two in support and two neutral comments.

A summary of the representations is provided below:

*material considerations*

- The proposal is not appropriate to the conservation area - addressed in section b)
- The proposal is not of sufficient design quality in terms of LDP policy Des 1 - addressed in section c)
- The proposal has an adverse impact on the setting of nearby listed buildings - addressed in section a)
- The proposal causes loss of privacy and daylight - addressed in section c)
- The proposal causes unacceptable tree loss - addressed in section c)

### *non-material considerations*

- The proposal will undermine the foundations of the tenement - structural issues are dealt within the building warrant process and are not a planning consideration

The two neutral comments considered the design an improvement upon the last planning permission. The two letters submitted in support did not clarify the reason for support.

### **Conclusion in relation to identified material considerations**

The proposal does not give rise to any concerns that have been raised through representations.

### **Overall conclusion**

The proposed form and design are appropriate to the surrounding character and would not have a significant impact on the character and appearance of the conservation area. No significant loss of residential amenity arises.

The proposal complies with the Local Development Plan and with Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 and with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. No other considerations outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions :-**

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Trees not agreed for removal are to be protected during construction works. Details to be provided for further approval prior to foundations of the building being laid.

### **Reasons: -**

1. In order to enable the Head of Planning to consider this/these matter/s in detail.
2. In order to adequately protect the remaining trees.

## **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.

## **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - Local Development Plan**

**Date Registered: 15 October 2021**

## **Drawing Numbers/Scheme**

1-3

Scheme 1

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

Contact: Stephen Dickson, Senior planning officer  
E-mail: [stephen.dickson@edinburgh.gov.uk](mailto:stephen.dickson@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Roads Authority

COMMENT: Maximum one car parking space to be provided

DATE: 5 November 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 17 August 2022**

**Application for Planning Permission  
179A Canongate, Edinburgh,**

**Proposal: Partial demolition of existing buildings and development of purpose-built student accommodation, ancillary uses and associated infrastructure (as amended).**

**Item – Committee Decision  
Application Number – 22/01647/FUL  
Ward – B11 - City Centre**

### **Reasons for Referral to Committee**

The application has been referred to the Development Management Sub-Committee because 7 letters of objection have been received and it is recommended for approval. 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 **Granted** subject to the details below.

### **Summary**

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan.

It will preserve the character and appearance of the Old Town Conservation Area and will not be detrimental to the architectural character, setting or historical interest of listed buildings.

It will not harm the qualities that justify the inscription of a World Heritage Site or its setting.

The student use is compatible with the mixed character of this city centre area and will not have an adverse impact on the maintenance of a balance community.

The implementation of mitigation measures will safeguard the living environment of future occupiers and in turn prevent limitations on the activities or potential re-development of neighbouring sites. Overall, there will be no unreasonable impact on the amenity of neighbouring residents.

A reduced reliance on car usage is encouraged and promotion of sustainable modes of transport through appropriately designed cycle provision is supported. No specific road or pedestrian safety issues will occur as a result. The proposal minimises environmental resource use and incorporates sustainable features.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

Other material considerations support the presumption to grant planning permission.

## **SECTION A – Application Background**

### **Site Description**

The proposal site is located on the north side of the Canongate, accessed via a path paved in historic setts through an arched opening in Bowling Green Close.

This south side has large, arched timber doors set within historic high-brick boundary walls marking the entrance to the site.

Inside, the path leads to a group of low-lying buildings on the west half including former red brick workshops with pitched slate roofs originally constructed between 1877 and 1893. These formed part of the last development phase of the New Street Gasworks expansion; operational from 1817 to 1906, and are now largely demolished.

The north elevation of the range incorporates a rubble retaining wall which was formerly part of a basement wall fronting the Magdelene Asylum, built in 1806 and demolished around 1870.

There is a small, early 20th century workshop in the east half of the site bordering the main workshops. South of this, is a 1980's three-storey red brick former building with an undercroft parking. This building formed part of previous office use on-site which included refurbishment and conversion of the workshops.

These buildings face an open courtyard comprising the remainder of the site. It is paved in historic setts which lead to the eastern entrance onto Old Tolbooth Wynd, a sloped street connected to Canongate at the top and Calton Road at the bottom.

The site is bordered on four sides by high brick-boundary walls facing the street primarily constructed as part of the site's previous industrial use. The south-east corner of this boundary is a modern addition.

The site's footprint is 974 square metres.

A number of listed buildings are in proximity.



### *Category A Listed*

- Canongate Tolbooth at 163 Canongate, adjoining the south boundary wall of the site (LB reference 27582, listed 14 December 1970) dating from 1591;
- Canongate Parish Church and Churchyard to the east of the site (LB references 26823 and 26836, listed 14 December 1970) dating from 1688-90;

### *Category B Listed*

- tenements at 183-187 and 189-191 Canongate to the south-west of the site (LB references 28434 and 28435, listed on 14 December 1970), dating from the later 17th century and predominantly rebuilt in 1956-7; and

### *Category C Listed*

- tenements at 191-193 and 195-197 Canongate to the south-west of the site (LB references 28436 and 28437, listed on 14 December 1970) dating from the 17th century (rebuilt in 1956) and 1958 respectively.

The surrounding area is mixed use in character, with commercial uses at ground floor level with the upper levels in predominantly residential use.

The New Waverley mixed-use development is under construction on land to the west of the site leading down to Calton Road.

The surrounding area is mixed use in character, typically with commercial and retail uses at ground floor level with the upper levels in predominantly residential use.

The site is located in the Old Town Conservation Area and Old and New Town of Edinburgh World Heritage Site.

## **Description of the Proposal**

Partial demolition of existing buildings and development of purpose-built student accommodation, ancillary uses and associated infrastructure.

The demolition works involve the following:

- remove the roof, inner walls of the U-plan workshop range and demolish the 1980's office building

The proposed purpose built student accommodation includes the following :

- a four-storey building on the west side constructed in light red, pink-hued brick-cladding with sections of light red concrete at lower levels. Three uniform pitched roofs will be formed constructed in a dark standing seam zinc. The existing boundary walls of the partially demolished workshop range will be incorporated at lower levels.

- a two-storey building on the east side of consistent materials to the above with a pitched roof. The retained 20th century former workshop building will be located on its west side, converted internally for residential use and will be of similar height.
- the third building on the east side will mirror the above materials but differ in the orientation of its dual-pitched roof which will face the east.
- retained boundary walls will incorporate arched openings mirroring the style of those existing on the north side. Larger glazed openings will be constructed on the new build elements.
- an open courtyard will be formed on the east side and a second pedestrian access to the east corner leading to Bowling Green Close.

### **Supporting Information**

- Archaeological Assessment
- Bat Surveys
- Daylight, sunlight and privacy information
- Design and Access Statement
- Geotechnical and environmental assessment report
- Flood Risk Assessment and Surface Water Management plan
- Heritage Statement
- Noise Impact Assessment
- Planning Statement
- Structure Feasibility Statement
- Sustainability Form
- Transport Statement
- Verified Photomontages
- Transport Statement

### **Revised Scheme**

- Size of windows on lower floors of the south elevation of proposed four-storey building (south elevation) increased.
- New windows added to west elevation of proposed four-storey building and scale / form of lower ground floor window altered.

### **Relevant Site History**

19/05837/FUL  
179A Canongate  
Edinburgh

Partial demolition of existing buildings and development of office accommodation and ancillary cafe (as amended).

Granted  
24 March 2020

19/05906/CON  
179A Canongate  
Edinburgh

Partial demolition of existing buildings.  
Granted  
24 March 2020

19/00117/FUL  
179A Canongate  
Edinburgh

Partial demolition of existing buildings and development of Purpose Built Student Accommodation (PBSA) with community space and associated infrastructure  
withdrawn  
17 June 2019

19/00116/CON  
179A Canongate  
Edinburgh

Partial demolition of existing buildings.  
withdrawn  
17 June 2019

18/00523/FUL  
179A & 179B Canongate  
Edinburgh

Demolition of existing buildings and erection of purpose built student accommodation with Class 3 use at ground floor and associated infrastructure.  
withdrawn  
1 May 2018

18/00548/CON  
179A & 179B Canongate  
Edinburgh

Complete Demolition in a Conservation Area.  
withdrawn  
1 May 2018

### **Other Relevant Site History**

No other relevant site history.

### **Pre-Application process**

Pre-application discussions took place on this application.

## Consultation Engagement

Transport Planning

Historic Environment Scotland

Environmental Protection

Archaeology

Edinburgh World Heritage Site

Economic Development

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 12 April 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 29 April 2022;

**Site Notices Date(s):** 26 April 2022;

**Number of Contributors:** 9

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
  
- b) 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):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

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 in the Historic Environment: Setting
- Managing Change in the Historic Environment: Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent

#### *Canongate Tolbooth*

The setting of the Tolbooth is defined mainly by its relationship with the Canongate. The historic focal point of the burgh of Canongate at the top of Tolbooth Wynd. It marks the entrance to the former street and is a key identifier of the skyline. It also occupies a highly visible location in longer view from the north.

The submitted views show the development will be almost entirely screened from the Canongate by existing historic built form.

As evidenced in these views, the development will be visible in the immediate context of Tolbooth Wynd looking southwards.

However, its location on the east side will only screen part of a side gable and it will not disrupt views of this historical asset in any way.

In longer view from elevated points on Calton Hill the development is sufficiently spaced from the Tolbooth to avoid any visual interference.

#### *Canongate Parish Church and Churchyard*

The setting of this church and churchyard is defined by an atypical open space within the comparatively dense urban characteristics of the Canongate.

The submitted views detail the extent of change that will be visible from the Canongate facing north-west to the Tolbooth side gable and open setting of the Courtyard.

A low section of roof will be seen from this area which will have no material impact on the spacious setting of the courtyard and church gables or existing views through this built form.

Similarly, from within the courtyard facing west stone boundary walls are evident with the existing structures on-site in the foreground.

The view has changed through the New Waverley Development and the step down in height proposed to the boundary adjacent to the Churchyard respects its spacious, open setting.

#### *Tenements on Canongate*

The lower scale of buildings and boundary walls at the site allow visibility of tenement properties 183-197 Canongate in longer, elevated views from the north on Calton Hill.

As evidenced in the heritage statement, change has occurred on-site. Historically, the late 19th century gasworks gradually replaced tenement buildings until the works complete expansion.

The evolution of the site has resulted in change to building heights, form and spatial structure. Whilst historical, these changes are evidence the site's relationship with the setting of 183-197 Canongate through time.

In addition, perception of these tenements has altered in longer view from the north through construction of the New Waverley Development.

The proposal largely follows the scale and form of approved office consent reference 19/05837/FUL and the extent of its increased height is shown on submitted verified views.

The proposed development will retain an appropriate level of visibility to the rear elevations of the tenements. The height is largely contained below the roofslope of these building's subsidiary elevation allowing wider appreciation in longer view of the continuous rhythm of its roof slope and clear sight of the Canongate ridge.

#### **Conclusion in relation to the listed building**

In light of the above, the proposal will not be to the detriment of the architectural character, historical interest or overall setting of these listed buildings.

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

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

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

*Demolition and Alterations*

The principle of demolition on-site is covered under the concurrent conservation area consent (application reference: 22/01648/CON).

The extent of down takings is consistent with approved office consent (19/05837/FUL) except for a section of historic boundary wall to the north-east corner which will be retained.

This previous application was assessed against current policy and guidance and is a material consideration in the determination of this application.

Only partial demolition is proposed however, the work requires assessment to determine the level of impact on the group of buildings on-site as a whole.

The site's use and buildings have changed since the 18th century. It formed part of the Magdalene Asylum forecourt and tenement back land areas and laterally incorporated into the New Street gasworks. Historic structures remain on-site and the extent of down takings to these is outlined below:

1. post-medieval fabric in remnant form within the existing structures.
2. 1877-1894 - the first phase of the gasworks use of the site and development of the west section of the site with a large meter testing shop (the U-plan workshop range);
3. 1894-1908 - construction of the small workshop and other ancillary buildings within the eastern part of the site, including an open pipe yard;
4. 1980s - erection of the office building and refurbishment and conversion of the existing buildings on site for office use.

A Heritage Statement and Archaeology and Historic Building Assessment have been submitted with the application which has informed assessment as to the historical value of existing structures on-site.

A large degree of intervention is proposed. The 19th century Gladstone Court Workshop and 1980's office building will be demolished which will change the current U-plan spatial structure onsite. As evidenced in supporting information, this current plan form is not original.

The courtyard building has changed significantly through past extensions, replacement roof and presence of internal workshop structures. The 1980s office refurbishment brought further change, which clearly differs from the original historic structure.

The 1980's office building on the east side of the site is a three-storey brick-clad building with undercroft parking. It appears as a replica of former industrial use on-site through its red-brick exterior, pitched roof form and arched openings.

However, it is not connected to site's historical or industrial past and is of no specific architectural significance. In this regard, it does make a position contribution to the conservation area character and its demolition is acceptable.

Furthermore, the key aspects of historic fabric on-site would be retained. The historic perimeter walls of ranging height on all four sides and the 20th century workshop building to the north.

In regard to the former, a degree of intervention is proposed by inclusion of openings for windows on lower floors. These alterations are appropriately modest in scale, arranged in a consistent position and their mainly their arched form takes cues from the site's industrial past. The larger opening on the west side of the wall is an acceptable compromise to improve the living environment internally.

Part of the boundary wall to be removed at the south-east corner is a modern addition. Its removal will allow enhanced visibility and use of the reclaimed historical setts in the courtyard area.

### *New Development*

The immediate character of the conservation area is mainly a high-density pattern of development. Partly re-built 17th century tenement buildings are evident on Canongate and spacious grounds of the Church Courtyard sit at odds with this prevalent urban form. More recent development is evident too, including the New Waverley Development to the west of the site.

The site's use, buildings and spatial pattern has changed since the 18th century through forming part of the Magdalene Asylum forecourt and tenement back land areas, laterally incorporated into the New Street gasworks and its most recently office use.

This has altered building heights on-site and more recent change is evident in the surrounding area. Most noticeably to the west where new modern development between four and six storeys tall broadly mirrors the higher density, tight urban context of the historic tenement forms fronting Canongate.

The site is similar spaced to this historic townscape as the southern side of New Waverley Development. However, this site context differs slightly with the open spacious grounds of the Churchyard (east) and mainly lower scale of modern residential development (north).

The scale of development responds appropriately to this context.



Longer views of key characteristics in the Old Town Conservation Area are retained including the Canongate Ridge and Tolbooth.

Its height to the eastern side continues the general scale of modern development. However, crucially its height is lower, responding to the downward slope on the Canongate to the east.

Its height enables longer views of the tenement roofscapes to be retained with a clear, visual separation between the old and new development in the skyline.

Furthermore, the step down in scale to the east of the site avoids interfering with the spacious setting of the churchyard and provides an appropriate middling scale to lower modern development to the north.

Its uniform angular pitched roof form takes cues from historic building forms nearby in a similar manner to recent modern development.

The use of red brick is appropriate on this site, as it takes reference from the site's industrial past and the historical structures retained. The use of modern, high-quality materials are appropriate in providing contrast between the old and new aspects of the development. These materials are evident on new development to the west of the site.

Historic Environment Scotland has raised no objections.

### **Conclusion in relation to the conservation area**

The proposal is of an appropriate design, scale and form that will preserve the character and appearance of the conservation area.

Therefore, it is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **c) 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 Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8
- LDP Historic Environment policies Env 1, Env 3, Env 5, Env 6, Env 8, Env 9, Env 16, Env 21
- LDP Housing policy Hou 8
- LDP Transport policies Tra 2, Tra 3, Tra 4

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 4 and Env 6.

### Listed Building and Conservation Area

Policy Env 3 refers to development only being permitted where it is not detrimental to the architectural character, appearance or historic interest of the listed building or its setting.

Policy Env 5 - refers to the demolition of unlisted buildings in conservation areas that make positive contributions only being supportable in exceptional circumstances.

Demolition of any building in a conservation area, will generally only be supportable where a replacement building that enhances or preserves the character of the area is approved.

Policy Env 6 - refers to development preserving the character or appearance of the conservation area.

These aspects have been assessed through section a) of the report.

### World Heritage Site

Policy Env 1 - refers to development which would harm the qualities that justify the inscription of the Old and New Towns, or would have a detrimental impact on a site's setting not being permitted.

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

From elevated views on Calton Hill the development will be proportionate to the scale and massing of buildings in the townscape. This will enable views of the Canongate Ridge to be retained and no adverse impact on the skyline.

It will restore a middle layer of townscape, historically present on-site before the gasworks.

Historic fabric on-site will be retained and restored taking appropriate cues from the site's former industrial character.

The new development is a modern intervention, however its scale, form, materials and detailing is compatible to the surrounding context having no adverse impact on close or distance viewpoints within the Old and New Towns.

Edinburgh World Heritage do not object to the proposals. They refer to changes from the approved consent not materially increasing external impact on aspects of Outstanding Universal Value.

Comment is made on the student use not taking advantage of opportunity to increase the sustainability of the local community.

Whilst student occupation is likely to be more transient than some uses, the site is presently unoccupied. In this regard, it does not currently contribute to these aspects.

The proposal brings a new use to the building and its occupation for residential use will help support local facilities nearby. The student use will not be harmful to the mix of uses evident in the Old Town.

The development will therefore cause no harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with LDP Policy Env 1.

### Principle

Policy Hou 8 - refers to permission being granted for purpose built student accommodation where:

- a) its location is appropriate in terms of access to university or college facilities by walking, cycling or public transport.
- b) states it will not result in an excessive concentration of student accommodation to an extent that would be detrimental to the balance of communities, or established character and residential amenity.

Student Housing Guidance offers further guidance to inform acceptability of student accommodation with specific criteria (a to d) identified.

- a) relates to sharing a boundary or separated only by a road to a main university or college campus
- b) outwith criteria a) student housing will generally be supportable on sites less than 0.25 ha, with consideration given to its cumulative impact and on area's character
- c) is for sites outwith criteria a) and b)
- d) to the delivery of a mix type of accommodation being provided.

The guidance also refers to there being a greater potential for community imbalance where the student population is dominant, exceeding 50%.

### *Location of student housing*

The site has appropriate access to educational facilities via a range of sustainable transport modes.

For example, on foot University of Edinburgh buildings on the south side of Canongate can be accessed via a footway from the entrance at Tolbooth Wynd which links to a zebra crossing. To the south, university buildings on St John's Street, Holyrood Road and Pleasance are between a 3-to-10-minute walk.

Bus stops are in close proximity on Canongate. The Lothian 35 service is located here linking to University of Edinburgh on Forrest Road Napier University at Sighthill and Heriot-Watt University with journey times between 10 to 45 minutes. In addition, a range of bus services are accessible on North Bridge.

The National Cycle Network (NCN) Route 1 can be accessed at the Innocent Railway Path and Meadows to the south and west.

The site has appropriate access to educational facilities via a range of sustainable transport modes.

### *Concentration of student housing*

Based on 2011 census, the student population comprised of approximately 40 % of the total population in a ten-minute walking distance from the site.

Since then, an additional 2,516 student beds have been consented and are operational in this area.

In addition to students, there are a large number of transient uses nearby including hotels and short term lets. It is not possible to be definitive on the proportion of the population that is transient however a relatively high number of visitors may be expected in this city centre location.

This proposal has the potential to marginally increase the percentage of students in the area by around 0.5 %. This would not constitute an excessive concentration.

In light of this, the proposals will not result in an excessive cumulative impact on the concentration of students in the locality to the degree that would be detrimental to maintenance of a balanced community.

The area contains a mix of uses, and the proposal will not be detrimental to the established character or residential amenity.

The proposal is for solely studio rooms therefore does not meet criteria d) of the student housing guidance.

The ground floor includes an open courtyard with seated areas / planters, internal amenity space, two study rooms, a cinema and gym.

The design therefore provides communal amenity space which is of a proportionate scale and quality to encourage interaction between students.

The applicant has also stated the rooms are being targeted at post graduate students who generally have a preference for studio bedrooms. In addition, that due to the site constraints including retained heritage assets there is a requirement for a high level of design efficiency which mitigates against a cluster arrangement.

In this regard, a departure from criteria d) of the guidance is acceptable in this instance.

### Design

Policy Des 1 refers to development creating or contributing to a sense of place based on positive characteristics of the surrounding area.

Policy Des 3 refers to development incorporating existing characteristics and features worthy of retention on site and surrounding area.

Policy Des 4 sets out criteria for development to have a positive impact on the character of the wider townscape and landscape. These include:

- a) height and form
- b) scale and proportions
- c) position of buildings and other features on site
- d) materials and detailing

Policy Des 7 refers to development having a comprehensive and integrated approach to layout of buildings to ensure ease of movement (cycling, walking) within the site and appropriate access to sustainable modes of transport. Open space should be incorporated, and regard had to access for people with limited mobility or special needs.

Policy Des 8 refers to permission being granted for external spaces that have been designed as an integral part of the whole.

The design takes cues from the site's former light industrial character in terms of materials and detailing. It will mainly be constructed in varying shades of light red brick to complement existing brick on-site from previous industrial use. Prefabricated concrete on lower levels will be of similar shade and works well as a simple contrast.

The dark metal roof and windows mirrors use of more modern materials on new development to the west.

The design incorporates existing, positive characteristics of the site with retention of boundary walls and workshop building. The concept draws from the site's historical context with arched window openings at lower levels and pitched roof forms.

The scale relates to the mainly high-density townscape character. It responds appropriately to the immediate historical environment; its height is lower than historic tenements to the north and steps down to the east where the Kirkyard's open courtyard is adjacent.

The layout encourages ease of movement. Level access will be provided for the open courtyard at ground floor, linked to main facilities and site entrances.

An opening will be created to the southern side of the site, linking Gladstone's Court to Tolbooth Wynd. This will connect to new routes to the west created by the New Waverley Development enhancing the site's permeability.

The open courtyard will re-use existing historical setts providing continuity with the surrounding hard landscaping of the historic Old Town. Soft landscaping and seated areas will help enhance the useability and attractiveness of this space.

In light of the above, the design concept draws upon positive characteristics of the site and its surroundings. Its response to scale, form and position is appropriate to the townscape character and will help create a sense of place.

Overall, it complies with LDP policy Des 1, Des 3, Des 4, Des 7 and Des 8.

## Sustainability

Policy Des 6 states permission will be granted for new development where it is demonstrated that:

- a) current carbon dioxide emissions targets have been met
- b) features are incorporated to reduce or minimise environmental resource use.

A sustainability statement has been submitted including a signed carbon reduction declaration to confirm the development will comply with current carbon dioxide emissions targets.

In addition, low and zero carbon emitting equipment is incorporated including Air Source Heat Pumps and cycle storage to encourage use of a sustainable transport mode.

The proposal therefore complies with LDP policy Des 6.

## Amenity

Policy Des 2 - states permission will not be granted for development which will compromise the effective development of adjacent land.

Policy Des 5 - sets out criteria for ensuring occupants have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Furthermore, EDG states that private views are not protected however immediate outlook of the foreground of what can be seen from within a building may be.

In regard to privacy, the guidance states that the pattern of development in an area will help to define appropriate distances between buildings and privacy distances. There may be higher expectations for separation in suburban areas than in historic areas such as the Old Town.

In regard to daylight, the EDG states that the the amount of daylight reaching an external wall is measured by the Vertical Sky Component (VSC). The Council requires this to be more than 27% VSC or 0.8 of its former value.

## **Future Occupiers**

### *Noise*

The Agent of Change Principle clearly places the responsibility for mitigating any detrimental impact from noise on neighbours with those carrying out the new development or operations. The Planning Advice Note on Noise (PAN 1/2011) advocates a pragmatic approach to the location of new development within the vicinity of existing noise generating uses.

The Agent of Change Principle is now enshrined in section 41A of the 1997 Act where:

*a development that is the subject of an application for planning permission is a noise sensitive development if residents or occupiers of the development are likely to be affected by significant noise from existing activity in the vicinity of the development and requires that the planning authority must, when considering under section 37 whether to grant planning permission for a noise sensitive development subject to conditions, take proper account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues or facilities including in particular, but not limited to live music venues or dwellings or businesses in the vicinity of the development, and*

*may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise".*

Environmental Protection has raised concern with regard to potential impact of noise from external condensing units and live music events to the rear of the Tolbooth Tavern public house. In addition, the potential for odours from the pub's extraction system to impact on student's living environment.

A Noise Impact Assessment (NIA) has been submitted to assess impact from these noise sources on habitable windows of the student development.

Rooms along the south and partly east side of the building (28 out of 76) may be impacted by their proximity to the public house. Noise from these sources could result in noise levels in excess of Environmental Protection noise criteria of NR25 with open windows.

To address plant noise, the applicant has been in dialogue with the public house and has proposed replacing the existing condensing units with units of similar size or smaller in the same external location using the same internal routing system. The modern units would be of a design to comply with the relevant noise criteria.

Under Section 41A of the above act, there is an obligation that additional costs shall not be placed on the noise source in regard to acoustic design measures. A suitably negatively worded condition has therefore been applied for the applicant to carry out these replacement works prior to commencement of development on the site subject to this application.

Openings on the south and part of the east side may only be able to achieve internal ambient noise levels with a closed window approach.

In regard to live music, the NIA states that these events from the public house typically occur a limited number of times per year, currently four.

The frequency of these events cannot be controlled under planning.

However, it is recognised there is an existing proximity between the public house and residential property on the Canongate. In addition, the site is in a city centre location where it may be expected there would be a reasonable level of ambient noise from nearby uses.

In these circumstances, it is reasonable and pragmatic to accept an alternate means of mitigation to achieve suitable internal noise levels in these rooms whilst these events take place.

The NIA recommends mechanical means of ventilation to be installed in the affected rooms and specification for standard double glazing to achieve acceptable noise levels internally.

This would allow windows to be shut during these events and rooms to be adequately ventilated by this alternate means.

A condition is therefore recommended, for full details of these mitigation measures as identified in the NIA report to be submitted and approved by the Local Planning Authority. The approved measures shall thereafter be implemented and operational prior to first use of the affected rooms.

Overall, subject to these details as required by condition, noise from adjacent uses could be mitigated to ensure satisfactory occupier amenity.

#### *Daylight and Sunlight*

A daylight analysis has been submitted to assess the levels of light achieved within each habitable room. To achieve the standards of the 'no-skyline' method as set out in the BRE guide, daylight should be able to penetrate at least half-way into each room.

The analysis states 83% of the rooms (63 of 76) will accord with the standards set out in the Edinburgh Design Guidance. Full compliance with the EDG is challenging given the dense site characteristics where taller buildings are in proximity to the south and west.

Rooms that fall below the standard are generally of a good size and have been designed so that the main habitable space with desks are near the window to receive daylight. In addition, the communal amenity and study space at ground floor provide a good level of alternative habitable living space with outlook onto the open courtyard.

The revised scheme has improved levels of daylight internally with the size, number and form of windows on the south and west elevations altered.

The level of compliance with the Edinburgh Design Guidance is acceptable based on the surrounding tight urban context. The design of the development as a whole achieves a reasonable living environment for future occupiers.

The open courtyard provides some external amenity space and the site lies in close proximity to large areas of greenspace including Holyrood Park and Calton Hill.

#### *Privacy and Outlook*

In regard to privacy and outlook it is unreasonable to expect development to achieve distances similar to that found in suburban areas on this tightly constrained site.



As per the above, window to window distances vary from 5 m west to 10 m south with greater distances achieved to the north. The design seeks to minimise direct views between windows and as per the guidance a closer relationship between windows may be expected in historic areas such as the Old Town.

Given the context of the site, the level of outlook and privacy afforded to future occupiers is acceptable.

### *Other Matters*

Environmental Protection have also raised the matter of potential for odours from the pub's extraction system to impact on student's living environment.

The pub's fan grille is located near to the existing condenser unit at ground floor. There is an existing proximity between the grille and residential windows on Canongate to the rear and it is not anticipated that its location would give rise to any unreasonable impact on future occupier's living environment. Implementation of the aforementioned mitigation measures will ensure a satisfactory living environment can be achieved internally.

Environmental Protection have also recommended an informative in regard to the applicant developing a Construction Environmental Management Plan to limit impact on neighbouring residential property during construction activity. These matters would be controlled under legislation separate to planning therefore this informative has not been applied.

Given the site's historic use, a contaminated land condition has been recommended in order to ensure the site is safe and stable for the student use.

### **Neighbouring Occupiers**

In regard to daylight, the EDG states is measured by the Vertical Sky Component (VSC). The council requires this to be 27 % or 0.8 of the former value of daylight.

82% of adjacent windows accord with Vertical Sky Component (VSC) criteria with values of either 0.8 or 27 % achieved.

Windows (15) to the rear of residential property on Canongate fall below the target with resultant values of between 0.67 and 0.79. This degree of impact and level of infringement from the guidance is acceptable based on the high-density characteristics of the townscape.

The additional windows (22) below the target are on the east side of the New Waverley development. The proposal is of lesser height than this facing building and the relationship between these built forms is similar to existing buildings nearby. Openings on this side of this adjacent site are reliant on daylight from their position facing neighbouring land. Given this proximity and the tight urban context the lesser levels of daylight should not unreasonably restrain or compromise this re-development.

In regard to sunlight, some shade will be cast from the development onto the garden space of 18 Tolbooth Wynd. This will be a modest proportion of the overall garden and adequate levels of sunlight will be maintained at the spring equinox in accordance with BRE guidance. No other gardens will be impacted upon.

In regard to privacy, there will be a close relationship (5 m) between new windows on the west side and the facing New Waverley development.

This distance is consistent with the previous office consent where it was accepted based on the tight historic urban context. Windows have generally been positioned to minimise direct, facing overlooking between openings.

Furthermore, openings on this side of the adjacent development are positioned on its site's boundary, reliant primarily on light through facing adjacent land. In this context, it is considered reasonable that their position and proximity to the site should not compromise the effective re-development of this adjacent land.

To the south, the retained distance of 10 m to the rear of Canongate properties is acceptable based on the tight spatial character of the area. To the north, windows do not directly face openings on nearest residential property on Tolbooth Wynd. Distances to all other properties at this side will not result in any material loss of privacy.

### *Noise*

In regard to noise, the student development is compatible with residential uses nearby.

It is recognised that the transient nature of students and additional activity may bring a greater likelihood of noise to the area than that of more permanent residents. However, the site is located in the city-centre where a degree of existing ambient noise can reasonably be expected from day and night-time activity. It is not anticipated that noise from the use will result in any unreasonable impact on neighbouring residents.

### Transport

#### *Cycle Parking*

Policy Tra 3 states permission will be granted where proposed cycle parking and storage complies with standards in Council Guidance.

Edinburgh Design Guidance states student flats should have a minimum cycle provision of 1 space per 1 bed.

Policy Tra 4 refers to design considerations for cycle parking including its location nearer to building entrances than car parking and considerations of council guidance.

EDG states long-stay provision will be required in residential development where focus should be on location, security and weather protection. Short stay should be convenient and accessible - near entrances with preferably step free access.

The cycle fact sheet states that for larger flatted developments long and short stay provision should be provided.

For long-stay cycle parking, a combination of cycle parking and bicycle types will be required. A maximum of 80 % cycle parking should be one type. At least 20 % should be suitable for non-standard bicycles.

It is noted this aspect of the guidance does not refer specifically to student development however these design principles still apply.

The proposal includes 76 long-stay cycle spaces internally at ground floor which complies with Edinburgh Design Guidance standards of one space per one bed.

A range of cycle parking is proposed internally including 40 two-tier cycle racks and 8 Sheffield stands with 20 racks above.

The internal Sheffield cycle stands allow for storage of non-standard bikes including adapted cycles including cycles, tandems, cargo cycles and trailers. Upper tier cycle storage will be hydraulic assisted to ensure ease of use for a range of users.

The design and mix of cycle types complies with guidance in the council's factsheet for flatted developments.

In addition, provision for 10 short-stay cycle spaces is included via 5 Sheffield stands in the open courtyard at ground floor. It's design and location near the building and site entrances is appropriate for its primary use for visitors to the accommodation.

The proposal encourages use of sustainable transport through appropriately designed cycle provision which complies with LDP policy Tra 3 and Tra 4.

### *Car Parking*

Policy Tra 2 states permission will be granted for development where car parking provision complies with and does not exceed parking levels set out in council guidance. Lower provision will be pursued subject to consideration of various factors.

EDG states for student accommodation in Zone 1 there is a maximum car parking provision of 1 space per 20 beds. There is no minimum provision.

No car parking is proposed which is acceptable in this city centre location where the site has good levels of access to public transport, education and local amenities. A transport statement has been submitted where it is anticipated that trips will mainly be by walking.

The proposal discourages reliance on private car use through no car parking provision in a sustainable location which complies with LDP policy Tra 2.

### *Road and pedestrian safety*

Representation has raised the matter of potential safety issues in regard to the new access to the south of the site. This layout is consistent with the previous office consent (reference:19/05837/FUL) on-site. Transport officers have been consulted on the proposal and have raised no objections.

In light of this, no specific road or pedestrian safety issues will occur as a result.

## Archaeology

LDP policy Env 8 states development will not be permitted which would adversely affect important archaeological remains.

LDP policy Env 9 states development will not being granted that will have a significant impact on archaeological features.

The site is located within the historic core of the medieval burgh of Canongate established in the 12th century. The current building comprises various phases of construction with the boundary walls possibly dating back to the post-medieval period (17th/18th centuries).

There are a number of historic buildings including foundations of the Georgian Magdalene Asylum and surviving elements of the Victorian gas-works buildings.

The City Archaeologist has been consulted on the proposal and has referred to the site being of significant archaeological interest.

No objections have been raised to the works subject to submission and approval for a programme of archaeological works (excavation, historic building recording, public engagement, interpretation, analysis & reporting, publication).

This condition has therefore been recommended in the interests of safeguarding archaeological heritage on-site in accordance with LDP policy Env 8 and Env 9.

## Flooding

LDP policy Env 21 states permission will not be granted for development that would increase flood risk.

As identified in the SEPA online flood maps, the site is located near to an area with a medium surface water risk and contains no specific river or coastal flood risk.

The applicant has submitted a surface water management plan and flood risk assessment which have been reviewed by flooding officers.

It is proposed that the existing Scottish Water sewer is diverted or replaced to the southern side of the site and surface water connected to this.

No objections have been received from the Council's Flood Prevention Team subject to Scottish Water's acceptance of the surface water discharge rate and proposed sewer diversion.

The Scottish Water response has confirmed there is capacity to service the development.

The applicant has confirmed that Scottish Water approval of these matters' forms part of the technical audit post consent and an informative has been included in regard to this.

Overall, the proposal has been designed to mitigate potential flood risk and accords with LDP Policy Env 21.

### Biodiversity

LDP policy Env 16 states permission will not be granted for development that would have an adverse impact on protected species.

Due to the location and characteristics of the site bats are the only protected species applicable.

A preliminary roost assessment and bat surveys have been submitted. No evidence of bat roosts has been identified therefore it is considered bats are not a constraint to the development.

The surveys recommend that if work has not begun by the next bat activity period an updated survey should be undertaken. In addition, that checks for nesting birds should be undertaken should work be carried out over during nesting bird season.

The applicant should be mindful of these aspects and informatives have been recommended in regard to these matters.

In light of the above, the proposal complies with LDP policy Env 16.

### Waste

The applicant has confirmed refuse from the development will be subject to commercial collection and separate agreement would be required out with this planning consent on this matter.

### **Conclusion in relation to the Development Plan**

The proposal complies with the Edinburgh Local Development Plan.

It will preserve the character and appearance of the Old Town Conservation Area and will not be detrimental to the architectural character, setting or historical interest of listed buildings

It will not harm the qualities that justify the inscription of a World Heritage Site or its setting.

The student use is compatible with mixed character of this city centre area and will not have an adverse impact on maintenance of a balance community.

The implementation of mitigation measures will safeguard the living environment of future occupiers and in turn prevent limitations on the activities or potential re-development of neighbouring sites. Overall, there will be no unreasonable impact on the amenity of neighbouring residents.

A reduced reliance on car usage is encouraged and promotion of sustainable modes of transport through appropriately designed cycle provision is supported. No specific road or pedestrian safety issues will occur as a result. The proposal minimises environmental resource use and incorporates sustainable features.

**d) 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.

It is a sustainable land use, appropriately located in walking distance to education facilities, local amenities and public transport. The design encourages walking through the site and improves its connectivity.

The scale, form and design protect the historic environment and adjacent historic assets.

Mitigation measures are incorporated to protect the amenity of future occupiers and safeguard adjacent development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet 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

Under Section 149 - Public Sector Equality Duty of the Equality Act 2010, a 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. Protected characteristics include disability and age.

The layout of the site is accessible for a range of future occupiers.

The upper ground floor will be excavated to form a consistent level with courtyard access via Old Tolbooth Wynd. Key facilities and the lift are near building entrances ensuring access to upper floors for all users without requirement to use stairs.

The new, additional pedestrian route to the south-east corner will be stepped only. The applicant has highlighted the existing challenges of the site with the floor level at Gladstone Court an approximate 1.5 m higher than the main courtyard adjacent to Old Tolbooth Wynd.

The steps are necessary to resolve the change in level between Gladstone's Court and the main part of the public space without compromising the size, quality or historic value of this open setted space.

Overall, the building design and external layout provides a significant betterment from the existing level of accessibility on-site.

Due regard has been given to section 149 of the Equalities Act 2010. The proposal complies with the provisions of the Equality Act 2010.

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

Nine objections (including the Old Town Community Council) and 3 neutral comments (inc. Cockburn Association) have been received.

A summary of these representations is provided below:

#### *material considerations*

Adverse impact on composition of area: Addressed

- Impact on listed buildings: Addressed in section a)
- Impact on character and appearance of the Conservation Area: Addressed in section b)
- Impact on longer views of historic assets: Addressed in section a) and b) - Conservation Area and Listed Buildings
- Pedestrian access and safety: Addressed in section c) - Transport
- Impact of students on local community: Addressed in section c) - Land Use
- Impact on residential amenity (noise, privacy, private views Calton Hill) - Addressed in section c) Amenity
- Impact on waste: Addressed in
- Proposals are contrary to relevant policy and guidance: Addressed through the above report

#### *non-material considerations*

- Potential future use of building
- Alternative scheme for residential
- Use of building in summer months
- Need for student housing
- Previous applications

## **Conclusion in relation to identified material considerations**

It is located in a sustainable location as it is accessible by bus services in close walking distance to the site.

The scale, form and design protect the historic environment and the amenity of existing development.

The design has regard to improving the site's accessibility for all users.

In light of the above, the proposals do not raise any issues in relation to other material considerations identified.

## **Overall conclusion**

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan.

It will preserve the character and appearance of the Old Town Conservation Area and will not be detrimental to the architectural character, setting or historical interest of listed buildings.

It will not harm the qualities that justify the inscription of a World Heritage Site or its setting.

The student use is compatible with mixed character of this city centre area and will not have an adverse impact on maintenance of a balance community.

The implementation of mitigation measures will safeguard the living environment of future occupiers and in turn prevent limitations on the activities or potential re-development of neighbouring sites. Overall, there will be no unreasonable impact on the amenity of neighbouring residents.

A reduced reliance on car usage is encouraged and promotion of sustainable modes of transport through appropriately designed cycle provision is supported. No specific road or pedestrian safety issues will occur as a result. The proposal minimises environmental resource use and incorporates sustainable features.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

Other material considerations support the presumption to grant planning permission.



## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Conditions:-

1. No development shall start on site until:
  - a) details for replacement condensing unit/s on the west facade of the Tolbooth Tavern, as identified in the submitted Noise Impact Assessment Report reference 22102-R01-G, dated 8 June 2022, have been submitted by the applicant and approved in writing by the Local Planning Authority and
  - b) the existing condensing unit/s have been removed and replaced with the approved condensing unit/s by the applicant as per the details set out in section a.
2. Prior to the commencement of development full details and specification of the proposed ventilation strategy and glazing identified in the submitted Noise Impact Assessment Report, reference 22102-R01-G, dated 8 June 2022, shall be submitted to and approved by the Local Planning Authority.

The approved details shall be implemented and operational prior to occupation of all affected rooms identified in the above report.

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

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

4. No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building recording, public engagement, interpretation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. 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.

6. A schedule of stonework/brickwork repairs, including the reconfiguration/formation of window surrounds, shall be submitted to and approved in writing by the Planning Authority before downtaking work commences on site.

**Reasons:-**

1. In order to ensure the adequate implementation of details to safeguard the living environment of future occupiers and to safeguard the operations of nearby uses.
2. In order to ensure the adequate implementation of details to safeguard the living environment of future occupiers and prevent limitations on the activities of nearby uses.
3. In order to ensure the site is made safe for the proposed use.
4. In order to safeguard the interests of archaeological heritage.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to safeguard the character of the conservation area.

**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. In accordance with the Council's City Mobility Plan policy, the applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
5. Any works affecting adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits

:

[http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point).

6. Works should be undertaken between October to February outwith the nesting bird season. If this is not possible, a nesting bird check should be undertaken by a suitably qualified ecologist prior to works commencing and declared clear of nesting birds before work starts.
7. The applicant is required to gain Scottish Water's approval as part of the post development technical audit.
8. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

### **Further Information - Local Development Plan**

**Date Registered: 31 March 2022**

### **Drawing Numbers/Scheme**

01-08, 09 B, 10 A- 13 A, 14-25, 26 B, 28 A

Scheme 2

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

Contact: Lewis McWilliam, Planning Officer  
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## Appendix 1

### Summary of Consultation Responses

NAME: Transport Planning  
COMMENT: No objections.  
DATE: 21 April 2022

NAME: Historic Environment Scotland  
COMMENT: No objections.  
DATE: 4 May 2022

NAME: Environmental Protection  
COMMENT: Objects to the proposal due to a poor living environment for some future occupiers.  
DATE: 29 July 2022

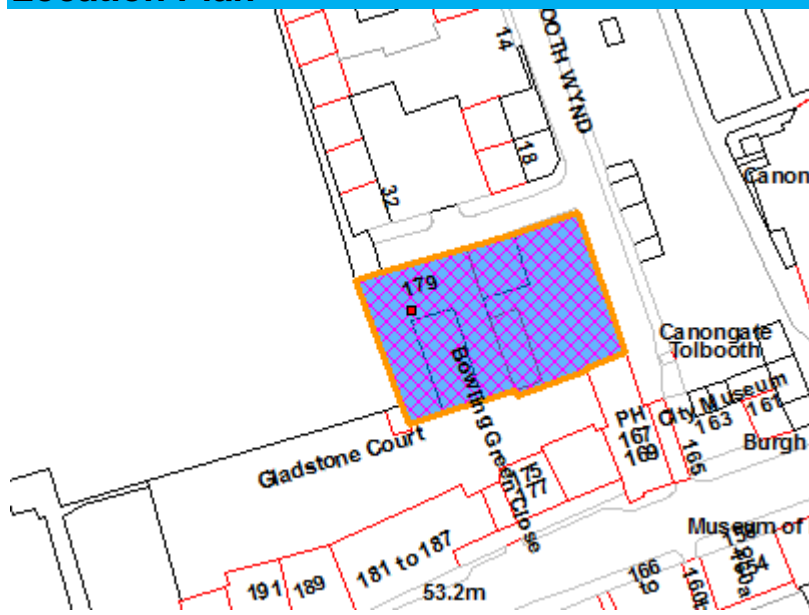
NAME: Archaeology  
COMMENT: No objections subject to condition for a programme of archaeological works to be submitted.  
DATE: 28 April 2022

NAME: Edinburgh World Heritage Site  
COMMENT: No objections.  
DATE: 21 July 2022

NAME: Economic Development  
COMMENT: No objections raised. The economic impact of the redevelopment is not expected to be significant either way.  
DATE: 21 April 2022

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 17 August 2022**

**Application for Conservation Area Consent  
179A Canongate, Edinburgh,**

**Proposal: Partial demolition of existing buildings (as amended).**

**Item – Committee Decision  
Application Number – 22/01648/CON  
Ward – B11 - City Centre**

### **Reasons for Referral to Committee**

This application for conservation area consent has been referred to the Development Management Sub-Committee as the works are linked to a concurrent planning application which must be determined by this committee under the Council's Scheme of Delegation.

### **Recommendation**

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

### **Summary**

The partial demolition of the existing buildings is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, interim HES policy and guidance.

## **SECTION A – Application Background**

### **Site Description**

The proposal site is located on the north side of the Canongate, accessed via a path paved in historic setts through an arched opening in Bowling Green Close.

This south side has large, arched timber doors set within historic high-brick boundary walls marking the entrance to the site.

Inside, the path leads to a group of low-lying buildings on the west half including former red brick workshops with pitched slate roofs originally constructed between 1877 and 1893. These formed part of the last development phase of the New Street Gasworks expansion; operational from 1817 to 1906 and are now largely demolished.

The north elevation of the range incorporates a rubble retaining wall which was formerly part of a basement wall fronting the Magdalene Asylum, built in 1806 and demolished around 1870.

There is a small, early 20th century workshop in the east half of the site bordering the main workshops. South of this, is a 1980's three-storey red brick former building with an undercroft parking. This building formed part of previous office use on-site which included refurbishment and conversion of the workshops.

These buildings face an open courtyard comprising the remainder of the site. It is paved in historic setts which lead to the eastern entrance onto Old Tolbooth Wynd, a sloped street connected to Canongate at the top and Calton Road at the bottom.

The site is bordered on four sides by high brick-boundary walls facing the street primarily constructed as part of the site's previous industrial use. The south-east corner of this boundary is a modern addition.

The site's footprint is 974 square metres.

A number of listed buildings are in proximity.

#### *Category A Listed*

- Canongate Tolbooth at 163 Canongate, adjoining the south boundary wall of the site (LB reference 27582, listed 14 December 1970) dating from 1591;
- Canongate Parish Church and Churchyard to the east of the site (LB references 26823 and 26836, listed 14 December 1970) dating from 1688-90;

#### *Category B Listed*

- tenements at 183-187 and 189-191 Canongate to the south-west of the site (LB references 28434 and 28435, listed on 14 December 1970), dating from the later 17th century and predominantly rebuilt in 1956-7; and

#### *Category C Listed*

- tenements at 191-193 and 195-197 Canongate to the south-west of the site (LB references 28436 and 28437, listed on 14 December 1970) dating from the 17th century (rebuilt in 1956) and 1958 respectively.

The surrounding area is mixed use in character, with commercial uses at ground floor level with the upper levels in predominantly residential use.

The New Waverley mixed-use development is under construction on land to the west of the site leading down to Calton Road.



The site is located in the Old Town Conservation Area and Old and New Town of Edinburgh World Heritage Site.

### **Description of the Proposal**

Partial demolition of existing buildings

The demolition works involve the following:

- remove the roof, inner walls of the U-plan workshop range and demolish the 1980's office building

### **Supporting Information**

- Archaeological Assessment
- Design and Access Statement
- Heritage Statement
- Planning Statement
- Structure Feasibility Statement
- Verified Photomontages

### **Revised Scheme**

A concurrent application for planning permission has been submitted for partial demolition of existing buildings and development of purpose-built student accommodation, ancillary uses and associated infrastructure (application reference 22/01647/FUL). The following revisions have been made:

- Size of windows on lower floors of the south elevation of proposed four-storey building (south elevation) increased.
- New windows added to west elevation of proposed four-storey building and scale / form of lower ground floor window altered.

No changes to the proposed down takings have been made.

### **Relevant Site History**

19/05906/CON  
179A Canongate  
Edinburgh

Partial demolition of existing buildings.  
Granted  
24 March 2020

19/05837/FUL  
179A Canongate  
Edinburgh

Partial demolition of existing buildings and development of office accommodation and ancillary cafe (as amended).

Granted

24 March 2020

19/00117/FUL  
179A Canongate  
Edinburgh

Partial demolition of existing buildings and development of Purpose-Built Student Accommodation (PBSA) with community space and associated infrastructure  
withdrawn

17 June 2019

19/00116/CON  
179A Canongate  
Edinburgh

Partial demolition of existing buildings.

withdrawn

17 June 2019

18/00570/LBC  
179A & 179B Canongate  
Edinburgh

Potential that the southern boundary wall of application site, or part thereof, is included in listing of adjacent category A listed 167-9 Canongate (Tolbooth Tavern). The gable end to Tavern's beer cellar forms part of boundary to development site. This will remain untouched + in situ. It is unclear whether continuation of boundary from this gable, running west + north along Old Tolbooth Wynd is also part of listing.

withdrawn

1 May 2018

18/00548/CON  
179A & 179B Canongate  
Edinburgh

Complete Demolition in a Conservation Area.

withdrawn

1 May 2018

18/00523/FUL  
179A & 179B Canongate  
Edinburgh

Demolition of existing buildings and erection of purpose-built student accommodation with Class 3 use at ground floor and associated infrastructure.

withdrawn

1 May 2018

99/01119/CON

Gladstone Court,

179 Canongate

Edinburgh

EH8 8BN

Demolish existing derelict store & erect two storey office building with covered parking

Granted

7 August 2000

99/01119/FUL

Gladstone Court

179 Canongate

Edinburgh

EH8 8BN

Demolish existing derelict store and erect two storey office building with covered parking beneath (as amended)

Granted

13 July 2000

98/02579/FUL

179A Canongate

Edinburgh

EH8 8BN

Proposal for additional windows at high level at the rear of the building to match existing windows

withdrawn

2 February 1999

### **Other Relevant Site History**

No other relevant site history.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Historic Environment Scotland

Archaeology

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** Not Applicable

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 29 April 2022;

**Site Notices Date(s):** 26 April 2022;

**Number of Contributors:** 2

## Section B - Assessment

### Determining Issues

Consent is required because section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act") states that in making a decision on the demolition of a building in a conservation area section 6 to 25 of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings. The proposals therefore require to be assessed in terms of Section 64 of the 1997 Heritage Act:

Having due regard to HES Policy and guidance, does the proposed demolition conflict with the objective of preserving or enhancing the character or appearance of the conservation area?

- If the proposals do comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

### Assessment

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

#### a) Demolition of buildings and replacement development

Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in making a decision on the demolition of a building in a conservation area, certain provisions of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings.

Historic Environment Scotland's Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (April 2019) outlines criteria to assess the acceptability of the demolition of unlisted buildings within conservation area, including:

- the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site;

- if the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated;
- where demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult, consent to demolish should be given only where there are acceptable proposals for the new building.

### *Partial Demolitions*

The extent of downtakings is consistent with approved office consent (19/05837/FUL) on-site except for a section of historic boundary wall to the north-east corner which will be retained.

This previous application was assessed against the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, relevant policy and guidance. It is therefore a material consideration in determination of this conservation area consent application.

Only partial demolition is proposed however, the work requires assessment to determine the level of impact on the group of buildings on-site as a whole.

The site's use and buildings have changed since the 18th century. It formed part of the Magdalene Asylum forecourt and tenement back land areas and laterally incorporated into the New Street gasworks. Historic structures remain on-site and the extent of down takings to these is outlined below:

1. post-medieval fabric in remnant form within the existing structures.
2. 1877-1894 - the first phase of the gasworks use of the site and development of the west section of the site with a large meter testing shop (the U-plan workshop range);
3. 1894-1908 - construction of the small workshop and other ancillary buildings within the eastern part of the site, including an open pipe yard;
4. 1980s - erection of the office building and refurbishment and conversion of the existing buildings on site for office use.

A Heritage Statement and Archaeology and Historic Building Assessment have been submitted with the application which has informed assessment as to the historical value of existing structures on-site.

A large degree of intervention is proposed. The 19th century Gladstone Court Workshop and 1980's office building will be demolished which will change the current U-plan spatial structure onsite. As evidenced in supporting information, this current plan form is not original.

The courtyard building has changed significantly through past extensions, replacement roof and presence of internal workshop structures. The 1980s office refurbishment brought further change, which clearly differs from the original historic structure.

The 1980's office building on the east side of the site is a three-storey brick-clad building with undercroft parking. It appears as a replica of former industrial use on-site through its red-brick exterior, pitched roof form and arched openings.

However, it is not connected to site's historical or industrial past and is of no specific architectural significance. In this regard, it does make a position contribution to the conservation area character and its demolition is acceptable.

#### *Retention, restoration and conversion*

Furthermore, the key aspects of historic fabric on-site would be retained. The historic perimeter walls of ranging height on all four sides and the 20th century workshop building to the north.

The value of retaining this historic fabric on-site was summarised as part of approved conservation area consent reference 19/05906/CON as per the below:

*The workshop is a distinct and intact, beige brick constructed, building with an interesting, ventilated roof structure and the east boundary wall is intriguing in form comprising two distinct parts. The lower half of the wall is part of an earlier sandstone boundary wall, and the upper section is of brick construction with three sets of three semi-circular blind openings with yellow brick infills. These remaining elements have qualities that the parts to be removed lack in terms of architectural integrity and/or intrinsic historic and architectural interest. They also encapsulate the essence of the group of buildings and structures on the site, both as a physical record of the key development phases of the site and as an eclectic collection of remnants which work together as a unique whole.*

In regard to the boundary walls, a degree of intervention is proposed by inclusion of openings for windows on lower floors. These alterations are appropriately modest in scale, arranged in a consistent position and their mainly their arched form takes cues from the site's industrial past. This is a sympathetic change as part of the conversion works.

In addition, part of the boundary wall to be removed at the south-east corner is a modern addition. Its removal will allow enhanced visibility and use of the reclaimed historical setts in the courtyard area.

#### *New Development*

The HES interim guidance and the similar advice in LDP Policy Env 5 (Conservation Areas - Demolition) sets out that consent should generally only be given where there are acceptable proposals for the new building.

The immediate character of the conservation area is mainly a high-density pattern of development. Partly re-built 17th century tenement buildings are evident on Canongate and spacious grounds of the Church Courtyard sit at odds with this prevalent urban form. More recent development is evident too, including the New Waverley Development to the west of the site.

The site's use, buildings and spatial pattern has changed since the 18th century through forming part of the Magdalene Asylum forecourt and tenement back land areas, laterally incorporated into the New Street gasworks and its most recently office use.

This has altered building heights on-site and more recent change is evident in the surrounding area. Most noticeably to the west where new modern development between four and six storeys tall broadly mirrors the higher density, tight urban context of the historic tenement forms fronting Canongate.

The site is similar spaced to this historic townscape as the southern side of New Waverley Development. However, this site context differs slightly with the open spacious grounds of the Churchyard (east) and mainly lower scale of modern residential development (north).

The scale of development responds appropriately to this context.

Longer views of key characteristics in the Old Town Conservation Area are retained including the Canongate Ridge and Tolbooth.

Its height to the eastern side continues the general scale of modern development. However, crucially its height is lower, responding to the downward slope on the Canongate to the east.

This enables longer views of the tenement roofscapes to be retained with a clear, visual separation between the old and new development in the skyline.

Furthermore, the step down in scale to the east of the site avoids interfering with the spacious setting of the churchyard and provides an appropriate middling scale to lower modern development to the north.

Its uniform angular pitched roof form takes cues from historic building forms nearby in a similar manner to recent modern development.

The use of red brick is appropriate on this site, as it takes reference from the site's industrial past and the historical structures retained. The use of modern, high-quality materials is appropriate in providing contrast between the old and new aspects of the development. These materials are evident on new development to the west of the site.

Historic Environment Scotland have been consulted on the proposals and have stated they do not anticipate any major impacts on the historic environment issues of national significance therefore do not object.

## **Conclusion in relation to demolition and replacement development**

The partial demolition of the existing buildings is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Overall, it complies with Historic Environment Scotland policy and guidance.

### **b) The proposals harm the character or appearance of the conservation area?**

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

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

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

The degree of demolition to the existing structures will not undermine the unique qualities of this historic site or surrounding historic environment.

The proposals for the redevelopment of the site are recommended for approval under application 22/01647/FUL. The new development in scale, form and design is appropriate to the site, the wider context and will be a positive addition to the conservation area.

## **Conclusion in relation to the conservation area**

The proposal is acceptable with regard to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Overall, it complies with Historic Environment Scotland policy and guidance as it will preserve the character and appearance of the conservation area.

### **c) There are any other matters to consider?**

The following material planning considerations have been identified:

#### Archaeological remains

The site is located within the historic core of the medieval burgh of Canongate established in the 12th century. The current building comprises various phases of construction with the boundary walls possibly dating back to the post-medieval period (17th/18th centuries).

There are a number of historic buildings including foundations of the Georgian Magdalene Asylum and surviving elements of the Victorian gas-works buildings.



The City Archaeologist has been consulted on the proposal and has referred to the site being of significant archaeological interest.

No objections have been raised to the works subject to submission and approval for a programme of archaeological works (excavation, historic building recording, public engagement, interpretation, analysis & reporting, publication).

This condition has therefore been recommended in the interests of safeguarding archaeological heritage on-site.

### Equalities and human rights

Under Section 149 - Public Sector Equality Duty of the Equality Act 2010, a 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. Protected characteristics include disability and age.

This application is for conservation area consent only and does not engage any significant equality issues. This matter has been assessed further in relation to the replacement scheme as part of the concurrent planning application.

In addition, due regard has been given to section 149 of the Equalities Act 2010. The proposal complies with the provisions of the Equality Act 2010.

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

Two objections have been received. A summary of these representations is provided below:

#### *material considerations*

- -Impact on character and appearance of the Conservation Area: Addressed in section a) and b)
- -Impact on longer views of historic assets: Addressed in section a) and b)
- -Proposals are contrary to relevant policy and guidance: Addressed through the above report
- -Previous applications: These are material considerations however each case is assessed on its own merits.

#### *non-material considerations*

- Pedestrian access and safety: Assessed under concurrent planning application.
- Impact of students on local community : Assessed under concurrent planning application.
- Impact on residential amenity (noise, privacy, private views Calton Hill) - Assessed under concurrent planning application.
- Impact on waste : Assessed under concurrent planning application.

- Potential future use / demand for building : This matter cannot materially be assessed under this conservation area consent application.
- Alternative schemes : This matter cannot materially be assessed under this conservation area consent application.

### **Conclusion in relation to other matters considered**

The proposals do not raise any concerns in relation to other material considerations identified.

### **Overall Conclusion**

The partial demolition of the existing buildings is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, interim HES policy and guidance.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions:-**

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

### **Reasons:-**

1. In order to safeguard the interests of archaeological heritage.

### **Informatives**

It should be noted that:

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

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - Local Development Plan**

**Date Registered: 31 March 2022**

**Drawing Numbers/Scheme**

01, 03 - 08

Scheme 1

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

Contact: Lewis McWilliam, Planning Officer  
E-mail: [lewis.mcwilliam@edinburgh.gov.uk](mailto:lewis.mcwilliam@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No objections.

DATE: 20 April 2022

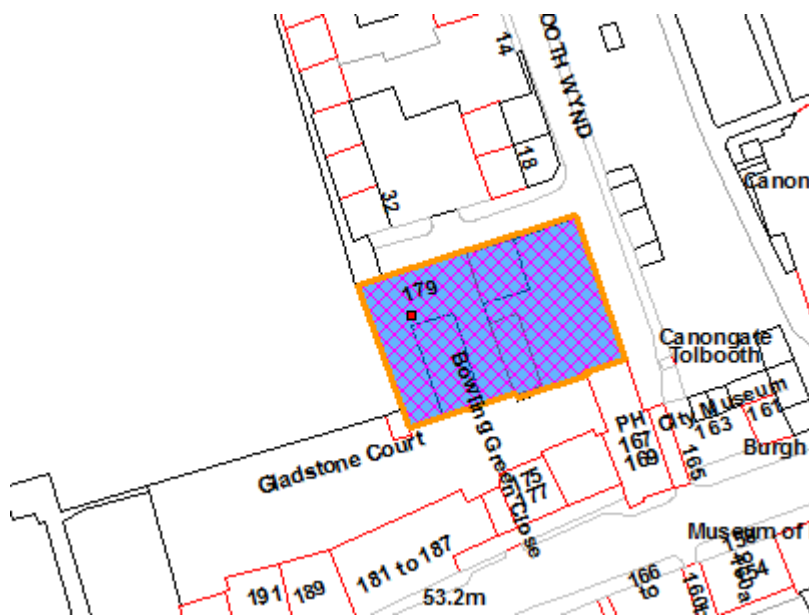
NAME: Archaeology

COMMENT: No objections subject to condition.

DATE: 18 July 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

### Location Plan



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