

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 21st September, 2022

Dean of Guild Court Room - City Chambers / Microsoft Teams

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

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1. Order of business

1.1 Order of Business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Friday 16 September** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

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

3. Minutes

3.1	Minutes of Previous Meeting of Development Management Sub-Committee of 10 August 2022 – submitted for approval as a correct record	9 - 24
3.2	Minutes of Previous Meeting of Development Management Sub-Committee of 17 August 2022 – submitted for approval as a correct record	25 - 34
3.3	Minutes of Previous Meeting of Development Management Sub-Committee of 24 August 2022 – submitted for approval as a correct record	35 - 40

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

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

Pre-Applications

4.1	Report for forthcoming application by Scottish Widows Unit Trust Managers Ltd. for Proposal of Application Notice at 15 Dalkeith Road, Edinburgh, EH16 5BH - The selective demolition, adaptation, extension and upgrading of a Class 4 office building, demolition of car park and ancillary buildings, and the proposed development of standalone residential accommodation with associated landscaping, parking and infrastructure - application no. 22/02659/PAN - Report by the Chief Planning Officer	41 - 48
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Applications

4.2	58 Gogarloch Road (Land 39 metres west of), South Gyle - application no. 22/02375/FUL - Report by the Chief Planning Officer	49 - 60
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It is recommended that this application be **REFUSED**.

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| 4.3 | 43 Northumberland Street, Edinburgh - Construct new residential mews incorporating part of existing boundary wall - application no. 22/01348/FUL - Report by the Chief Planning Officer | 61 - 78 |
| It is recommended that this application be GRANTED . | | |
| 4.4 | 43 Northumberland Street, Edinburgh - Alter existing boundary wall to incorporate it into new residential mews building - application no. 22/01345/LBC - Report by the Chief Planning Officer | 79 - 88 |
| It is recommended that this application be GRANTED . | | |
| 4.5 | 98 Ocean Drive (Ocean Terminal), Edinburgh - Part demolition of existing shopping centre, remodelling and re-facing of facade to provide reconfigured commercial units (Class 1/2/3) at ground floor level, reconfigured visitor attraction space (Class 10) and potential co-working office space (Class 4), commercial units (Class 1/2/3) and/or leisure uses (Class 11) on upper floors, relocation of access bridge to Royal Yacht Britannia, temporary landscaping on the cleared site, and associated works - application no. 22/01372/FUL - Report by the Chief Planning Officer | 89 - 110 |
| It is recommended that this application be GRANTED . | | |

5. Returning Applications

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

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| 5.1 | 126 - 130 Raeburn Place, Edinburgh - Section 42 Application seeking variation to condition No.9 of Planning Permission 12/03567/FUL, to allow the use of acoustic glazing on the elevation fronting onto Comely Bank Road - application no. 21/01222/FUL - Report by the Chief Planning Officer | 111 - 112 |
| It is recommended that this application be GRANTED . | | |

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| 5.2 | Scotstoun Avenue (at Former Agilent Technologies), South Queensferry - Residential development comprising 16 flats with associated car and cycle parking, infrastructure and landscaping (as amended) - application no. 21/00518/FUL - Report by the Chief Planning Officer | 113 - 116 |
| <p>It is recommended that this application be REFUSED.</p> | | |

6. Applications for Hearing

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

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| 6.1 | 17 Mcleod Street (Former Tynecastle High School), Edinburgh - application nos. 21/04469/FUL, 21/05152/FUL and 21/04468/LBC - Protocol Note by the Chief Executive | 117 - 120 |
| 6.2 | 17 Mcleod Street (Former Tynecastle High School), Edinburgh - Partial demolition, change of use and new build to form student residential development and community facilities with associated infrastructure, landscaping, and access (as amended) - application no. 21/04469/FUL - Report by the Chief Planning Officer | 121 - 146 |
| <p>It is recommended that this application be GRANTED.</p> | | |
| 6.3 | 17 Mcleod Street (Former Tynecastle High School), Edinburgh - Proposed alterations to land to provide landscaping and planting beds as part of a community garden - application no. 21/05152/FUL - Report by the Chief Planning Officer | 147 - 156 |
| <p>It is recommended that this application be GRANTED.</p> | | |
| 6.4 | 17 Mcleod Street (Former Tynecastle High School), Edinburgh - Selective demolitions to enable adaptation of original school building to long-term future use including preservation of essential special architectural and historic interest of the listed building and its setting (as amended)- application no. 21/04468/LBC - Report by the Chief Planning Officer | 157 - 168 |

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

7. Applications for Detailed Presentation

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

- 7.1** St James Square (Proposed Festival Event Space at), Edinburgh 169 - 182
- Erection of temporary structures and enclosures, including
Spiegeltent and bar, and other associated works to facilitate use
of St James Square as an external events space - application no.
22/02035/FUL - Report by the Chief Planning Officer

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

8. Returning Applications Following Site Visit

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

- 8.1** 30 Canaan Lane (land to rear of), Edinburgh - New dwelling and 183 - 194
driveway (amendment to 18/04505/FUL) - application no.
21/05402/FUL - Report by the Chief Planning Officer

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

Nick Smith

Service Director – Legal and Assurance

Committee Members

Councillors 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

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

Further information

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

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

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Minutes

Development Management Sub-Committee of the Planning Committee

2.00 pm, Wednesday 10 August 2021

Present:

Councillors Osler (Convener), Beal, Booth, Cameron, Dalglish, Gardiner, Hyslop, Jones, McNeese-Mechan, Mowat and O'Neill.

1. 14 Muirhouse Parkway (Silverlea Old Peoples Home), Edinburgh

At its meeting of 12 January 2022, the Development Management Sub-Committee agreed to continue consideration of application 21/05056/FUL - Silverlea Old Peoples Home, 14 Muirhouse Parkway, Edinburgh, to allow for a site visit and a hearing.

Due to an error in the publication of the Pre-application Consultation (PAC) report, interested parties were re-notified of the planning application on the 15th of June 2022 and the application was readvertised on the 24th of June 2022.

On 9 February 2022, planning permission was granted for a proposed football pavilion, changing rooms and clubhouse and associated development for Craigroyston Community Football Club (to replace the existing facilities within the south eastern part of the site) at 25 Marine Drive, EH4 5EJ (planning application ref.21/05175/FUL).

(a) Report by the Chief Planning Officer

The proposal was for the construction of 142 affordable flatted residences (100% of the proposed units) comprising: (i) five blocks of four-storey flats; (ii) a single two-storey block of flats; (iii) four two-storey and attic rectangular plan terraces of colony flats. The colony blocks contained a total of 48 flats. The split between the private and affordable was as follows:

Accommodation CEC(social rent) Mid-market rent Blackwood HA CEC Health				
schedule	Living)	(Edinburgh (social rent) care	& social	
1 bedroom	16	23	0	0
2 bedroom	36	20	19	4
3 bedroom	16	8	0	0
Total	68	51	19	4

Total no units 142

The two flatted blocks located on the southern part of the site front southwards over an area of communal private open space onto Muirhouse Parkway. The rest of the flatted blocks, all of which were positioned to the north of the frontage blocks, had a north-south alignment and their windows had an east-west orientation. The colony blocks were located in the north eastern part of the site. The majority of them had a north-south alignment and their windows an east-west orientation.

A two-storey energy centre building housing air source heat pumps was located at a point on the west part of the site between two of the proposed flatted buildings.

The design of all flatted buildings was contemporary. The roof of the flatted blocks was flat and photo voltaic (PV) panels were mounted on them. All of the colony blocks had pitched roofs clad in dark grey roof tiles. The external wall material was facing brick. The framing of windows and external doors were grey in colour.

Vehicular access would be taken from Muirhouse Parkway from a point in the middle of the south boundary of the site.

The principal road within the proposed development was a north - south aligned road. Parallel to and along the length of the principal road was a 3.5 metres wide shared cycleway/footway which was separated from the road by a linear open swale. Accessed off that principal road was a one-way loop road from which the colony blocks would be accessed.

The proposal included 36 car parking spaces (25%) which included 27 standards bays and 9 disabled bays (25% of proposed parking). One in every six parking bays was to be equipped for electric vehicles. The car parking was interspersed with landscape pockets of tree planting.

An underground refuse storage (URS) solution was proposed. There were seven URS points dispersed within the layout. URS systems were designed to be lifted by crane lift refuse collection vehicles.

It was proposed to provide 200% cycle parking which would be contained within a mixture of cycle stores integral to flatted blocks and detached cycle stores adjacent to flatted blocks. The proposal included 4 health and social care units and 23 Blackwood Homes and care units which did not require cycle parking. However, the latter would have a large store for the housing of electric scooters (which would also allow for some bikes should circumstances arise).

A communal open space was proposed roughly in the centre of the site in the vicinity of an existing grouping of trees. It included a children's play area.

The northern part of the proposed residential development was on green belt land. An area of land within the green belt on the northern part of the site, located between the proposed residences and the existing football pitches, was to be recontoured as a green open space.

Sustainable urban drainage (SUDS) included a combination of: (i) two swales running north-south; (ii) "blue-green" roofs to all flat roofed blocks, which provided water storage; (iii) A sunken "storm garden" adjacent to blocks 8 and 9 designed to flood in times of extreme rainfall whilst also functioning as an equipped children's play area; and (iv) supplementary areas of porous paving.

There was a grouping of small, dilapidated cabins located in the south east corner of the site adjacent to Muirhouse Parkway, which were presently used as club house and changing facilities for Craigroyston Community Youth Football Club. These were to be demolished to facilitate the proposed development. A replacement football pavilion, club house and changing facilities and associated car parking and access road off Marine Drive, for Craigroyston Community Youth Football Club, was proposed on the northern extremity of the site. These proposals were the subject of separate application 21/05056/FUL which stood to be determined on its own merits.

Supporting Statements:

- Planning Statement;
- Pre-Application Consultation Report;
- Design and Access Statement;
- Transport Assessment;
- Sustainability Statement;
- Topographical information;
- Tree survey assessment and tree constraints plan;
- Landscape and Visual Impact Assessment;
- Drainage Strategy and flood risk assessment;
- Ecological assessment Report;
- Noise Impact Assessment;
- Site Investigation;
- Archaeological Desk Based Assessment;
- Waste strategy;
- Sun path diagrams.

These documents were available to view on the Planning and Building Standards Online Services.

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

[Development Management Sub-Committee - Wednesday, 10th August 2022 at 2:00pm - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(b) Muirhouse and Salvesen Community Council

In the absence of a representative from the Community Council, the Committee Services Clerk read out the following statement: “The Muirhouse and Salvesen Community Council had no reservations with the planning application and welcomed the addition of more social housing in an area that desperately needed it. Edinburgh as a whole needed more social housing and in particular three-bedroom properties.”

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

[Development Management Sub-Committee - Wednesday, 10th August 2022 at 2:00pm - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(c) Mr Colin Dudgeon

Colin Dudgeon addressed the Development Management Sub-Committee. Mr Dudgeon advised that he had lived with my wife and two sons and had been a resident in North Edinburgh his entire life. He was a founding member of Craigroyston Community Youth Football Club, which provided activities for hundreds of kids from the local community. Regarding the proposed development, for the last 13 years, the area had been a target of vandals and anti-social behaviour. This had become worse since the case since the closure and demolition of Silverlea Old Peoples Home in 2017/2018. People were taking advantage of that by carrying out extensive fly-tipping and businesses contractors were regularly using it as a dumping site for waste materials. As the only occupants of the Silverlea Site, the burden fell upon them to report it to the relevant authorities or remove it themselves, or with the help of volunteers.

Mr Dudgeon stated that there was also vandalism to the trees around the site, danger to wildlife and danger to the kids that came to the football club. It was also possible that fire raising could spread to properties. They were supporting the project, because they believed that if the housing development took place, then the presence of residents would help prevent these types of incidents and the damage being done to the environment itself would also diminish. They felt that with the housing and sports development, it would become a proper community hub. The present situation could not continue. Significantly, the problems of anti-social behaviour were much less when the Old Peoples Home was in existence, with people coming and going. Therefore, the sooner there was housing and residents back in their area, the better it would be.

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

[Development Management Sub-Committee - Wednesday, 10th August 2022 at 2:00pm - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(d) Mr Malcolm Warrack

Malcolm Warrack addressed the Development Management Sub-Committee. Mr Warrack advised that indicated that he lived in one of the former Lighthouse Keeper's Houses. The residents' issue with this development was about the lack of adequate parking for new and future residents of the Silverlea Development and for visitors to the football pitches used by Craigroyston Community Youth Football club. The Development would remove the informal parking on the Old Stable Site. In Salvesen, there was very little off-street parking and at night not much spare capacity.

Mr Warrack stated that when the Lighthouse Keepers' Family Accommodation was built at 1-16 Salveson Crescent, there was no actual provision made for off-street parking. Obviously in the early 1950's, there was actually relatively small car ownership. Therefore, in the late 1960's a block of six garages was built. During the course of the 1980's, the houses and later the garages were sold by the Lighthouse Commissioners. Current car ownership in 1-16 Salveson Crescent was 18 cars and the street in which

those properties were located, had actual capacity for about 12-14 cars. The balance of the car parking was taken up in its entirety by on-street parking and the garages. Significantly, at mid-market housing at MacGill Drive there was over 80% car ownership. This compared with the 25 % allocation of car parking proposed in the Silverlea application. Two of the blocks of mid-market rent houses, comprised of about 16 houses on the Silverlea Development. In the immediate vicinity, there was only four car spaces. The occupiers of the 16 houses would potentially find it easier to park in Salvesen Crescent. For this development to offer a good occupational experience for its residents, it had to provide parking at a rate of 80% to 100% car spaces to units, certainly for the mid-market element. So, in conclusion, before making a decision, the Committee should ensure that adequate parking for the mid-market element of the housing was provided.

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

[Development Management Sub-Committee - Wednesday, 10th August 2022 at 2:00pm - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(e) Edinburgh Poverty Commission

Craig Sanderson addressed the Development Management Sub-Committee on behalf of the Edinburgh Poverty Commission. Mr Sanderson advised that for over 30 years he was Chief Executive of the Link Housing Association, but was now member of the Edinburgh Poverty Commission. He would focus on the mix of provision for the development. Edinburgh Council had a policy of provision of 25 % for affordable housing of all new developments. However, this application proposed 100% affordable housing, with a combination of social rented, mid-market rented housing and housing for disabled people. All of the 142 houses would be accessible to the general populous. The term “affordable” included social rented, market rented, shared ownership and shared equity housing. Additionally, it should be of reasonable quality that was affordable to people on low or limited fixed incomes, which included pensioners.

Mr Sanderson stated that the definition of mid-market rent could be broadened to mean anything between a social rent and a full market rent. Affordable rent was by some definitions presently £184 a week and that was based on the assumption that this was affordable to people on the average salary in Edinburgh. This was currently said to be £44,000 per annum, but of course, this was lifted by the relatively high numbers of high salaries in the city. The median income of a council tenant was currently £19,000 per annum. This was a better way to consider the term affordability. Edinburgh Poverty Commission spent about 500 hours surveying hundreds of people, some of whom had experience in poverty at work. The average social rent in Edinburgh was currently £100 per week. This was unaffordable to many of the people that were surveyed. It was therefore necessary to maximise the amount of social housing.

Mr Sanderson indicated that he was pleased at the mid-market rent in this proposal would be provided by Edinburgh Living, which was a subsidiary company of the Council. This was therefore subject to regulation by the Housing Regulator and so there would be some protection against rent increases. 64% of this development would be for social rent. This was a positive development and it should be remembered that social rent offered more security than other types of tenure. However, social housing supply had always been behind target. In 2016/2021, the Scottish government set a target of

35,000 social rented houses by 2021, but only managed to build 28,000 houses. Regarding the situation in Edinburgh, in 2020, the Council set a target of the thousand new social homes each year. Edinburgh Poverty Commission asked for that to be doubled to 2,000 per year. In 2020/21 only social 252 houses were completed, therefore, they were well behind target. Therefore, he would strongly support this application to provide more social housing.

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

[Development Management Sub-Committee - Wednesday, 10th August 2022 at 2:00pm - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(f) Living Rent Muirhouse-Pilton (Caroline Cawley)

Caroline Cawley addressed the Development Management Sub-Committee on behalf of Living Rent Muirhouse-Pilton. Ms Cawley advised that they objected to the planned development for the following reasons. The loss of mature trees, the impact on local wildlife and the fact that the proposed development was on green belt land. 30 trees were listed for felling, including two Category A trees. New trees were planned and Had been planted near the site, however, a large number of them were already dead. The site was home to dozens of species of wildlife. Considering the current climate crisis, the loss of this biodiversity was totally unwarranted.

Ms Cawley indicated that the report stated that the site was unkept, only informally accessed, subject to fly-tipping and the land was contaminated. This was in fact council-owned land and was unkept because the Council had not done anything with to it, except erect fencing around the main entrance. Her own recycling area, which was also on Muirhouse Parkway, was constantly filled, often by non-residents and the new development would not stop this behaviour. The contamination resulting from the destruction of the care home, which was council owned and run, was entirely the responsibility of the Council. This was an extremely poor excuse to deprive the residents of green space. The report stated that the area was of low recreational value, however, basic maintenance and adding some benches would not be difficult. Muirhouse ranked as one of the most deprived areas Scotland. The green spaces were of vital importance for the physical and mental well- being of residents. Construction had already taken place on green spaces in the area and there was almost nothing left for the residents. The site was also of archaeological importance and a great opportunity for local residents and children to connect with the local history of the area.

Ms Cawley stated that one of the main objections to this development was the impact of increasing the population without additional investment in local services. It was very difficult to get a doctor's appointment or to receive non-urgent prescriptions. There was a waiting list for early years places and the schools were at capacity. 142 new homes would be constructed, including individuals with complex needs, who were not going to be able to access essential services. Finally, the lack of parking provision was also a serious concern. The proposal for 142 flats but only 36 parking spaces, 9 of which were to be disabled bays, was wholly inadequate. 25 of the homes were designed for wheelchair users, many of whom would likely have mobility cars or who would use more of taxis and private vehicles for journeys. The number of cars on the streets during local events was impacting residents of these areas. Another planned local

development on Ferry Road would create 99 private houses on council owned land with 137 garage and on-street parking facilities. This was more realistic. Fundamentally, this site was not appropriate for this planned development. The loss of local outside space, the threat to services and the lack of realistic planning, was going to devastate the local area. Some of this would be on greenbelt land. The Council had made a pledge not to build on green belt land and this development went against this policy. The proposal should be rejected for all the reasons stated and the many that there was not time to discuss.

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

[Development Management Sub-Committee - Wednesday, 10th August 2022 at 2:00pm - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(g) Save Our Silverlea

Edward Murray addressed the Development Management Sub-Committee on behalf of Save Our Silverlea. Mr Murray advised that he was the Communications Secretary of the Save the Silverlea Campaign. He first moved to Muirhouse over 30 years ago with his daughter. Behind the primary school that then existed was a vast tract to Muirhouse Park/ House Green, there was a park where they held their community events and his daughter was allowed to visit the riding stables. But the primary school was demolished, much of Muirhouse Park was buried under bricks and the Riding School was shut down. Therefore, Muirhouse, which was the size of a small town, had no primary school, park, pub or supermarket. It was one of the most deprived areas in Edinburgh. The Council now wanted to remove the last green place, destroying a natural wildlife habitat.

Mr Murray stated that the site was more than a simple brown field site, it was a historical and a heritage site. There was a variety of wildlife and some of the trees were magnificent and it would be a total disaster to cut them down. The report of the Sub-Committee meeting of 12 January 2022 referred to the total number of trees to come down. It also stated that the aerial parts of several trees would be vulnerable to damage caused by construction and this would possibly destroy a lot more trees. It concluded that this could result in a temporary decline of the trees resulting in the loss of the amenity. The felling of 30 trees and damage to many more would mean an unacceptable loss of amenity. The Council's counter argument was for the Silverknows Park and Tree Planting initiative, where numerous species of indigenous plants would be planted in blocks. However, they had been planted in mid-February and the vast majority of these saplings were now dead. What now existed instead of the promised stands of native trees was numerous rows of plastic tubes propping up dead twigs.

Mr Murray argued that in this time of climate change, the Council had a moral obligation not to move numerous mature trees and exchange them for hundreds of dead twigs in tubes. Various environmental groups agreed with them completely. Therefore, they were considering submitting an FOI request to find out how much these dead twigs in plastic tubes cost the Council Taxpayer. However, they had an unsatisfactory outcome with the last FOI request, when a certain pack document was said not to exist, which was later found. Apparently, the development was supported by the Muirhouse and Salvesen Community Council. However, this council had been defunct since 2019. In conclusion, the people of Muirhouse were not making excessive demands, but only

asking that for a small part of their land be used as community green space. The community could then determine what the space could be used for. The remit of this campaign was to stop this development, so that the community could have a public meeting to discuss it, because they were previously denied this. The Covid Pandemic was used as a screen to prevent them having a proper public meeting and full discussion. So, it was not too much to ask for. The people of this area were entitled to for their trees to be retained.

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(f) Ward Councillors - Almond

Councillors Lang, Work, Louise Young and Younie addressed the Sub-Committee as members for the Almond Ward.

Councillor Lang advised that this application had been a long time coming. In 2017, the Old Silverlea Nursing Home was demolished with the promise of new social housing on site. He knew this area well and also knew that some of community had real concerns about the proposals. These, he had considered, but as a ward councillor for the whole community, he concluded that this was a good application. There was a pressing need for new affordable homes in the city, with its excessively high rents and lengthening waiting lists for social homes. This development proposed 100% percent affordable housing, which was substantially more than most developments, which also included almost 70 new homes for social rent. There was a need to improve facilities and this development would include a new children's play area. Additionally, there was a need to create green spaces and this proposal would take a currently unkept area and turn it into high quality green space. There was a need create safer spaces for vulnerable people and this proposal would improve existing paths with better lighting.

Councillor Lang stated that regarding the issue of affordable housing, he had constituents who were in desperate need of new housing, or whose landlords were terminating a rental agreement and who faced homelessness or B&B accommodation. He had promised to help people with housing problems, therefore, to oppose a 100% affordable housing development would be contrary to this. Although part of the land for this development sat in the Green Belt, this was not lush, panoramic countryside. Much of it was unkept, fenced-off and inaccessible, especially for those with limited mobility. It was far from a safe, secure, welcoming place for vulnerable people to enjoy and many parts of the site were contaminated. When considering the greenbelt land concerned, the vast majority of it would be turned from open space area into new open park quality area and would also improve the path network. He thought that these were positive developments that would not just benefit the new residents, but the area as a whole. Therefore, he thought that this was a good application, it provided much-needed new housing and amenities, and it had been well thought out over a long period of time. He hoped that the Sub-Committee would approve this application.

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

[Development Management Sub-Committee - Wednesday, 10th August 2022 at 2:00pm -](#)

Councillor Work indicated that he was not here to object to the application. He was encouraged by the proposed development mainly because 64% would percent would be social rent. Additionally, he was encouraged with the partnership arrangements, the social care element, the work with the Craigroyston Football Club and the renewable energy that would be used. He had asked for a site visit, but could not attend and maybe some of the concerns would have would have been addressed had he attended. If this development had been on the footprint of the care home, he did not think he would have needed to attend this meeting. Comments by the elected members seemed to suggest that the development intended to tidy up the low value contaminated and flooded land. It was good that it would benefit the community, but he needed some clarification about the extent of encroachment on the Green Belt, which was the subject of many of the objections. Also, there were 30 trees, some which were mature, would have to be felled to clear the site.

Councillor Work stated that his main concern was about the other trees which had been not been categorised to be felled and would still be at risk. The report, previously referred to, stated that the ariel part of several trees were close to construction activities, making them vulnerable to damage. A potential conflict could be not be mitigated by protection measures and he was concerned about that. He was also concerned that the extent of the pruning and the loss of the rooting volume exceeded industry best practice. Therefore, a lot more trees could be felled than was originally intended. Was “carte blanche” been given to developers to cut down trees on the basis that they had been damaged, or did they have to seek further permission? Mr. Murphy referred to the trees had been planted on the Silverleas Plantation. They would never replace mature trees, but he was not sure about how many trees had been planted to replace the ones that were being felled. If possible, could consideration be given to the area where a lot of trees had died. He knew that was offsite, but maybe some consideration could be taken about that as well.

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

[Development Management Sub-Committee - Wednesday, 10th August 2022 at 2:00pm - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

Councill Young advised that the site visit had been particularly helpful with this application, as it gave some context to the surrounding area and to the condition of the site itself. Councillor Lang had already made very clear the key considerations and she felt no need to repeat these. But she would like to give emphasis to the reasons why she felt this application was slightly different from others that had been considered. Although she had sympathy with those with concerns about building on this site, on balance, she thought it was the right thing to do. She would also just like to draw attention when making reference to local individuals and groups. The Muirhouse and Salvesen Community Council made a written submission that had subsequently received comments suggesting that they were not currently operational. Although they had perhaps struggled during lockdown, they were very much in existence. The site was in a location that she was very familiar. The natural growth was largely a result of the overgrowth of a derelict site and it was actually not usable green space.

Councillor Young stated that the proposals would bring a new welcome structure and more appealing space, both for the new residents and for people who were living in the area. There would be a much improved path network and safer places to move around. She would not normally support a housing application on a green area, but the history of the site and the fact that it was previously used by the Nursing Home gave it some context. She believed that the site should be used again. There was a desperate need for social and affordable housing, both across the city and in this area and members had frequently pushed for solutions to this. Members often received enquiries from people who were trying to find permanent council housing. It would be a disservice to the community for members not to support an application like this. The application was quite unique in the fact that it was 100% affordable housing. Additionally, it offered some specific residences, designed to cater for those with additional physical needs which were not normally provided. On balance, she believed that this was the right option for this land and would give more to the community than if it was left in its present state. She asked the Sub-Committee to support the application.

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

[Development Management Sub-Committee - Wednesday, 10th August 2022 at 2:00pm - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

Councillor Younie indicated that since he was elected, the vast majority of the correspondence he received had centered on both housing and the lack of access to housing, throughout his ward. He often told his constituents that he would try to help them access housing and housing, that was more suitable to their needs, but that a successful outcome might be difficult. It struck him how resigned people were to this reality. He did not think that this should be the case and the path to changing that reality was through projects such as this one. This could transform an unsafe, derelict area into one of immense social value, especially with regards to accessibility, safety and the increase in affordable housing. It was somewhat unique in proposing 100% affordable housing, so he strongly endorsed this project.

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

[Development Management Sub-Committee - Wednesday, 10th August 2022 at 2:00pm - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(g) Applicant and Applicant's Agent

Elaine Scott (Head of Housing Strategy & Development at CEC), Elise Schneider (Senior Construction Manager, Edinburgh Waterfront Team), Linda Hamilton (Planning Advisor, Edinburgh Waterfront Team), Eugene Mullan Smith and John Lancaster (Smith Scott Mullan) were heard in support of the application.

Ms Scott advised that she was head of Housing Strategy and Development with the Council and was also part of the senior management team of Edinburgh Living. Edinburgh needed more affordable homes. They had heard about the need locally, but in terms of putting a citywide context on this issue, around 150 households would bid for every social rented home that became available in the City, whether it was Council or registered social landlord homes. There were currently around 4,000 households in different forms of temporary accommodation within the City. So this development was

really important in responding to those needs. Around 70% of council homes that become available were let to homeless people and the remaining homes were let to people with the highest housing need. These were often people who could not remain in their existing home because it was not accessible, or they were in hospital and needed to move to a more accessible home. Mid-rent housing played a really important role in meeting the needs of those, who would not be prioritised for social housing, but who needed a more affordable home. The average private sector rent in the City in the first quarter of 2022 was £1,121 per month, which compared to around £600 per month which would be the Edinburgh living average mid-market rent. This would represent a saving of around £5,340 to a low-income household.

The vision for Silverlea was for a well-designed, energy efficient, sustainable and affordable housing. This would be set in high quality public realm and a place where people would choose to live, connected to the green space, as part of a community and for and that community to be integrated within existing neighborhood. The Council's Development and Regeneration Team had taken forward this development and took a holistic place-based approach to developing site, which supported wider regeneration and development of 20-minute neighborhoods. Development of the Silverlea Site would therefore deliver improvements beyond the site itself, including access to open space, new facilities (as they had heard for Craigroyston Community Youth Football Club) and new active travel infrastructure. They were also seeking to take forward investment in existing homes and estates, in the adjacent development. She thought the works had already been referenced, where they were taking forward whole house retrofit works to end the multistorey blocks adjacent to the site. This would be addressing fuel poverty and helping to deliver the ambitious energy efficiency standard for social housing.

The Silverlea Site, comprising the former Care Home and Riding School was transferred from the General Fund to the Council's Housing Revenue account, to develop affordable housing. In 2018, the former care home was demolished in preparation for the site to be developed and the Council appointed Cruden Building East as the main contractor to design and build the development. The proposed development of Silverlea would deliver affordable and accessible homes. 72 homes for social rent by the Council and 19 social rented homes that would be owned and managed by Blackwood. They were a registered social landlord that provided a range of accessible modern and bespoke housing, providing value to people with a range of disabilities and housing needs. The 19 Blackwood homes at Silverlea would be designed to their own bespoke standard which sought to deliver highly accessible wheelchair homes, making maximum use of digital technology so there would be smart, accessible homes. Four of the council homes would be leased to health and social care, to meet the needs of people with complex needs. They would require higher levels of care and support to be able to live in the community. 51 homes would be purchased by Edinburgh Living to let mid rented property to people on low incomes. Edinburgh Living was a limited liability partnership (LLP) that the Council established to own and manage mid-rent housing. It was 99% owned by the Council. Therefore, our partner in the LLP was Scottish Futures Trust whom own 1%. Therefore, it was a public sector, limited liability partnership. They had a senior management team drawn from officers and members and the corporate body

was formed of elected members and a director from the Scottish Futures Trust. They aimed to deliver low-cost mid rent housing to people on low incomes and their policy also prioritised people who were working homeless households on low incomes. In addition to housing, development of this site would provide a range of community benefits. In particular, they were looking to provide training opportunities for adults and young people, linked to the colleges and to improve access to improved sport and leisure facilities.

Eugene Mullan advised that he was the Director of Smith Scott Mullan Architects in Edinburgh. There had been a lot of information provided as part of an application in the planning report. He would focus on some of the more complicated aspects of the design, to ensure that they were fully understood. The topics to be covered, other than the 20-minute neighborhood, consultation process, site context, trees, greenbelt design proposals, accessibility and sustainability. The 20-minute neighbourhood meant creating places where daily services could be easily accessed. The site in question was an 800-meter zone around that and about a 10 minute's walk. In this area, there were primary schools, medical centres, community facilities, local shops and public parks within a 10-minute walking area. They were retaining and enhancing the current pedestrian cycle connection, which was Muirhouse Parkway to Marine Drive at the north side. There was also easy access to the bus routes along Muirhouse Parkway. It was also important to note the scale of the green belt that existed north of the site.

The pre-application consultation took place online during COVID-19 restrictions and was in accordance with the Scottish Government guidelines. There was a public notice advertisement in the Edinburgh Evening News, papers were displayed at Craigroyston High School and the Muirhouse Salveson Community Council notice board, which was adjacent to the site. There was approximately a thousand leaflets distributed within the local community in the area of Salveson Muirhouse, Pennywell and Granton. It targeted social media posts, including Facebook, Twitter and Next Door and there was a presentation to the Improving Your House and Penny Well group. The dedicated website showing exhibition boards with outline design proposals from members of the client and design team were available for an online Q&A. Comments were received through the different communication channels. The design proposals were changed to reflect some of those comments received, such as a six-storey flats on Muirhouse Parkway being reduced to four-storey.

In relation to the context, the photograph displayed was taken in 2000 and showed the Care Home, Craigroyston Football Club and the riding arena. Another photograph showed the site in 2009, where the Care Home was still standing, but other areas had been demolished. This illustrated that some sections of the site had mature landscaping, particularly along Muirhouse Parkway, the west boundary with Silverknowes Golf Course and to the centre of the site. Other areas of the site of the remainder of the demolition were derelict and unkempt, with a makeshift area of car parking. This was very much a brownfield site. In relation to the site investigation, contamination was found in various parts with some of a more serious nature. There was a larger area described as Mid Ground which needed to be treated like contaminated ground and there was also contaminated ground within the Green Belt

area. All the contamination would be remediated as part of the development and removing risk to the public.

A comprehensive tree survey had been carried out. The main points of that was that many of the trees were of poor quality and self-seeded. There were 77 trees, tagged and named as part of that report and given the categories of A, B and C. The plan showed the trees that were to be retained or moved. That was proposed to improve access and provide opportunities for development. The report also showed low quality tree and planting groups. The ecology report which was carried out, did not identify any protected species within the site. There was an Arboricultural Impact Assessment carried out, based on the design proposals, which provided independent recommendations in relation to design, removal and construction works. The key points from this, was that the assessment included the consideration of the 20-year growth. The trees that were to be removed of the smaller subservient nature, relative to the retained neighbours and the removal of the trees, would not have a negative effect on the retained trees. There was also a tree protection plan prepared, to ensure that construction works would not damage the trees being retained. This included clearly defined construction exclusion zones and would ensure that those retained trees would not be damaged.

In relation to the Green Belt, the Local Plan Development plan situation was complicated, there was a significant area of green belt to the west and north of the site. Part of the site was within the current Green Belt boundary and part of it was in the area of site allocated for housing in the City Plan 2030. On the diagram being displayed, there was also designated open space area within the Local Development Plan. The boundary of the new housing was to the rear of the Salvesen housing. This area (being described) and the area of green belt they were developing as partially contaminated ground and of low environmental quality. The remaining area would be significantly improved accessible open space for existing and new residents. The design would not negatively affect the biodiversity of the site, the green network, or the edges of the Green Belt. There were detailed discussions as part of the pre-application process to agree the appropriate response to the Site Designation, in this respect. They had prepared this image which was located within the Green Belt area.

Looking back at the development it was important to note the variety of buildings that were being proposed. Also, the houses faced onto the space and there would be gables with front doors and windows. It would be an area that was overlooked and an area the provided street lighting. In relation to the site proposals, there was a variety of homes and buildings, with a variety of height and form. The entrance to the site of Muirhouse Parkway had been subject to a transport assessment which confirmed that the proposals were acceptable. The housing was gathered around the central open space and provided the opportunity to relocate and provide new facilities for the football club. It was anticipated that the vehicle access for the new football club would be from Marine Drive.

In relation to the landscape, it was very much a landscape-led solution. Buildings were set back from the trees along Muirhouse Parkway, the buildings were kept away from the trees and to the west. The new public landscape square and children's play area

was located around a group of mature trees to the centre of the site. The existing stone wall was retained and extended to the front of the site. A new pedestrian access route would be created through the site. Approximately 120 new trees and 4,500 new plants would be planted as part of the development which would include significant improvements to the quality of the green belt. A photograph showed the view taken along Muirhouse Parkway. The view west, showed the way the buildings were set back from the existing tree line.

This design actively promoted accessible neighborhoods. All the homes were designed for varying needs general. 17 had been designed for wheelchair users, 19 of those were homes for the Blackwood Group and four for the CEC affordable housing section. A description was given of the location of the Blackwood Housing and the housing for social care residents with complex needs. There were nine parking spaces for wheelchair users and storage areas for mobility scooters. The requirements for health and social care accommodation and Blackwood Homes were difficult to incorporate into developments, because of their scale and that they did not stand alone very easily. Therefore, it was a very positive development that these had been incorporated into the brief and the design. This was a fabric first approach to the design of the buildings with its highly insulated airtight triple glazed approach. There was a blue-green panel solar roofs that provided sustainable drainage, increased biodiversity and included integrated PV and solar panels, which would generate renewable energy on the site. The zero carbon heating system involved individual exhaust air source heat pumps located inside the homes and an underground refuse system, to deal with recycling and waste. There would also be 280 secure cycle parking spaces. The image displayed was a view from Muirhouse Parkway and gave that sense of mature landscaping. It was in the centre of the site and the way in which the buildings had been designed would reflect and incorporate that. They believed that this design proposal would create a high quality area of desirable, affordable homes, while retaining and enhancing the best aspects of the existing site.

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

[Development Management Sub-Committee - Wednesday, 10th August 2022 at 2:00pm - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

Decision

To **GRANT** planning permission subject to:

- 1) The conditions, reasons and informatives and a legal agreement or Memorandum of Understanding as set out in section 3 of the report by the Chief Planning Officer.
- 2) An additional informative that prior to the commencement of works on site, further details of the cycle parking will be provided for approval by the Planning Authority. For the Avoidance of doubt, the cycle parking will contain a higher proportion of single tier racks to comply with Council guidance.

(References – Development Management Sub-Committee of 9 February 2022 (item 2) and 12th of January 2022 (item 3); report by the Chief Planning Officer, submitted.)

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
6.1 – 14 Muirhouse Parkway (Silverlea Old Peoples Home) – application no. 21/05056/FUL	Protocol Note by the Chief Executive	To note the protocol note.
6.2 – 14 Muirhouse Parkway (Silverlea Old Peoples Home), Edinburgh	Proposed residential development comprising 142 flats including colonies with associated roads, parking and greenspace - application no. 21/05056/FUL - report by the Chief Planning Officer	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1) The conditions, reasons and informatives and a legal agreement or Memorandum of Understanding as set out in section 3 of the report by the Chief Planning Officer. 2) An additional informative that prior to the commencement of works on site, further details of the cycle parking will be provided for approval by the Planning Authority. For the Avoidance of doubt, the cycle parking will contain a higher proportion of single tier racks to comply with Council guidance.

Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 17 August 2022

Present:

Councillors Osler (Convener), Beal, Booth, Cameron (items 4.4, 4.5 and 4.9, 7.1-7.3), Dalglish, Gardiner, Hyslop, Jones, Mowat and O'Neill.

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of 29 June 2022 as a correct record.

2. General Applications and Miscellaneous Business

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

Requests for Presentations:

Councillor Mowat requested a presentation in respect of item 4.4 – 1 Carlton Terrace, Edinburgh – application no. 22/00495/FUL.

Councillor Beal requested a presentation in respect of item 4.5 – 6 Cowan's Close, Edinburgh – application no. 21/06745/FUL.

Councillor Osler requested a presentation in respect of item 4.9 – St James Crescent (Proposed Event Space), Edinburgh – application no. 22/02040/FUL.

Request for a site visit:

Ward Councillor Neil Ross requested a site visit in respect of item 7.1 – 30 Canaan Lane (Land to rear of), Edinburgh – application no. 21/05402/FUL

Decision

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

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

3. 11 Stafford Street, New Town, Edinburgh

At the meeting of the Sub-Committee of 29 June 2022, the Sub-Committee had agreed:

- 1) To **GRANT** 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: “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.”

Details were provided of proposals for application for planning permission for change of Use from Class 4 (Offices) to Class 7 (Hotel) at 11 Stafford Street, New Town, Edinburgh - application no. 22/00982/FUL

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

The Sub-Committee was also asked to agree that 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 and to recommend that this be secured through a legal agreement.

Motion

To agree that 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 and to recommend that this be secured through a legal agreement.

- moved by Councillor Osler, seconded by Councillor Gardiner.

Amendment

To **CONTINUE** consideration of the matter to re-examine information in the report.

- moved by Councillor Mowat, seconded by Councillor Booth.

Voting

For the motion: - 5 votes

For the amendment: - 4 votes

(For the motion: Councillors Beal, Gardiner, Hyslop, Osler and O’Neil.)

(For the amendment: Councillors Booth, Dalgleish, Jones and Mowat.)

Decision

To agree that 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 and to recommend that this be secured through a legal agreement.

(References – Development Management Sub-Committee of 29 June 2022 (item 2); report by the Chief Planning, submitted.)

4. 179A Canongate, Edinburgh

- (a) Details were provided of an application for planning permission for partial demolition of existing buildings and development of purpose-built student accommodation, ancillary uses and associated infrastructure (as amended) at 179A Canongate, Edinburgh - application no. 22/01647/FUL

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

Motion

To continue consideration of the application to explore further compliance with Edinburgh Local Development Plan Policies Hou 8 and Des 5.

- moved by Councillor Osler, seconded by Councillor Mowat.

Amendment

To **REFUSE** planning permission as the proposals were contrary to Edinburgh Local Development Plan Policies Des 5 (a), Env 6, Env 3, Hou 8 and (section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- moved by Councillor Jones, seconded by Councillor Booth.

Voting

For the motion: - 2 votes

For the amendment: - 8 votes

(For the motion: Councillors Mowat and Osler.)

(For the amendment: Councillors Beal, Booth, Cameron, Dalgleish, Gardiner, Hyslop, Jones and O'Neil.)

Decision

To **REFUSE** planning permission as the proposals were contrary to Edinburgh Local Development Plan Policies Des 5 (a), Env 6, Env 3, Hou 8 and (section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

- (b) Details were provided of an application for planning permission for partial demolition of existing buildings (as amended) at 179A Canongate, Edinburgh - application no. 22/01648/CON

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

Motion

To continue consideration of the application to explore further compliance with Edinburgh Local Development Plan Policies Hou 8 and Des 5.

- moved by Councillor Osler, seconded by Councillor Mowat.

Amendment

To **REFUSE** conservation area consent as the proposals were contrary to Edinburgh Local Development Plan Policies Env 5 and Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- moved by Councillor Jones, seconded by Councillor Booth.

Voting

For the motion: - 3 votes

For the amendment: - 7 votes

(For the motion: Councillors Beal, Osler and Mowat.)

(For the amendment: Councillors Booth, Cameron, Dalgleish, Gardiner, Hyslop, Jones and O'Neil.)

Decision

To **REFUSE** conservation area consent as the proposals were contrary to Edinburgh Local Development Plan Policies Env 5 and Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
4.1 – 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	<ol style="list-style-type: none"> 1) To note the key issues at this stage. 2) Planning officers to check out the size of the plan and how this compared to the previous masterplan. 3) To note that there was a pressing need for affordable housing and that the development should conform to council policy.
4.2 - 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	<ol style="list-style-type: none"> 1) To note the key issues at this stage. 2) To note that the application of the greenbelt policy was fundamental to this application.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.3 – Report for forthcoming application by The Board of Trustees of The National Galleries of Scotland for Proposal of Application Notice at land 92 metres west of Madelvic House, Granton Park, Avenue, Edinburgh</p>	<p>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 - application no. 22/02899/PAN</p>	<ol style="list-style-type: none"> 1) To note the key issues at this stage. 2) To ensure that the applicant was aware of the Granton Masterplan and would ensure benefit to the surrounding areas. 3) Explore the opportunities for pedestrian linkages through the site
<p>4.4 – 1 Carlton Terrace, Edinburgh</p>	<p>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</p>	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1) The conditions, reasons and informatives set out in section C of the report by the Chief Planning Officer. 2) The amendment of condition 1 to read: “Within 2 months of the date of this permission, details of the planting of two trees within the rear garden ground, to replace the trees that had been lost (Sorbus tree or otherwise agreed) should 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 would then be planted within 12 months of the date of this decision and maintained thereafter.”

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.5 – <u>6 Cowan's Close, Edinburgh</u>	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	To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement set out in section C of the report by the Chief Planning Officer.
4.6 – <u>6 Cowan's Close, Street Cleansing Depot, Edinburgh</u>	Complete demolition in a Conservation Area - application no. 22/00841/CON	To GRANT conservation area consent subject to the conditions, reasons and informatives set out in section C of the report by the Chief Planning Officer.
4.7 – <u>Assembly Rooms, 54A George Street, Edinburgh</u>	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	To GRANT planning permission subject to the conditions, reasons and informatives set out in section C of the report by the Chief Planning Officer.
4.8 – <u>3F2, 14 Montpelier Park, Edinburgh</u>	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	To GRANT planning permission subject to the informatives set out in section C of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.9 – St James Crescent (Proposed Event Space), Edinburgh	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	To GRANT planning permission subject to the conditions, reasons and informatives set out in section C of the report by the Chief Planning Officer.
4.10 – St James Crescent (Proposed Event Space), Edinburgh	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	To GRANT planning permission subject to the conditions, reasons and informatives set out in section C of the report by the Chief Planning Officer.
4.11 – Teviot Place (Proposed Fringe Festival Venue Site), Bristo 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	To GRANT planning permission subject to the conditions, reasons and informatives set out in section C of the report by the Chief Planning Officer.
5.1 - 11 Stafford Street, New Town, Edinburgh	Change of Use from Class 4 (Offices) to Class 7 (Hotel) - application no. 22/00982/FUL	To agree that 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 and to recommend that this be secured through a legal agreement. (On a division)
7.1 – 30 Canaan Lane (Land to rear of), Edinburgh	New dwelling and driveway (amendment to 18/04505/FUL) - application no. 21/05402/FUL	To CONTINUE consideration of the application for a site visit.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
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	To REFUSE planning permission as the proposals were contrary to Edinburgh LDP Policies Des 5 (a), Env 6, Env 3, Hou 8 and (section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (On a division.)
7.3 – 179A Canongate, Edinburgh	Partial demolition of existing buildings (as amended) - application no. 22/01648/CON	To REFUSE conservation area consent as the proposals were contrary to Edinburgh LDP Policy Env 5 and Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. (On a division.)

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 24 August 2022

Present:

Councillors Osler (Convener), Beal, Booth, Cameron, Dalglish (items 4-1 to 5.1 and 5.3), Dixon (substituting for Councillor McNeese-Mechan – item 4.1), Gardiner, Hyslop, Jones, McNeese-Mechan (items 4.2 and 4.3), Mowat and O'Neill.

1. General Applications and Miscellaneous Business

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

Requests for Presentations:

Ward Councillor Ross requested a presentation in respect of Item 4.2 – Headstart Nursery, 64 - 68 Morningside Drive, Edinburgh – application no. 22/01916/FUL

Ward Councillor Ross requested a presentation in respect of Item 4.3 – Headstart Nursery, 64 - 68 Morningside Drive, Edinburgh – application no. 22/01915/CON

Requests for a Hearing:

Ward Councillor Mitchell – Item 5.3 - The Grange Club, 7 Portgower Place, Edinburgh – application no. 21/06513/FUL

Decision

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

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

2. 134 Constitution Street, Edinburgh, EH6 6AJ

Details were provided of proposals for planning permission for the change of use from office to form dwelling including timber clad first floor extension. (AS AMENDED) at 134 Constitution Street, Edinburgh, EH6 6AJ– 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 the informatives set out in section C of the report by

the Chief Planning Officer.

- moved by Councillor Osler, seconded by Councillor Jones

Amendment

To **REFUSE** Planning Permission as the application was contrary to sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policies Env 3, 4 and 6, Des 5 and Hou 5 and 7.

- moved by Councillor Booth, seconded by Councillor O'Neill

Voting

For the motion - 8

For the amendment - 2

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

For the amendment: Councillors Booth and O'Neill.)

Decision

To **GRANT** Planning Permission subject to the informatives set out in section C of the report by the Chief Planning Officer

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

3. The Grange Club, 7 Portgower Place, Edinburgh

Details were provided of proposals for a planning permission 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

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

Decision 1

To refuse to a hearing on this item.

Decision 2

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 Hyslop, seconded by Councillor Cameron

Amendment

To **REFUSE** planning permission for the reason that the policies were contrary to the Edinburgh Local Development Plan Policy Env 6, Des 4(a, b and d), Des 5, and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- moved by Councillor Beal, seconded by Councillor Osler

Voting

For the motion - 7

For the amendment - 3

(For the motion: Cameron, Gardiner and Hyslop.

For the amendment: Osler, Beal, Booth, Dalgleish, Jones, Mowat and O'Neill)

Decision

To **REFUSE** planning permission for the reason that the policies were contrary to the Edinburgh Local Development Plan Policy Env 6, Des 4(a, b and d), Des 5, and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
4.1 – Gas Holder North of Waterfront Broadway, Edinburgh	To repair and refurbish the existing Granton Gas Holder Category B Listed Guide Frame - application no. 22/01327/LBC	To GRANT listed building consent subject to the conditions, reasons and informatives set out in section C of the report by the Chief Planning Officer.
4.2 - Headstart Nursery, 64 - 68 Morningside Drive, Edinburgh	Proposed demolition of existing nursery school and construction of seven flats with associated landscaping and cycle parking - application no. 22/01916/FUL	To GRANT Planning Permission subject to the conditions, reasons and informatives set out in section C of the report by the Chief Planning Officer.
4.3 – Headstart Nursery, 64 - 68 Morningside Drive, Edinburgh	Complete Demolition in a Conservation Area - application no. 22/01915/CON	To GRANT Conservation Area Consent subject to the conditions, reasons and informatives set out in section C of the report by the Chief Planning Officer.
5.1 - 134 Constitution Street, Edinburgh, EH6 6AJ	Change of use from office to form dwelling including timber clad first floor extension (AS AMENDED) - application no. 21/05544/FUL	To GRANT Planning Permission subject to the informatives set out in section C of the report by the Chief Planning Officer. (On a division)

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
5.2 - 11A James' Court, 493 Lawnmarket, Edinburgh	Proposed refurbishment of and extension to the existing retail/store unit at 11A James Court including provision of ancillary coffee bar, external seating area and formation of a connection to the existing retail unit at 497 Lawnmarket - application no. 21/04237/FUL	<p>To REFUSE Planning Permission for the reason that the proposals were contrary to Edinburgh Local Development Plan Policies Hou 7, Env 3, Env 6(b) and Des 5.</p> <p>Dissent</p> <p>Councillor Cameron requested that her dissent be recorded in respect of the decision of this item.</p>
11A James' Court, 493 Lawnmarket, Edinburgh	Proposed refurbishment of and extension to the existing retail/store unit at 11A James Court including provision of ancillary coffee bar, external seating area and formation of a connection to the existing retail unit at 497 Lawnmarket – application no 21/04238/LBC	<p>To REFUSE listed building consent for the reason that the proposals are contrary to sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.</p> <p>Dissent</p> <p>Councillor Cameron requested that her dissent be recorded in respect of the decision of this item.</p>
5.3 - The Grange Club, 7 Portgower Place, Edinburgh	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>1) To refuse to a hearing on this item.</p> <p>2) To REFUSE planning permission for the reason that the policies were contrary to the Edinburgh Local Development Plan Policy Env 6, Des 4(a, b and d), Des 5, and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.</p> <p>(On a division)</p>

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Development Management Sub Committee

Wednesday 21 September 2022

Report for forthcoming application by

**Scottish Widows Unit Trust Managers Ltd. for Proposal of
Application Notice**

22/02659/PAN

at 15 Dalkeith Road, Edinburgh, EH16 5BH.

**The selective demolition, adaptation, extension and
upgrading of a Class 4 office building, demolition of car
park and ancillary buildings, and the proposed
development of standalone residential accommodation
with associated landscaping, parking and infrastructure.**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission at a 15 Dalkeith Road, Edinburgh for partial demolition of the existing category A listed building and redevelopment to form standalone residential accommodation with associated landscaping, parking and 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 (22/02659/PAN) on 17th May 2022.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The application site measures 6.2 acres and is located at 15 Dalkeith Road, on the corner of Dalkeith Road and Holyrood Park Road. The site, the former Scottish Widows Headquarters, was designed by Sir Basil Spence, Glover & Ferguson in 1972-76. This category A listed, concrete modular structure comprises a cluster of 12 bronze glazed, hexagonal blocks, ranging from one to four storeys in height (ref: LB50213, listed on 3 March 2006).

The gross internal floor area comprises 26,550sqm and the interior space is made up of open plan offices arranged around two service cores. There is an underground car park within the north-east section of the site and another car park on the east side of the main building.

The surrounding area is mixed-use in character, and the site and offices are currently vacant.

This application site is located within the Southside Conservation Area.

2.2 Site History

The site is opposite the category A listed Royal Commonwealth Pool at 21 Dalkeith Road (ref: LB29650, listed on 29 March 1996) and located to the west of Holyrood Park which is a Scheduled Ancient Monument (ref: SM13032, designated on 7 February 2013).

Main report

3.1 Description of the Proposal

The proposal is for partial demolition of the existing category A listed building and redevelopment of the remaining section in the existing office use and erection of a new residential development in the eastern area of the site.

3.2 Key Issues

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

a) The proposal will preserve the character and setting of the listed buildings;

The impact of the proposal on the character of the category A listed buildings on the site and other listed buildings in the surrounding area will be considered against the provisions of Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997:

"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 development will also be assessed against Historic Environment Scotland's Managing Change in the Historic Environment guidance notes.

Listed Building Consent will be required for the demolition/alteration of any structures on the site.

b) The proposal will preserve or enhance the character or appearance of the South Side Conservation Area;

The impact of development on the character and appearance of the conservation area will be considered against 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 impact of land use and the scale and form of the development on the character and appearance of the conservation area will be considered against Policy Env 6 in the Edinburgh Local Development Plan.

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

The site is located within an Urban Area as defined in the Edinburgh Local Development Plan (LDP). Policies Emp 9 - Employment Sites and Premises, Hou 1 - Housing Development and Hou 6 - Affordable Housing are particularly relevant in terms of the redevelopment of the site.

d) The scale, design, layout and materials are sustainable and acceptable within the character of the area;

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

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

e) The proposal is not detrimental to the amenity of neighbours and future occupiers of the development;

The proposal will be assessed against relevant design policies in the Edinburgh Local Development Plan and Edinburgh Design Guidance.

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

A Noise Impact Assessment, an Air Quality Assessment and a Daylighting, Privacy and Sunlight Analysis will be required in support of the planning application.

f) The proposed access arrangements, connectivity and parking levels are acceptable;

The proposal shall have regards to the LDP transport policies and the Edinburgh Street Design Guidance. The applicant will be required to provide transport information to demonstrate how the proposal prioritises active travel and is aligned with the parking standards, including service arrangements, cycle parking and provision for electric vehicles.

g) The proposal has acceptable impacts on infrastructure;

The application will be required to make appropriate developer contributions in accordance with LPD Policy Del 1 - Developer Contributions and Infrastructure Delivery.

h) There are any other environmental factors that require consideration;

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

- Pre-application Consultation Report;
- Planning Statement;
- Heritage Statement;
- Condition Survey;
- Design and Access Statement;
- Townscape and Visual Impact Assessment;
- Daylight, Privacy and Overshadowing Analysis;
- Noise Impact Assessment;
- Air Quality Assessment;
- Sustainability Form S1;

- Sustainability Statement;
- Affordable Housing Statement;
- Transport Statement;
- Waste Management information.
- Flood Risk Assessment and drainage information; and
- Surface Water Management Plan.
- Bat Survey
- Tree Survey

The application has been screened for an Environmental Impact Assessment (EIA) and no EIA is required.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference 22/02659/PAN) has been advertised in the Edinburgh Evening News on the 23rd of May 2022.

The applicant notified Grange/Prestonfield Community Council and Southside Community Council along with the Ward Councillors and area MSPs on 17th May 2022.

The applicant held an online event on the 7th of June 2022 between 4:30pm and 6:30pm, with an in person drop-in public consultation event at the site, 15 Dalkeith Road on the 31st May 2022 between 2pm and 7:30Pm.

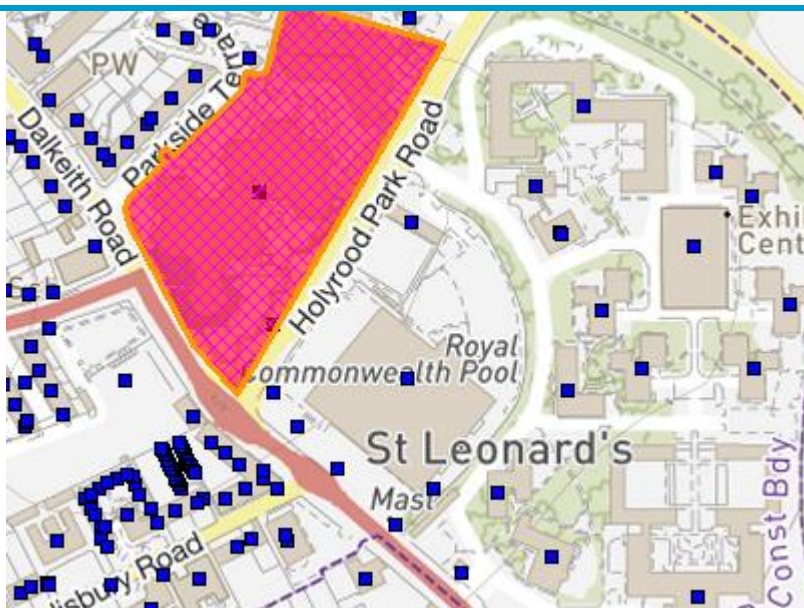
Background reading/external references

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

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer
E-mail: clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Location Plan



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Development Management Sub-Committee Report

Wednesday 21 September 2022

**Application for Planning Permission
Land 39 metres west of 58, Gogarloch Road, South Gyle.**

Proposal: Erection of a new dwelling.

**Item – Committee Decision
Application Number – 22/02375/FUL
Ward – B03 - Drum Brae/Gyle**

Reasons for Referral to Committee

Recommendation

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

Summary

The proposal is not acceptable as it would result in the introduction of an incongruous development into an established landscaping strip and would have an adverse impact on the character and appearance of the surrounding area. The proposal would result in the loss of trees and landscaping worthy of retention, would not result in the creation of a satisfactory residential environment and raises issues in respect of road maintenance. In addition, it has not been satisfactorily demonstrated that the proposal will not be at risk of flooding or will not increase the flood risk to the surrounding area. The proposal is contrary to policies Hou 1, Hou 4, Des 1, Des 4, Des 5, Env 12 and Env 21 of the adopted Edinburgh Local Development Plan. As a result, the proposal is not in accordance with the development plan.

There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is a plot of land located between Gogarloch Road and South Gyle Road. The site is presently populated with trees, a hedge, shrubs and grass. The site area extends to 221 square metres. The applicant also owns the southern area (around 820 square metres). The site currently serves as a buffer strip separating an existing housing development to the east from a busy roundabout, South Gyle Broadway and Gogarloch Road.

The surrounding area has a mixed residential/commercial character. The area directly to the north, east and west is characterised by modern style residential development. The area to the south is characterised by offices and modern commercial buildings.

Description of the Proposal

The application is for the erection of a two storey dwellinghouse. This will be erected at the north end of the site. Plans show the proposed use of white render and a tile roof. No landscaping information has been submitted with the application. No car parking is proposed and access to the site will be from the existing South Gyle Road.

Supporting Information

- Planning Statement
- Tree Survey

Relevant Site History

No relevant site history.

Other Relevant Site History

05.07.2018 - Planning permission in principle refused for the redevelopment of area of landscaping into small residential development comprising detached houses (Application Reference 18/00618/PPP).

05.11.2019 - Planning permission in principle refused for the erection of a single dwelling house including car parking space (Application Reference: 19/04343/PPP).

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Environmental Protection

Flood Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 24 May 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 31

Section B - Assessment

Determining Issues

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) 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 Housing Policies Hou 1, Hou 3 and Hou 4
- LDP Environmental Policies Env 12 and Env 21
- LDP Transport Policies Tra 2 and Tra 3

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the above policies.

Principle

Policy Hou 1 (Housing Development) of the adopted Edinburgh Local Development (LDP) states that with respect to housing development, priority will be given to the delivery of the housing land supply on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The site is identified as being within the urban area in the LDP. The proposal therefore could be considered acceptable in principle provided it is compatible with other policies in the plan.

Two previous applications for housing development on the same site have been refused and subsequent appeals dismissed. Application 18/00618/PPP sought permission in principle for up to four dwellings on the site whilst application 19/04343/PPP sought permission in principle for a single dwelling. The Local Development Plan has not changed since the refusal of these applications. This is a significant material consideration in the determination of the current application.

The applicant has indicated that the proposal should be supported as it will contribute to housing targets set out in the Local Development Plan. As set out in the most recent Housing Land Audit, the city has sufficient land allocated to meet housing targets. A proposal for one dwelling will not have a significant impact on these figures.

Character and Appearance of the Area

LDP Policy Des 1 (Design Quality and Context) states that planning permission will not be granted for poor quality or inappropriate design or for proposals which would be damaging to the character or appearance of the area around it.

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

Policy Hou 4 (Housing Density) states the Council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area and the need to create an attractive residential environment and safeguard living conditions within the development.

The application site forms an established and defined landscape strip which provides a clear visual separation between the roundabout and the residential properties located directly to the north-east. The site combines with the other established landscape strips surrounding the roundabout which also provide a clear degree of separation between the road and residential/commercial buildings. The planned separation between the busy thoroughfare of South Gyle Broadway and the buildings which surround it is an important characteristic of the area and is important in terms of visual amenity.

The proposal would result in a notable intrusion into the landscape strip in the form of a new house. The proposed house would weaken the sense of separation which exists between the South Gyle Broadway and the surrounding buildings, resulting in a visually incongruous and highly prominent development which would have a detrimental impact on the character and appearance of the surrounding area.

Although it is not recorded in the Council's Open Space Audit, it is part of the characteristic, continuous boundary treatment of the area. The loss of part of this boundary treatment would be detrimental to visual amenity within an area of settled residential character, would be detrimental to the local green network and fragment habitat connectivity.

The site is a relatively linear and constrained strip to the west of the existing housing and garden space is proposed to the north and south sides of the property. In order to make a clear distinction between public and private space, enclosure of garden ground by defensible forms would be necessary. However, use of a high boundary fence or wall in this context would alter the pattern of open front gardens to the street.

The proposal would be damaging to the character and appearance of the surrounding area and the wider townscape and landscape. The proposal is contrary to LDP policies Des 1, Des 4 and Hou 4.

Amenity

LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Future Occupiers

The proposed dwelling has an approximate gross internal floor area of 101 square metres. This would exceed the minimum level recommended in guidance. Future occupiers would also have access to approximately 98 square metres of garden ground.

However, the proposed layout will necessitate the majority of any private garden space to be provided at the side of the proposed house instead of the rear. This would result in the formation of private garden space which would not benefit from the levels of privacy afforded to other residents in the surrounding area, to the detriment of prospective resident's future amenity.

The western elevation of the proposed dwelling is located approximately six metres from Gogarloch Road. Although no windows are proposed on this elevation, both the proposed dwelling and any associated garden ground would be in close proximity to a significant source of traffic noise to the detriment of the amenity of prospective residents. A Noise Impact Assessment would be required to assess whether an appropriate level of noise attenuation could be achieved. No such supporting information has been provided. The single aspect nature of the proposed dwelling would offer limited outlook for future residents and would be contrary to the level of amenity experienced by neighbours.

The proposal would not achieve a suitable residential environment.

Neighbouring Amenity

Plans show the proposed dwelling is approximately 15.3 metres away from the neighbouring property to the east and 14.6 metres away from the house to the north. Given these distances the proposal will not affect daylight to any neighbouring windows. The north elevation of the proposed dwelling does not have any windows and given the distance between the application site and neighbours to the east the proposal will not breach neighbouring privacy.

The proposed dwelling would be located approximately nine metres from the garden of the neighbour to the north. Given the location of the proposed dwelling to the south-west of the garden and an approximate height of 5 metres to the eaves, the proposed dwelling would not overshadow neighbouring gardens.

Neighbouring residents have expressed concern that the removal of trees will have a detrimental impact on security of the area. Although no landscape plans have been provided with the application, the supporting statement provided by the agent indicates that the existing hedge to the west of the site will be retained. There is no reason to conclude the proposed development will have a negative impact on security.

Trees and Landscaping

LDP Policy Env 12 (Trees) states 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.

The existing trees are well established along this boundary and removal would be contrary to Policy Env 12. The value of this woodland is its contribution as a group of trees rather than the value of individual specimen trees and most are category B meaning they are of 'moderate quality and value with an estimated life expectancy of at least 20 years.' The tree survey notes that trees on site are generally in good condition and pose no concerns and that 16 trees would initially appear to require removal but that without topographical survey information the extent of any further removals cannot be quantified. There is no scope for replacement planting elsewhere on site due to its constrained nature.

The trees are in good health and perform an important function in terms of privacy and noise buffering. The trees and landscaping make a contribution to the Green Network and habitat connectivity. The removal of the trees has not been justified on arboricultural grounds and is contrary to LDP Policy Env 12.

It should be noted that the removal of trees within the application site would require a felling licence from Scottish Forestry. Removal of trees without permission is a criminal offence.

Flooding and Surface Water Management

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

The Flood Prevention team was consulted on the proposal and raised an objection due to the fact that the proposal would be at risk from fluvial flooding and that a Flood Risk Assessment would be required. In addition, a Surface Water Management Plan should also be provided. Detailed landscaping plans have not been provided and it is therefore not possible to establish in the impact the development would have on flood risk for the site itself or the surrounding trees. No consideration has been given to the impact of removing trees on flood risk.

The proposal raises concerns with respect to flood prevention which have not been addressed as part of the application. The proposal is contrary to LDP Policy Env 21.

Road Safety and Parking

LDP policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with the levels set out in Council guidance.

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

The proposal does not include off-street car parking and therefore does not conflict with car parking standards. There would be no anticipated impact on existing parking arrangements. No cycle parking is identified in the plans. However, bikes could reasonably be stored within the curtilage of the proposed dwelling. The proposal does not conflict with Policy Tra 3.

As noted in previous applications, the proposal involves development which potentially affects a section of land which is adopted for maintenance purposes by the Council as a public road under the Roads (Scotland) Act 1984. The proposal therefore has the potential to impede the ability of the Roads Authority to undertake its statutory requirements as outlined under the Roads (Scotland) Act 1984.

Developer Contributions

The site is within the West Edinburgh Healthcare Contribution Zone. The need for a new medical practice has been identified in the Local Development Plan Action Plan. A contribution of £1,050 per dwelling would be required in this location. The site is also identified with the West Edinburgh Education Contribution Zone. As one dwelling would not generate more than one expected primary or secondary school pupil, no contribution would be required.

As the proposal conflicts with the Local Development Plan and the recommendation is to refuse planning permission, no contributions are required.

Conclusion in relation to the Development Plan

The proposal is not acceptable as it would result in the introduction of an incongruous development into an established landscaping strip and would have an adverse impact on the character and appearance of the surrounding area.

The proposal would result in the loss of trees and landscaping worthy of retention, would not result in the creation of a satisfactory residential environment and raises issues in respect of road maintenance. In addition, it has not been satisfactorily demonstrated that the proposal will not be at risk of flooding or will not increase the flood risk to the surrounding area. The proposal is contrary to policies Hou 1, Hou 4, Des 1, Des 4, Des 5, Env 12 and Env 21 of the adopted Edinburgh Local Development Plan.

b) 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 does not comply with the principles of sustainable development outlined in SPP. The proposal would have a negative impact on existing green infrastructure to the detriment of surrounding residents and the character of the area. The application site is within a known area of flood risk and conflicts with policies relating to climate change and adaptation.

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

A summary of the representations is provided below:

material considerations

Objection

- Loss of trees - impact on character and amenity; this is addressed in section (a) above
- Not in keeping with wider area; this is addressed in section (a) above
- Loss of privacy; this is addressed in section (a) above
- Overshadowing; this is addressed in section (a) above
- Impact on parking; this is addressed in section (a) above
- Previous applications for similar development refused on the same site; this is addressed in section (a) above
- Contribution to housing targets would be limited; this is addressed in section (a) above
- Impact on potential flood risk; this is addressed in section (a) above
- Impact on security; this is addressed in section (a) above
- Conflicts with SPP; this is addressed in section (b) above

Support

- More housing is required; this is addressed in section (a) above
- Existing site does not contribute to character of the area; this is addressed in section (a) above
- Proposed development will contribute positively to the area; this is addressed in section (a) above

non-material considerations

- Loss of view; this is not a material planning consideration
- Potential donation of land to the local community; this is not material to the determination of the acceptability of the construction of a dwelling on this site
- Neighbours in wider area not consulted; all neighbours within 20 metres of the site were notified directly in line with legislation requirements

Conclusion in relation to identified material considerations

There are no material considerations which outweigh the conclusion above.

Overall conclusion

The proposal is not acceptable as it would result in the introduction of an incongruous development into an established landscaping strip and would have an adverse impact on the character and appearance of the surrounding area. The proposal would result in the loss of trees and landscaping worthy of retention, would not result in the creation of a satisfactory residential environment and raises issues in respect of road maintenance. In addition, it has not been satisfactorily demonstrated that the proposal will not be at risk of flooding or will not increase the flood risk to the surrounding area. The proposal is contrary to policies Hou 1, Hou 4, Des 1, Des 4, Des 5, Env 12 and Env 21 of the adopted Edinburgh Local Development Plan. As a result, the proposal is not in accordance with the development plan.

There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal: -

1. The proposal is contrary to policies Hou 1, Hou 4, Des 1, Des 4 Env 12 and Env 21 of the adopted Edinburgh Local Development Plan as it would have an adverse impact on the character and appearance of the surrounding area, would result in the loss of trees and landscaping worthy of retention, would not create a satisfactory residential environment and raises issues in respect of road maintenance and flood prevention.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 4 May 2022

Drawing Numbers/Scheme

01-02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer
E-mail: christopher.sillick@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: The Site is adjacent to a significant source of traffic noise. It is recommended that the applicant provide a noise impact assessment which assesses the level of road traffic noise and recommends mitigation where necessary.

DATE: 13 June 2022

NAME: Flood Planning

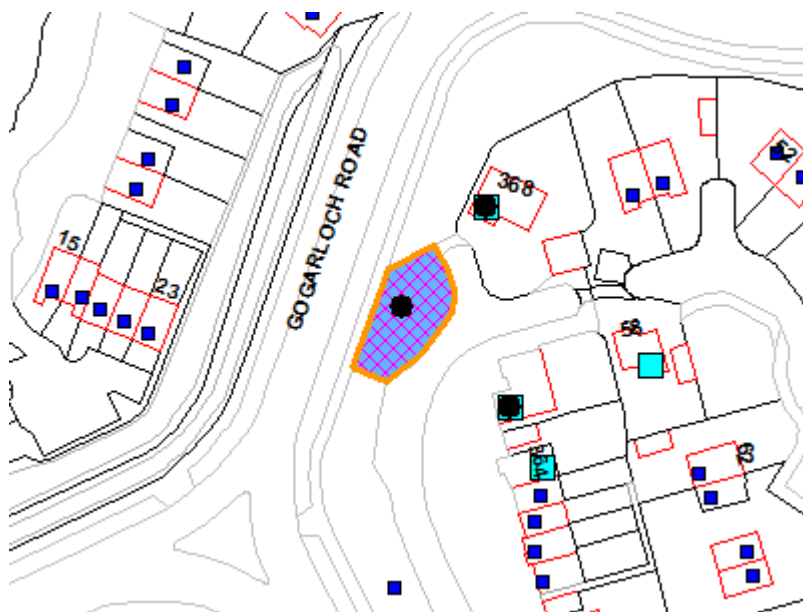
COMMENT: The online indicative SEPA flood maps identify a fluvial flood risk at the site from the Gogar Burn. A Flood Risk Assessment (FRA) will be required to support this planning application and confirm the 1:200-year return period event flood level (including an allowance for climate change).

A Surface Water Management Plan (SWMP) will also be required to confirm how surface water will be managed.

DATE: 23 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 21 September 2022

**Application for Planning Permission
43 Northumberland Street, Edinburgh, EH3 6JQ**

**Proposal: Construct new residential mews incorporating part of
existing boundary wall**

**Item – Committee Decision
Application Number – 22/01348/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

Recommendation

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

Summary

The proposal is acceptable in scale, form and design and it will not detract from the character or appearance of the conservation area, World Heritage Site or the setting of the listed building. The proposal makes use of traditional materials with sympathetic modern detailing. The existing boundary wall is to be retained. Alterations to the rear curtilage will improve the appearance of the site. The proposed house will sit sympathetically within its historic context. It will provide adequate amenity for its occupants and given the narrow nature of the street, it does not unduly impact on neighbouring privacy.

The proposal is acceptable in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site lies to the north (rear) of the townhouse at 43 Northumberland Street. The existing property is a substantial two storey, attic and basement, end-terrace property. This townhouse is category A listed (item no. 29449, listed on 24.05.1966) and situated within the World Heritage Site.

The application site occupies a corner site to the rear of the townhouse and fronts onto the south side of Northumberland Street North West Lane. The site is bounded by an original stone boundary wall to the east elevation. A later 2 storey mews property adjoins the site to the west. The rear of the townhouse is covered by hardstanding, providing parking.

The lane is characterised by several single storey garages and mews properties on the north and south side of the lane.

The east-most access to the lane from Northumberland Street is directly adjacent to the townhouse at No. 43. The townhouses are situated at higher level than the lane as the land slopes down from Northumberland Street to the properties to the north.

Description Of The Proposal

The proposal is to erect a two bedroom mews house with an integrated single garage as additional family accommodation, built as a continuation of the existing mews housing, accessible from Northumberland Street North West Lane. The proposal will have approximately 126 square metres of internal floorspace with 64 square metres of living space and 62 square metres of storage space provided by a new basement and the proposed garage. The proposal includes a new garden area which will be shared with No 43 Northumberland Street.

The building will be finished in coursed sandstone with sandstone quoins and a slate roof with zinc ridge. The skews to the roof will be finished in sandstone with lead flashings onto the slate. The doors to the lane will be powder coated aluminium roller doors with anthracite finish. Windows and door screens will be finished with powder coated aluminium in anthracite grey. Conservation Velux roof lights with anthracite finish are proposed with low level flashings.

The existing stone boundary wall on the east side of the application site will be incorporated into the gable of the proposed mews house. The wall will be repointed and rebuilt as required using the existing stone. Pointing work will be carried out using a suitable lime mortar to match the existing.

Supporting Information

- Planning Statement

Relevant Site History

06/02730/CON

43 Northumberland Street (garage To Rear)

Edinburgh

EH3 6JQ

Proposed alterations to garages to form mews flat

Permission is not required

25 July 2006

06/02730/FUL

43 Northumberland Street (garage To Rear)

Edinburgh

EH3 6JQ

Proposed alterations to garages to form mews flat (as amended)

Granted

6 October 2006

06/02730/LBC

43 Northumberland Street (garage To Rear)

Edinburgh

EH3 6JQ

Proposed alterations to garages to form mews flat (as amended)

Granted

31 October 2006

19/02025/PPP

43 Northumberland Street

Edinburgh

EH3 6JQ

Change of use from office to single dwelling (town house over four floors).

withdrawn

1 August 2019

19/03309/FUL

43 Northumberland Street

Edinburgh

EH3 6JQ

Change of use from office to single dwelling (Town House over four floors). (as amended)

Granted

11 September 2019

19/03312/LBC

43 Northumberland Street

Edinburgh

EH3 6JQ

Alter existing offices to form town house over four floors, including internal alterations and alterations of lower ground floor external openings to rear and replacement of existing windows with timber sash and casement windows to match existing pattern.
(As amended)

Granted
9 September 2019

20/03085/LBC
43 Northumberland Street
Edinburgh
EH3 6JQ

Alter existing boundary wall to incorporate it into a new residential mews building.
withdrawn

12 January 2021

20/03087/FUL
43 Northumberland Street
Edinburgh
EH3 6JQ

Construct residential mews.
withdrawn

12 January 2021

22/01345/LBC
43 Northumberland Street
Edinburgh
EH3 6JQ

Alter existing boundary wall to incorporate it into new residential mews building

Other Relevant Site History

16.03.2018 - Planning Permission Granted to demolish existing 2-car parking garage and pend to rear of 43 Northumberland Street. Alterations and reconstruction of existing stone boundary wall to form part of construction of new 2-storey residential mews with integral parking garage and access pend (Application Reference 17/01885/FUL).

15.09.2021 - Application Withdrawn relating to proposal to construct a two storey residential mews on the site, granted on March 2018 under application reference 17/01885/FUL. To add to the approved building a space for storage / utility and gym, to be located in the basement. The access to the basement area will be directly from the courtyard of the existing dwelling building via an open traditional stone staircase (Application Reference 21/02969/FUL).

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Historic Environment Scotland

Archaeology

Environmental Protection

Flooding

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

Publicity and Public Engagement

Date of Neighbour Notification: 28 March 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 1 April 2022;

Site Notices Date(s): 29 March 2022;

Number of Contributors: 31

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

The rear setting of the principle listed building at 43 Northumberland Street is characterised by an area of hardstanding bounded by a high stone boundary wall which opens to the mews lane through the north elevation. The proposed mews structure will complement this existing arrangement, restoring the enclosure of the rear garden which is more typical of properties in this area.

Mews buildings are an existing element in the setting of the listed building and the proposed mews is in keeping with these structures. When viewed from the townhouse the appearance of the garden ground will be improved. The introduction of an entrance to the proposed basement is a modest intervention and will not have a negative impact on the setting of the listed building. HES was consulted on the application and raised no objection to the proposal and expressed no concern that the formation of a basement would damage the listed building structurally or have a negative impact on its setting.

The existing random rubble stone boundary walls are an intrinsic part of character of the lane. The proposed mews structure will complement this existing arrangement. The agent has provided annotated drawings confirming the existing boundary wall to the east will be retained and rebuilt where necessary using reclaimed stone. All joints are to be repointed using lime mortar to match existing. The character of the listed building will therefore be preserved. This element of the scheme has been conditioned to ensure the setting of the listed building and the surrounding area is preserved.

Conclusion in relation to the listed building

The proposal will not have a detrimental impact on the setting of the listed building. The proposal is acceptable in terms of 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?

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

- the grid hierarchy of grand streets, lesser streets, lanes and mews
- terraces of buildings with regular building plot widths and the consistent relationship of building lines to the layout of streets
- the overwhelming retention of buildings in their original design form with a standard materials palette, including blonde sandstone and slated pitched roofs.

The existing rubble stone wall will be retained as part of the proposed construction of the mews. The stone boundary walls are a significant feature of the mews lanes and of this part of the New Town conservation area.

The envelope, traditional form and construction materials of the proposed mews reflect the type of buildings that commonly occupy the rear garden areas of Georgian terraced buildings in the Second New Town, which is a significant constituent area of the World Heritage Site. Whilst there is no evidence that this plot contained a mews originally, it cannot be concluded that a mews building was never planned on the site or would not have been built at a later stage. Also, the principle of mews development has already been established in the lane.

The proposed envelope matches that of the mews on the adjacent site and the proposed dimensions are appropriate in this particular location, given the length of the original garden plots. There are numerous examples of basement level development throughout the New Town Conservation Area and basement development in mews buildings is also not uncommon. The only element of the basement visible is a modest entrance within the garden ground of the site. This will not be visible from public view points and will not impact the character or appearance of the Conservation Area.

The proposed mews is of high quality traditional mews form with sympathetic contemporary detailing. Although the design respects the traditional mews design, the proposed scheme represents a sympathetic modern take on the form. The new walls of the new building will be formed from coursed sandstone to match the rear wall of the adjacent townhouse. This will be in keeping with the surrounding area. The use of Spanish Cupa Heavy slate is an acceptable modern equivalent in terms of colour, thickness, weight and texture of slate to traditional Scots Slate and is acceptable in this context. The proposed mews will complement the character and appearance of the New Town Conservation Area. The proposed traditional materials of sandstone and slate are in keeping with the historic palette of the area. The proposed introduction of new planting and sandstone slabs within the rear curtilage are a more appropriate response than the existing hardstanding and will improve the appearance of the site.

Conclusion in relation to the conservation area

The proposed mews building will both preserve and enhance the character of the conservation area. The proposals are acceptable in terms of 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 3, Env 6, Env 8, Env 9, Env 21 and Env 22
- LDP Design Policies Des 1, Des 4 and Des 5
- LDP Housing Policies Hou 1 and Hou 3
- LDP Transport Policies Tra 2 and Tra 3

The non-statutory 'Listed Buildings and Conservation Area' guidance and Edinburgh Design Guidance will be material considerations relevant when considering the above policies.

Impact on setting of the listed building and the conservation area

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.

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.

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

Impact on the World Heritage Site

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

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

The proposal will have no adverse impact on the Outstanding Universal Value of the Edinburgh World Heritage Site and complies with LDP policy Env 1.

Principle

Policy Hou 1 (Housing Development) supports new residential development on sites in the Urban Area, provided the proposals are compatible with other policies in the Local Plan.

Planning consent has previously been granted for a mews property on this site on two previous occasions (application references 06/02730/FUL and 17/01885/FUL). This is a significant material consideration in the determination of this application.

The current proposal differs from previous consents on this site in that it includes a basement level. There are no policies within the Edinburgh Local Development Plan (LDP) which relate specifically to the formation of basements. LDP policy Env 22 (Pollution and Air, Water and Soil Quality) states that planning permission will only be granted for development where there will be no significant adverse effects on: air, and soil quality; the quality of the water environment; or on ground stability. In terms of material considerations, the Planning Authority notes that there is no limit to excavation depth set out in legislation. Proposed excavation work of 2.8 metres below ground level is not in itself a concern in relation to ground stability. The excavation work will not take place underneath any existing buildings. The area is not in a coal mining notification area and there is no known history of ground instability in the area. Environmental Protection was consulted on the scheme and has offered no objection.

The proposed formation of a basement will require a building warrant and all structural aspects of the proposed development will be considered as part of this process. As part of the Building Warrant process, a soil investigation report will be required in advance of construction work. The design of all proposed structural work will be assessed and certified by a Structural Engineer. The assessment and certification of the work will have to consider any neighbouring structure. It is not for the Planning Authority to assess these matters. Any subsequent issues relating to damage to neighbouring properties would be a civil matter.

Scale, Form and Design

Policy Des 4 (Development Design - Impact on Setting) sets out the criteria for ensuring new buildings fit in with the surrounding area - a) height and form b) scale and proportions, including the spaces between buildings c) position of buildings and other features on the site d) materials and detailing.

As noted in section (b) the proposed development is a high quality traditional mews form with sympathetic contemporary detailing. The design, scale and materials mimic the existing adjacent mews. The proposed mews will complement the character and appearance of the New Town Conservation Area. The proposed traditional materials of sandstone and slate are in keeping with the historic palette of the area. The proposed introduction of new planting within the rear garden area will improve the appearance of the site. As noted above, basement development is not uncommon and the envelope of the building is in keeping with surrounding mews structures. This does not represent overdevelopment of the site and is acceptable.

The proposal complies with LDP Policy Des 4.

Amenity

LDP Policy Des 5 (Development Design - Amenity) states planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

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

The proposal will have an approximately 126 square metres of internal floorspace with 64 square metres of living space and 62 square metres of storage space provided by a new basement and the proposed garage. Edinburgh Design Guidance sets out a recommended minimum requirement of 66 square metres of gross internal floorspace for a two bedroom flat. Although only 64 square metres of living space is provided in this instance, given the extensive level of storage provided, the proposal complies with this requirement. The proposal includes 78 square metres of garden space which represents more than twenty percent of the site. Policy Hou 3 does not set a specific required level of private greenspace for new houses though Edinburgh Design Guidance does recommend a minimum depth of nine metres. In this case the garden will have a depth of ten metres and is comparable to the garden ground of surrounding properties. Sufficient garden ground is provided to meet the terms of LDP Policy Hou 3.

The total distance between the rear windows of this structure and those of the townhouse at 43 Northumberland Street is approximately 10 metres. At present, both this site and the principal townhouse are in single ownership therefore no south boundary structure is proposed for the new dwelling. Given the tight urban grain of this city centre location, there are no concerns regarding privacy for future occupiers.

In terms of the privacy of neighbouring properties, the windows in the front elevation are directly on the street boundary. Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. The proposed development reflects the typical arrangement of a mews street and is in keeping with the surrounding area. The proposed distance between the new development and neighbouring buildings is acceptable within the context of a mews lane.

The proposal will have no impact on sunlight or daylight to neighbouring properties.

The proposal complies with LDP Policy Des 5 and LDP Policy Hou 3.

Flooding and surface water management

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

A Surface Water Management Plan will be required to support the application. SEPA Flood Risk Maps show the site is not in an identified area of surface water flood risk.

The Council's Flooding Team were consulted on the scheme and has indicated that a Surface Water Management Plan can be conditioned for this site. It is appropriate therefore to condition the provision of a Surface Water Management Plan prior to occupation of the dwelling.

The proposal complies with LDP Policy Env 21.

Road Safety and Parking

Policy Tra 2 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 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.

An integral single garage will be provided as part of the design of the mews house. The provision of one car parking space complies with Parking Standards set out in Edinburgh Design Guidance. No specific cycle parking is indicated on the drawings. However, bikes could be stored in the garden or garage. The proposal complies with Tra 2 and Tra 3.

Given that the application site previously had two garages and was used to provide car parking for an office located at No. 43 Northumberland Street, a single garage will be no worse in terms of manoeuvrability. The proposed use will not generate any significant additional levels of traffic. The Roads Authority has not objected to the scheme.

Archaeology

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

LDP Policy Env 9 (Development of Sites of Archaeological Significance) states planning permission will be granted for development on sites of known or suspected archaeological significance.

The City Archaeologist was consulted on the proposal and concluded that there are no, known, significant archaeological implications in relation to this application.

The proposal complies with LDP Policies Env 8 and Env 9.

Conclusion in relation to the Development Plan

The proposal complies with all relevant policies set out in the Local Development Plan.

The proposal is acceptable in scale, form and design and it will not detract from the character or appearance of the conservation area, World Heritage Site or the setting of the listed building. The proposal makes use of traditional materials with sympathetic modern detailing. The existing boundary wall is to be retained.

Alterations to the rear curtilage will improve the appearance of the site. The proposal will not result in a reasonable loss of neighbouring amenity and future occupiers will have an acceptable level of residential amenity. There will be no detrimental impact on road safety.

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

A summary of the representations is provided below:

material considerations

- Objects to proposed excavation due to potential damage to surrounding properties, the listed building and health and safety concerns; this is addressed in section (c) above
- Impact on World Heritage Site; this is addressed in section (c) above
- Overdevelopment of the site; this is addressed in section (c) above
- Spanish slate inappropriate; this is addressed in section (a) above
- Objects to stonework of boundary wall and proposed mews; this is addressed in section (a) and (b)
- Objects to sandstone pavers in rear curtilage; this is addressed in section (b)

New Town and Broughton Community Council

- Note principle of two storey mews building on the site is established; this is addressed in section (c)
- Concern relating to basement excavation in terms of precedent and health and safety risk; this is addressed in section (c)
- Privacy; this is addressed in section (c)

non-material considerations

- Unacceptable precedent; each application must be assessed on its own merit
 - Previous work to the adjacent building has not preserved heritage; each application must be assessed on its merit
 - Previous applications relating to a basement in Inverleith Place resulted in damage to neighbouring properties; each application must be assessed on its own merit
 - Construction noise; this is not a planning matter
 - Drawings provide insufficient information including in relation to the existing boundary wall; the drawings are sufficient to determine the acceptability of the scheme and provide details

Conclusion in relation to identified material considerations

There are no material considerations which indicate the proposal should be refused.

Overall conclusion

The proposal is acceptable in scale, form and design and it will not detract from the character or appearance of the conservation area, World Heritage Site or the setting of the listed building. The proposal makes use of traditional materials with sympathetic modern detailing. The existing boundary wall is to be retained. Alterations to the rear curtilage will improve the appearance of the site. The proposed house will sit sympathetically within its historic context. It will provide adequate amenity for its occupants and given the narrow nature of the street, it does not unduly impact on neighbouring privacy.

The proposal is acceptable in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. Prior to initiation of development a Surface Water Management Plan shall be submitted to and agreed in writing with the Local Planning Authority and thereafter implemented.

2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. The existing boundary wall to the east will be retained and rebuilt where necessary using reclaimed stone. All joints are to be repointed using lime mortar to match existing.

Reasons:-

1. To ensure surface water is managed correctly.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard the character of the statutorily listed building.

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: 18 March 2022

Drawing Numbers/Scheme

01-05

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer
E-mail: christopher.sillick@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Historic Environment Scotland

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 development affecting the historic environment, together with related policy guidance.

DATE: 7 April 2022

NAME: Archaeology

COMMENT: Having assessed potential impacts upon both the surviving garden wall and any potential buried remains, it has been concluded that there are no, known, significant archaeological implications in relation to this application.

DATE: 5 April 2022

NAME: Environmental Protection

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

The application proposes the construction of a new residential property on the grounds of an existing parking area. Residential properties exist to the north, west and south.

Environmental Protection offers no objections to the application.

DATE: 29 August 2022

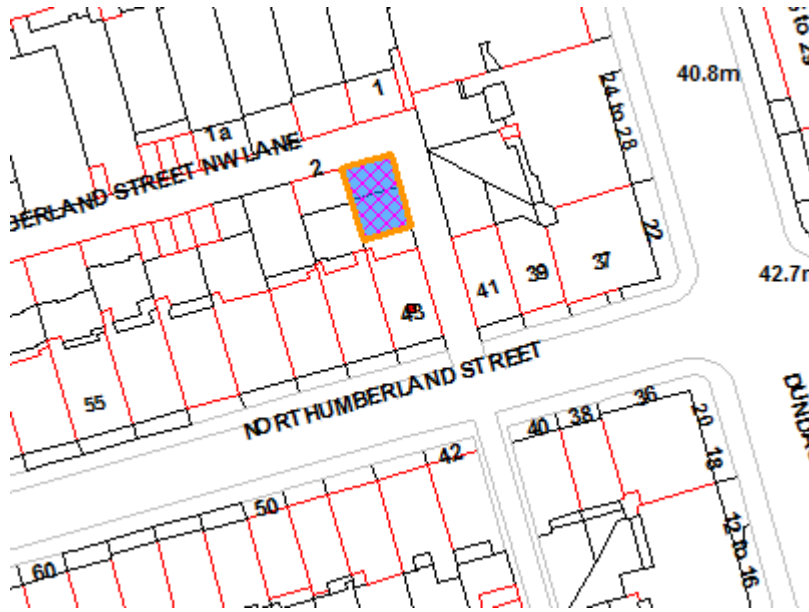
NAME: Flooding

COMMENT: We would recommend a Surface Water Management Plan (SWMP) is provided prior to determination, as the applicant may be relying on proposals that are not feasible. However, if required, this can be conditioned. The applicant should however be aware of the risk that the proposed building scale and layout is not feasible, as surface water treatment and attenuation will be required.

DATE: 16 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 21 September 2022

**Application for Listed Building Consent
43 Northumberland Street, Edinburgh, EH3 6JQ**

**Proposal: Alter existing boundary wall to incorporate it into new
residential mews building**

**Item – Committee Decision
Application Number – 22/01345/LBC
Ward – B11 - City Centre**

Reasons for Referral to Committee

Recommendation

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

Summary

The proposals are acceptable in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals comply with the development plan and there are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site lies to the north (rear) of the townhouse at 43 Northumberland Street. The existing property is a substantial two storey, attic and basement, end-terrace property. This townhouse is category A listed (item no. 29449, listed on 24.05.1966) and situated within the New Town Conservation Area and World Heritage Site.

The application site occupies a corner site to the rear of the townhouse and fronts onto the south side of Northumberland Street North West Lane. The site is bounded by an original stone boundary wall to the east elevation. A later 2 storey mews property adjoins the site to the west. The rear of the townhouse is covered by hardstanding, providing parking.

The lane is characterised by several single storey garages and mews properties on the north and south side of the lane.

The east-most access to the lane from Northumberland Street is directly adjacent to the townhouse at No. 43. The townhouses are situated at higher level than the lane as the land slopes down from Northumberland Street to the properties to the north.

Description of the Proposal

The proposal is to erect a two bedroom mews house with an integrated single garage as additional family accommodation, built as a continuation of the existing mews housing, accessible from Northumberland Street North West Lane. The proposal will have approximately 126 square metres of internal floorspace with 64 square metres of living space and 62 square metres of storage space provided by a new basement and the proposed garage. The proposal includes a new garden area which will be shared with No 43 Northumberland Street.

The building will be finished in coursed sandstone with sandstone quoins and a slate roof with zinc ridge. The skews to the roof will be finished in sandstone with lead flashings onto the slate. The doors to the lane will be powder coated aluminium roller doors with anthracite finish. Windows and door screens will be finished with powder coated aluminium in anthracite grey. Conservation Velux roof lights with anthracite finish are proposed with low level flashings.

The existing stone boundary wall on the east side of the application site will be incorporated into the gable of the proposed mews house. The wall will be repointed and rebuilt as required using the existing stone. Pointing work will be carried out using a suitable lime mortar to match the existing.

Supporting Information

Planning Statement

Relevant Site History

06/02730/CON
43 Northumberland Street (garage To Rear)
Edinburgh
EH3 6JQ
Proposed alterations to garages to form mews flat
Permission is not required
25 July 2006

06/02730/FUL
43 Northumberland Street (garage To Rear)
Edinburgh
EH3 6JQ
Proposed alterations to garages to form mews flat (as amended)
Granted
6 October 2006

06/02730/LBC
43 Northumberland Street (garage To Rear)
Edinburgh
EH3 6JQ
Proposed alterations to garages to form mews flat (as amended)
Granted
31 October 2006

19/03309/FUL
43 Northumberland Street
Edinburgh
EH3 6JQ
Change of use from office to single dwelling (Town House over four floors). (as amended)
Granted
11 September 2019

19/03312/LBC
43 Northumberland Street
Edinburgh
EH3 6JQ
Alter existing offices to form town house over four floors, including internal alterations and alteration of lower ground floor external openings to rear and replacement of existing windows with timber sash and casement windows to match existing pattern. (as amended)
Granted
9 September 2019

20/03085/LBC
43 Northumberland Street
Edinburgh
EH3 6JQ
Alter existing boundary wall to incorporate it into a new residential mews building.
withdrawn
12 January 2021

20/03087/FUL
43 Northumberland Street
Edinburgh
EH3 6JQ
Construct residential mews.
withdrawn
12 January 2021

22/01348/FUL
43 Northumberland Street
Edinburgh
EH3 6JQ
Construct new residential mews incorporating part of existing boundary wall

Other Relevant Site History

16.03.2018 - Planning Permission Granted to demolish existing 2-car parking garage and pend to rear of 43 Northumberland Street. Alterations and reconstruction of existing stone boundary wall to form part of construction of new 2-storey residential mews with integral parking garage and access pend (Application Reference 17/01885/FUL).

15.09.2021 - Application Withdrawn relating to proposal to construct a two storey residential mews on the site, granted on March 2018 under application reference 17/01885/FUL. To add to the approved building a space for storage/utility and gym, to be located in the basement. The access to the basement area will be directly from the courtyard of the existing dwelling building via an open traditional stone staircase (Application Reference 21/02969/FUL).

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Historic Environment Scotland

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): 1 April 2022;

Site Notices Date(s): 29 March 2022;

Number of Contributors: 4

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) within a conservation area, this application for listed building consent requires to be assessed against Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals:
 - a. harm a listed building or its setting? or
 - b. conflict with the objective of preserving or enhancing the character or appearance of the conservation area?

If the proposals do not comply with HES Policy and guidance, 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 proposals harm the listed building or its setting?

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

- Managing Change in the Historic Environment: Setting

The rear setting of the principle listed building at 43 Northumberland Street is characterised by an area of hardstanding bounded by a high stone boundary wall which opens to the mews lane through the north elevation. The proposed mews structure will complement this existing arrangement, restoring the enclosure of the rear garden which is more typical of properties in this area.

Mews buildings are an existing element in the setting of the listed building and the proposed mews is in keeping with these structures. When viewed from the townhouse the appearance of the garden ground will be improved. The introduction of an entrance to the proposed basement is a modest intervention and will not have a negative impact on the setting of the listed building. HES was consulted on the application and raised no objection to the proposal and expressed no concern that the formation of a basement would damage the listed building structurally or have a negative impact on its setting.

The existing random rubble stone boundary walls are an intrinsic part of character of the lane. The proposed mews structure will complement this existing arrangement. The agent has provided annotated drawings confirming the existing boundary wall to the east will be retained and rebuilt where necessary using reclaimed stone. All joints are to be repointed using lime mortar to match existing. The character of the listed building will therefore be preserved.

Conclusion in relation to the listed building

The proposal will not have a detrimental impact on the setting of the listed building. The proposal is acceptable in terms of 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?

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

- the grid hierarchy of grand streets, lesser streets, lanes and mews
- terraces of buildings with regular building plot widths and the consistent relationship of building lines to the layout of streets
- the overwhelming retention of buildings in their original design form with a standard materials palette, including blonde sandstone and slated pitched roofs.

The existing rubble stone wall will be retained as part of the proposed construction of the mews. The stone boundary walls are a significant feature of the mews lanes and of this part of the New Town conservation area.

The envelope, traditional form and construction materials of the proposed mews reflect the type of buildings that commonly occupy the rear garden areas of Georgian terraced buildings in the Second New Town, which is a significant constituent area of the World Heritage Site. Whilst there is no evidence that this plot contained a mews originally, it cannot be concluded that a mews building was never planned on the site or would not have been built at a later stage. Also, the principle of mews development has already been established in the lane.

The proposed envelope matches that of the mews on the adjacent site and the proposed dimensions are appropriate in this particular location, given the length of the original garden plots. There are numerous examples of basement level development throughout the New Town Conservation Area and basement development in mews buildings is also not uncommon. The only element of the basement visible is a modest entrance within the garden ground of the site. This will not be visible from public view points and will not impact the character or appearance of the Conservation Area.

The proposed mews is of high quality traditional mews form with sympathetic contemporary detailing. Although the design respects the traditional mews design, the proposed scheme represents a sympathetic modern take on the form. The new walls of the new building will be formed from coursed sandstone to match the rear wall of the adjacent townhouse. This will be in keeping with the surrounding area. The use of Spanish Cupa Heavy slate is an acceptable modern equivalent in terms of colour, thickness, weight and texture of slate to traditional Scots Slate and is acceptable in this context. The proposed mews will complement the character and appearance of the New Town Conservation Area. The proposed traditional materials of sandstone and slate are in keeping with the historic palette of the area. The proposed introduction of new planting and sandstone slabs within the rear curtilage are a more appropriate response than the existing hardstanding and will improve the appearance of the site, which was previously used as a car park.

Conclusion in relation to the conservation area

The proposed mews building will both preserve and enhance the character of the conservation area. The proposals are acceptable in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) there are any other matters to consider?

The following matters have been identified for consideration:

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 summary of the representations is provided below:

material considerations

- Stonework and proposed slate inappropriate; this is addressed in section (b)
- Basement inappropriate within Conservation Area and may damage surrounding buildings; this is addressed in section (a) and (b)
- Sandstone slab within garden inappropriate; this is addressed in section (b)
- Inappropriate materials for construction of mews; this is addressed in section (b)

non-material considerations

- Over development; this is addressed in the assessment of application 22/01348/FUL.

Conclusion in relation to other matters considered

There are no material considerations which indicate the proposal should be refused.

Overall conclusion

The proposals are acceptable in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 The proposals comply with the development plan and there are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. This consent is for Listed Building Consent only. Work must not begin until other necessary consents, e.g. Planning Permission, have been obtained.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 18 March 2022

Drawing Numbers/Scheme

01-05

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer
E-mail: christopher.sillick@edinburgh.gov.uk

Summary of Consultation Responses

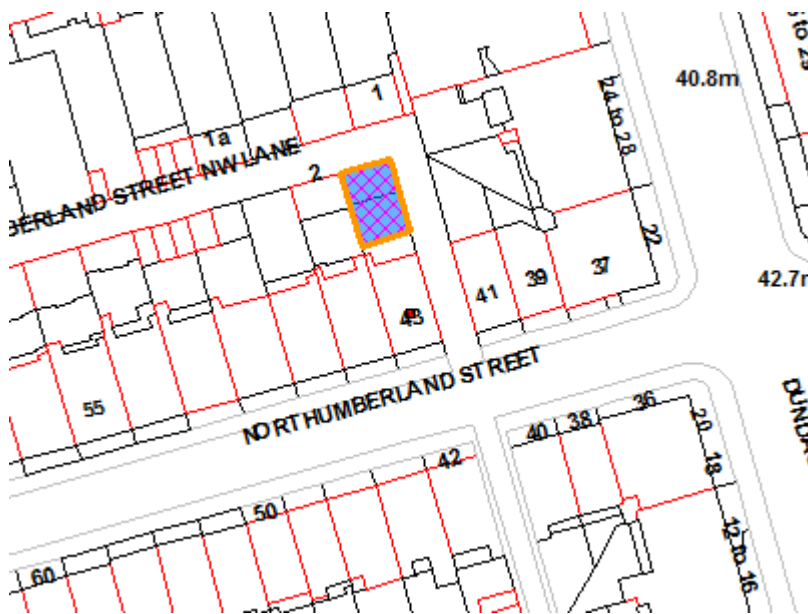
NAME: Historic Environment Scotland

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: 7 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 21 September 2022

**Application for Planning Permission
Ocean Terminal, 98 Ocean Drive, Edinburgh.**

Proposal: Part demolition of existing shopping centre, remodelling and re-facing of facade to provide reconfigured commercial units (Class 1/2/3) at ground floor level, reconfigured visitor attraction space (Class 10) and potential co-working office space (Class 4), commercial units (Class 1/2/3) and/or leisure uses (Class 11) on upper floors, relocation of access bridge to Royal Yacht Britannia, temporary landscaping on the cleared site, and associated works.

**Item – Other Item at Committee
Application Number – 22/01372/FUL
Ward – B13 - Leith**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee due the significance in terms of the wider public interest as it is associated with a large-scale demolition of part of a commercial centre.

Recommendation

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

Summary

The proposed development is in accordance with the Development Plan. The centre will continue to function as a commercial centre and the design and scale of the new outward looking end of the building is acceptable, whilst allowing future development to come forward in a co-ordinated manner. Amenity issues can be adequately dealt with through the use of conditions and other matters such as in relation to transport, ecology and flooding and are acceptable. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable.

SECTION A – Application Background

Site Description

Ocean Terminal is a large symmetrical building (with additions) orientated north-east/south-west alongside Ocean Drive and forming the eastern frontage to the main harbour of the Port of Leith. It is a large, covered shopping mall with two multi-storey car parks at either end.

The application site extends to approximately 1.27 hectares and comprises the north-eastern section of Ocean Terminal taking in the 'blue' multi-storey car park and the vacant retail unit previously occupied by the Debenhams department store.

The Royal Yacht Britannia is moored adjacent to the site and currently accessed through Ocean Terminal. The site boundary includes the existing bridge and lift/stair core that provides access to the yacht.

To the north of the site there is a distillery currently under construction.

Bus stops are located immediately outside the main pedestrian entrance on Ocean Drive and the tram line is currently under construction along Ocean Drive.

The wider area consists of a mix of uses including retail, offices and residential. Some adjacent sites are currently under construction.

The site is located within the Central Leith Waterfront area (Proposal reference EW1b) as identified in the adopted Edinburgh Local Development Plan (LDP). Ocean Terminal is designated as one of the City's Commercial Centres.

The LDP Proposals Map contains the tram route safeguard along Ocean Drive adjacent to the site and also the safeguarded route for the Waterfront Promenade.

Further north of the site is the Imperial Dock Lock Special Protection Area (SPA) which contains a tern colony.

Description of the Proposal

The proposal seeks to repurpose Ocean Terminal by part-demolition and remodelling of the existing shopping centre leaving a wider site for future redevelopment purposes. The application site does not include the existing smaller surface car parking area.

The multi-storey car park (containing 676 parking spaces) and the northern large multi-floored retail unit up to and including the rotunda entrance to the shopping centre are to be demolished. This aligns the new gable end of Ocean Terminal with Ocean Drive.

The proposal will reduce the overall Gross Internal Floor Area (GIFA) by 25% from 58,850 sqm to 44,050 sqm.

The retained floorspace is proposed to be refurbished for a mix of units. No new floor space will be created by the development. Part of the existing floor space within the application site will be retained within a new 'bookend' for the centre. This reconfigures the internal layout and units and in the main will create seven commercial units.

Three ground floor units, measuring 188sqm, 206sqm and 408 sqm are proposed for Class 1 (Shops), 2 (Financial, Professional and other services), 3 (Food and Drink) or 4 (Business) use.

Two first floor units, measuring 171sqm and 215sqm are proposed for Class 1, 2, 3 or 4 use. A further two existing units measuring 160 sqm and 161 sqm are shown on the plans with potential for Class 1, 2, 3 and 4 use.

Two second floor units are proposed. One Class 10 (Non-residential Institutions) use measuring 635sqm in association with the Royal Yacht Britannia is proposed. There is also a new bridge that will link to the existing stair/lift core that provides access to the visitor attraction. The other unit measures 950sqm and is proposed for Class 3, 4 or 11 (Assembly and Leisure) use.

The design of the new bookend of Ocean Terminal is a modern industrial façade that consists of an exposed steel structural frame, painted in a dark grey finish, with rhythmic primary vertical piers which are subdivided by secondary horizontal beams. Each structural bay is split into two smaller sections. It is set over three storeys with an additional fourth storey created with perforated metal screens to hide the roof plant.

A new central entrance point is created and aligned on the existing central route through the shopping centre. Glazed shop fronts are to be created.

Public realm is to be created around the re-modelled end, but this is limited up to the fenced area that will then form a later phase of development.

Supporting Information

The following documents were submitted in support of the application:

- Planning Statement;
- Design and Access Statement;
- Air Quality Assessment;
- Demolition Statement;
- Transport Statement;
- Sustainability Statement and S1 Form;
- Noise Impact Assessment (and supplementary information); ;
- Drainage Strategy Report;
- Surface Water Management Plan;
- Flood Risk Assessment and
- Geo-Environmental Desk Study.

These are available to view on the Planning and Building Standards Online Service.

Relevant Site History

99/00018/FUL
Land @
Ocean Drive
Edinburgh

Erect mixed use development, including retail, leisure, restaurants & bars, multi-screen cinema and Britannia Visitor Centre with 2 car parks

Granted

2 December 1999

14/04482/FUL

Ocean Terminal

98 Ocean Drive

Edinburgh

Front extension to units comprising Class 1 retail on the ground floor, staff welfare facilities on the first floor and mechanical plant on the second floor.

Granted

12 August 2015

Other Relevant Site History

Adjacent sites:

01/01030/FUL

Ocean Drive

Edinburgh

Erection of two office buildings of 9 and 11 storeys respectively, with a combined floor area of 25,000sqm. The 9-storey building (Ocean Point) has been implemented.

Granted

31 October 2001

16/03684/FUL

Land 120 Metres South East Of 98

Ocean Drive

Edinburgh

388 residential units and 29 commercial units proposed to be either Class 1, 2 or 4 + 2 corner cafes on the Waterfront Plaza (Cala site).

Granted. Under construction.

14 August 2018

17/04428/FUL

Land Adjacent To

Ocean Drive

Edinburgh

Proposed distillery (sui generis) and ancillary uses, including visitor experience/tasting area and shop; office and restaurant, bar and use of the external yard for distillery-related servicing and storage.

Granted. Under construction.

26 September 2019

19/02778/FUL

Land 143 Metres Southeast Of 94

Ocean Drive

Edinburgh

Residential development of 338 flats over 4 apartment buildings with heights of 10 storeys (Building A), 14 storeys (Building B), 12 storeys (Building C) and 10 storeys (Building D) with two commercial units (Class 1,2,3 and 4), car parking and associated landscaping (as amended).

Granted

3 November 2020

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Flood Prevention

Environmental Protection

NatureScot

Archaeology Officer

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

Publicity and Public Engagement

Date of Neighbour Notification: 31 March 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 3

Section B - Assessment

Determining Issues

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

- public representations and
- any other identified material considerations.

Assessment

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

a) 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 Strategy Policy Del 3.
- LDP Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8, Des 10, Des 12 and Des 13.
- LDP Environment policies Env 9, Env 13, Env 16, Env 20, Env 21 and Env 22
- LDP Employment and Economic Development policies Emp 9.
- LDP Shopping and Leisure policies Ret 4, Ret 7 and Ret 11
- LDP Transport policies Tra 2, Tra 3 and Tra 9.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the application.

Principle of Development

The site is located within the Central Leith Waterfront area (Proposal reference EW1b) as identified in the adopted Edinburgh Local Development Plan (LDP). Ocean Terminal is designated as one of the City's Commercial Centres.

LDP Policy Ret 4 (Commercial Centres) sets criteria to assess additional retail floorspace and allows additional floorspace with very specific justification and demonstrating impact on sequentially preferable locations. There are no specific policies to protect the loss of retail floorspace in commercial centres.

LDP Table 7 sets out the existing role and characteristics of Ocean Terminal and the anticipated future role. It states that Ocean Terminal offers a range of retailing, including an anchor department store, dining and a multiplex cinema. Table 7 notes that any future increase in floorspace must reflect the scale and phasing of residential development expected in the area.

Proposals for the reduction in overall retail floorspace in defined commercial centres is not common. However, a significant amount of retail and leisure floorspace will remain, serving a local and strategic function. The applicant's supporting information notes that there have been changes to retailing since the LDP was adopted and that the large retail unit previously occupied by Debenhams is vacant. The key aspects of role of the centre as described in LDP Table 7 will still be performed by the centre even with the proposed part demolition and re-modelling of the northern end of Ocean Terminal.

The uses proposed in the remodelling of the end of the centre are appropriate uses within a commercial centre. Policy Ret 7 (Entertainment and Leisure Developments-

Preferred Locations) sets out that, in principle, leisure and entertainment and visitor attractions are acceptable at Leith.

Although Policy Ret 11 (Food and Drink Establishments) relates to changes of shop units to restaurant, cafes, pubs or hot food takeaways the supporting text to the policy does indicate that the provision of food and drink establishments in areas where people live is a recognisable component of urban living. However, it does note that they can cause problems for local residents. The commercial centre is an acceptable location for such uses, subject to an assessment of amenity considerations.

LDP Policy Emp 9 (Employment Sites and Premises) supports development for employment purposes of business premises in the urban area and accordingly Class 4 uses are acceptable at this location.

As the site forms part of the wider waterfront area, LDP Policy Del 3 (Edinburgh Waterfront) is relevant. This policy supports development proposals that will contribute to the creation of new urban quarters at Leith Waterfront. Commercial and housing-led mixed use development is generally supported. This includes proposals that maximise the development potential of the area and contain a mix of house types, sizes and affordability.

The proposals will allow Ocean Terminal to continue to support a wider mix of uses within this part of the city and enable land to be made available for future mixed use redevelopment. The proposals accord with the broad aims of this policy.

Overall, the proposed demolition and re-design of this part of Ocean Terminal is acceptable in principle and accords with the relevant policies of the LDP.

Design and Layout

Co-ordinated Development:

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

Policy Des 10 (Waterside Development) states that planning permission will only be granted for development on sites on the coastal edge where it provides an attractive frontage onto the land in question and provides or improves public access to and along the water's edge.

Policy Tra 9 (Cycle and Footpath Network) safeguards proposed cycle and footpaths identified within the LDP Proposals Map. A waterfront promenade is proposed (proposal reference T7) to the west and north of the site.

The proposals form part of a wider redevelopment strategy, by the applicant, for the northern end of Ocean Terminal. The demolition will allow for a larger area of land to come forward for future redevelopment.

Indicative plans have been provided to show how this may look, though these are still at the pre-application stage and will need assessed when a planning application is submitted. This demonstrates that there is sufficient land and opportunity for it to be developed and potentially incorporated into the site and surrounding uses. The future development can potentially open up the waterfront at this location, certainly more than the current building. Though security fence around RYB will remain in some form.

The waterfront promenade is outwith the scope of this planning application and the proposals will not impact on the safeguard. Currently the western site of Ocean Terminal next to the water's edge is inaccessible to the public and this will remain through this application. However, the indicative plans in the Design and Access Statement show the potential for a future boardwalk in this area.

The proposals comply with policies Des 2, Des 10 and Tra 9.

Layout, Scale, Form and Design:

LDP Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place and design should be based on an overall design concept that draws upon positive characteristics of the surrounding area.

LDP Policy Des 4 (Development Design - Impact on Setting), notes that where surrounding development is fragmented or poor quality, development proposals should help repair urban fabric, establish model forms of development and generate coherence and distinctiveness, i.e. a sense of place. These requirements are further reinforced through the Edinburgh Design Guidance.

LDP Policy Des 7 (Layout Design) supports development which takes a comprehensive and integrated approach to the layout of buildings streets open spaces, public paths and SUDs features. Layouts should encourage cycling and walking, promote safe access throughout the site and have regard for the needs of people with limited mobility.

LDP Policy Des 8 (Public Realm and Landscape Design) states that planning permission will be granted for development where all external spaces, and features, including streets, footpaths, civic spaces, green spaces boundary treatments and public art have been designed as an integral part of the scheme as a whole.

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

The Edinburgh Design Guidance establishes keys aims for new development including the need to have a positive impact on the immediate surroundings; the wider environment; landscape and views, through its height and form; scale and proportions; materials and detailing; positioning of buildings on the site, integration of ancillary facilities; and the health and amenity of occupiers.

The layout of the proposed development is dictated by where the redundant parts of Ocean Terminal are to be demolished and the establishment of a new end to the centre. The new bookend responds well to the alignment of Ocean Drive.

The proposals will create a new northern entrance to Ocean Terminal, whilst the ground floor units on this elevation also benefit from shop fronts and direct external access. These elements provide a new active frontage that aids in turning the current insular building into a more outward looking one and it will eventually create a more welcoming place.

Landscaping and public realm for this phase is largely restricted to the strip of land adjacent to the new entrance. This is to be created with clay brick paving that will stretch along the side of the building to the new entrance. A narrow painted asphalt area sits next to this and then a planted rain garden sites adjacent to the cleared development site. Seating and litter bins will sit in this area.

The larger cleared development plot is to be temporarily planted with a coastal meadow mix which would create a temporary habitat for wildlife. A temporary hoarding is proposed to be put up around the cleared site, an informative is proposed to encourage the applicant to put in an education window to allow views through.

The general layout and public realm proposed is acceptable for the site and it complies with policies Des 7 and Des 8.

Leith contains a wide range of building types and materials with a number of architectural influences. The Ocean Terminal building itself has a mixture of massing and materials with reconstituted stone, metal panelling and terracotta. The later H&M extension is clad in a reflective metal cladding.

The immediate surrounding area contains a mix of building styles including the brick on the adjacent residential site, reconstituted stone panelling on the Ocean Point office building and corrugated sheeting used in the distillery building.

The Design and Access Statement explains that the design takes its cues from Leith's industrial past which included metal engineering structures and shipbuilding frames. This has resulted in a proposed development with an exposed steel structure frame painted in a grey finish with vertical piers and horizontal beams. The ground floor is predominately glazed.

The design is smart and contemporary and allows for internal flexibility for the units. It acts as a contrast to the existing building providing a new chapter in the evolution of Ocean Terminal.

The new bookend sits at a similar height to the exiting centre and is lower than the part of the building that it adjoins. The visual impact of the proposal will be less than the existing building and multi-storey car park.

The alignment with Ocean Drive will also allow some views through the site and is an improvement over the current monolithic building form.

The Royal Yacht Britannia and the access stair/lift core are to remain in their current positions. RYB is to accommodate one of the upper units to allow this access arrangement to continue. A new bridge from the redesigned Ocean Terminal building coming out in a diagonal manner is proposed. The angle of the bridge jutting out in front of the new bookend of Ocean Terminal has the potential to be a jarring design element when viewed against the new elevation. A condition is recommended for the final design of the bridge and stair core.

The proposal has a design concept that aims to reference the industrial heritage of the area and complies with Policy Des 1. The overall scale and form of development alongside the materials uses area acceptable and the development complies with Policies Des 4 and Des 12.

Amenity

LDP Policy Des 5 (Development Design - Amenity) seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity.

Noise:

A noise impact assessment (NIA) has been provided which considers the newly proposed commercial operations (Class 1, 2, 3, 4, 10 and 11 uses), ventilation and plant noise on any future proposed and existing nearby residential properties. It recommends mitigation measures.

Environmental Protection has considered information provided and although it has some concerns it does not object to the application, subject to conditions.

Environmental Protection advises that the NIA sets out that the noise levels from the proposal will result in the proposed residential properties to the north requiring to keep their windows closed to ensure an acceptable internal noise environment. The applicant has not addressed all Environmental Protection's concerns in relation to keeping operational noise within the envelope of the building and it has requested further information in relation to noise from plant, details of glazing specifications and also details of a proposed lobby. A condition has been recommended.

The ground floor Class 3 uses have the potential for outdoor seating and therefore Environmental Protection recommend a condition limiting the use of the external area between 8am to 9am to protect future residential amenity.

Noise protection measures have not been put forward for the Class 11 (Assembly and Leisure) use. As Class 11 can cover a wide range of potentially noisy uses, a condition is recommended to restrict this to a yoga studio and treatment room.

Overall, this application deals with the creation of a new bookend for the existing commercial centre and contains uses that are suitable for the centre. The concerns are largely with ensuring that the proposed uses will not detrimentally impact on future residents in later phases of development. It is not unusual to have residential development above or adjacent to commercial uses and indeed mixed use development is encouraged.

Odour:

The Class 3 uses have the potential to impact residential amenity through cooking odours. As residential properties are likely to be proposed in the future to the northeast of the site, a distance of over 30 metres from extract point to future residential windows has been designed in to ensure that odours will dissipate and not affect future residential amenity. A condition is recommended below to this effect.

Air Quality:

The proposals should not impact on localised air quality with the removal of a large number of parking spaces proposed. The submitted air quality impact assessment considered the demolition aspects of the proposal and states that dust control measures will be introduced when demolition operations occur.

In summary, Environmental Protection has considered the proposals and although it raises from concerns in relation noise implications of the proposal it does not object subject to the inclusion of conditions. Therefore, the proposals are acceptable in relation to amenity considerations for existing and future residents in line with Policy Des 5.

Ecology

LDP Policy Env 16 (Protected Species) aims to ensure development will not be to the detriment of a protected species and suitable mitigation is proposed and LDP Policy Env 13 (Sites of International Importance) relates to the protection of Natura 2000 sites.

The site is located approximately 200 metres from the Imperial Dock Lock SPA (which contains the largest breeding tern colony in Scotland) and 600m from the Firth of Forth SPA.

NatureScot has commented that it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly and an appropriate assessment is therefore not required. This is due to distance from the sites and existing land uses and noise levels in the area, including the working dock area, so that noise from the demolition works are unlikely to cause disturbance to the species using the SPAs.

The proposal complies with policy Env 16.

Transport

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

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

LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) require car parking and cycle parking to meet the standards set out in the guidance. With regards to car parking, lower provision will be pursued subject to the consideration of a number of factors including, impact on amenity of neighbouring occupiers; accessibility of the site including public transport, walking and cycling; availability of existing off-street parking spaces; and complementary measures such as access to car clubs.

A Transport Statement has been submitted in support of the application. The report expects that as a result of the proposal there will be a reduction in vehicle demands associated with Ocean Terminal.

The demolition of the northern multistorey will result in the loss of 676 parking spaces. The smaller surface car park is outwith the redline boundary of this phase of development, but will be re-developed in future phases. As a whole the redevelopment of the Ocean Terminal building will result in the reduction of approximately 50% of the current car parking. The retained southern car park currently accommodates 707 vehicle parking spaces.

The provided parking survey information shows that the reduction in parking provision will still be sufficient to meet predicted demand and therefore will not create overspill to surrounding streets. The reduction in car parking in this area is supported and in line with the transport objectives of the LDP to prioritise sustainable travel.

No cycle parking is proposed under Phase 1 of the redevelopment proposals, as there is existing provision within the centre.

The site is within close proximity to both existing and planned future public transport connections. There are existing bus stops located adjacent to Ocean Terminal on Ocean Drive providing regular links to the city centre, airport and other tourist attractions - Lothian Bus Services 11, 34 and 35. In addition, the tram line also includes a stop on Ocean Drive next to the centre.

The site has a good walk-in catchment area and is close to National Cycle Path 75 which runs along Water of Leith and also route 14 the Ferry Road path.

The existing servicing arrangements will be retained for this phase of the development with service vehicles entering a one-way system with access from Melrose Drive and exiting onto Ocean Drive.

In summary, the commercial centre will continue to carry out its strategic functions and it is within an accessible location with good access to public transport. The loss of the existing multi-storey car parking meets the transport objectives of the LDP and complies with Policy Tra 2 and Tra 3.

Flooding

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

A Flood Risk Assessment and Drainage Strategy have been provided in support of the application. Flood Prevention has reviewed the documents and has confirmed that the information provided is sufficient to determine the application.

The proposal complies with Policy Env 21.

Archaeology

LDP Policy Env 9 (Development of Sites of Archaeological Significance) relates to sites known or suspected of archaeological significance and seeks to ensure that no significant features are affected by proposed development, or they are preserved in situ if necessary. The supporting text indicates that provision for interpretation as part of the development may be required.

The Archaeology Officer notes that the site overlies the site of the historic Henry Robb Shipyard and although the construction of the current Ocean Terminal building has had a significant impact and has likely to have removed almost all significant remains associated with the former shipyard, it is considered important that the site's shipbuilding heritage is commemorated within the new development.

The Archaeology Officer has recommended a condition in relation to a scheme of heritage interpretation and public art within the public realm.

As this proposal is largely an enabling development for a future larger phase of redevelopment and the area of public realm to be created through this proposal is relatively small, a condition is not recommended in this instance as it will be more appropriate for when proposals for the wider site come forward.

Sustainability

Policy Des 6 (Sustainable Buildings) states planning permission will only be granted for new development where it has been demonstrated that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low and zero carbon generating technologies and other features are incorporated that will reduce or minimise environmental resource use and impact.

As a local application only Part A (Carbon Reduction Declaration) of the S1 Sustainability Form is required. The applicant has indicated that this is met by the replacement of an old and inefficient heating systems with a more efficient heat pump solution as a direct replacement for the boiler plant and replacing Air Handling Units (AHU) to have lower absorbed power, better heat recovery efficiencies and reduced leakage through the AHU and ductwork systems.

The proposals are also supported by a sustainability statement. Matters in relation to demolition and embodied carbon have been raised in representations to the proposals.

The applicant has noted that terms of the demolition, the embodied carbon story is a positive one. This is on the basis of the applicant's feasibility study resulting in retaining circa 2/3 of the existing centre and thus avoiding circa 2/3 of the embodied carbon emissions associated with a complete demolish and new build. This is in the context of shopping centre assets such as these being earmarked an unviable and fully demolished all over the UK currently.

Further to this, a pre demolition waste audit is being carried out identifying reusable and recyclable materials from the demolition. This mitigates the embodied carbon impact of new materials in their place.

The applicant has also advised that in terms of the new build, materials and their procurement will be based on inter alia minimisation of greenhouse gas emissions including carbon. This will be achieved (where contractual negotiation with suppliers/consultants allows) by means including utilisation of a formal 'carbon budget' alongside the traditional financial budget for the project, to incentivise reduction in greenhouse gas emissions through use of more sustainable materials. These will be included in the construction contracts and obligations relating to the procurement of sustainable construction materials.

Contaminated Land

Contaminated Land LDP policy Env 22 (Pollution and Air, Water and Soil Quality) states development should not have significant adverse effects for health, the environment and amenity or mitigation provided where appropriate.

There is the potential that the site may have contaminated the ground through previous use. A condition is therefore recommended for submission of a site survey prior to ensure the ground is safe and stable for residential use should the proposal have been acceptable overall.

Conclusion in relation to the Development Plan

The principle of demolishing part of the centre and providing a new bookend is acceptable and the centre will continue to carry out its role as a commercial centre whilst allowing future mixed use development on redundant land to come forward. The proposal complies with the relevant retail policies and Del 3.

The overall scale and form of development alongside the materials uses area acceptable and the development complies with Policies Des 4 and Des 12. Amenity issues are adequately dealt with by conditions.

In all other aspects the proposal accords with the Development Plan and the relevant Non Statutory Guidance.

b) 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, particularly in terms of responding to economic issues, supporting retail and leisure development and also supporting the future delivery of housing and mixed use development.

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

Neighbour notification was carried out 31 March 2022. Three representations have been received (including one late one) and also a letter from the community council. A summary of the representations is provided below:

material considerations

Objections:

- concerns regarding the huge carbon impact the demolition will have. Advocate that the embodied carbon loss of the demolished buildings be calculated and features on the "loss" side of the carbon management equation for the whole site, including the future redevelopment area to the east of the site. In this way, whole-life carbon counting can form part of the sustainability assessment for the scheme - assessed in section a) Sustainability.
- analysis of flood impacts required - assessed in section a) Flooding.

General comments:

- the harbour edge should be improved to create a more amenable public space - assessed in section a) Design and Layout.
- the water frontage needs activated and made accessible - considered in section a) Design and Layout.
- a key objective should be the creation of much needed civic space in the area and with a principal aim being the integration of the harbour edge with the wider environment - considered in section a) Design and Layout.
- materials should be of a high standard and of an industrial nature - assessed in section a) Design and Layout.

- consideration should be given to relocation of the Royal Yacht Britannia as this limits flexibility for the site - noted, current plans retain the yacht.

Support:

- support the re-imagining of this site - noted, assessed in section a) Principle of Development.
- general support for demolition of the car park and former Debenhams - noted, assessed in section a) Principle of Development.
- support the new "book-end" structure with its active ground floor and linkages through the site. Its scale, massing and architectural treatment are logical and well-considered - assessed in section a) Design and Layout.
- proposed redevelopment will secure the long-term home for the Royal Yacht Britannia - noted.
- essential that a bridge walkway and connecting to OT and a secure enclosed compound are retained - noted, condition recommended for further design details of the bridge.

non-material considerations

- comments related to details of further phases.

Leith Harbour and Newhaven Community Council Comments

The Leith Harbour and Newhaven Community Council did not ask to be a statutory consultee, but did provide a letter of support raising the following points:

- supportive of this phase that is a move to ensure the sustainability of Ocean Terminal for the local community - noted, assessed in section a) Principle of Development.
- opening up the Waterfront area is desirable and the reconfiguration of usage and public amenities is supported - considered in section a) Design and Layout.
- reference to heritage of the centre is welcomed and should be further acknowledged with perhaps a commemorative plaque to the original design by Sir Terence Conran that included the Discovery Garden - noted.
- maritime and shipbuilding heritage also appears to be acknowledged, suggestion for a museum and tourist information venue - noted.

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 development is in accordance with the Development Plan. The centre will continue to function as a commercial centre and the design and scale of the new outward looking end of the building is acceptable, whilst allowing future development to come forward in a co-ordinated manner. Amenity issues can be adequately dealt with through the use of conditions and other matters such as in relation to transport, ecology and flooding and are acceptable. 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;

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. 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.
3. Prior to the commencement of the construction of the superstructure or above ground works of the final design of the bridge and stair/lift core linking the development to the Royal Yacht Britannia shall be submitted for written approval by the Planning Authority. Thereafter it will be installed unless otherwise agreed in writing with the Planning Authority.
4. Prior to the commencement of the construction of the superstructure or above ground works details of the proposed lobby to be included within the ground floor premises to reduce noise leakage from the premises shall be submitted for written approval by the Planning Authority.
5. Prior to the commencement of works on site, a further noise impact assessment should be provided which recommends
 - A. a plant noise specification (as measured 1 metre from the plant) and measures to ensure cumulative plant noise meets NR25 within the nearest residential property (with the window slightly open for ventilation purposes)
 - B. a glazing specification for each commercial premises which will ensure that all commercial noise is kept within the envelope of the building.

The measures outlined above shall be implemented prior to the occupation of the development hereby granted.

6. The ventilation details as shown on drawings ref. XXX-KEP-D1-XX-DR-A-706151 Rev. 02 (CEC ref 27) and XXX-KEP-D1-XX-DR-A-706150 Rev. 02 (CEC ref 26) both dated 05/02/22 should be installed and operational prior to the associated Class 3 use being taken up.
7. The noise mitigation measures as recommended within noise impact assessment report Ref: P5024-R7-V1 and dated 19th July 2022 should be installed and operational prior to the start of operations on site.
8. The external eating and dining area is hereby restricted to the hours of 8am to 9pm daily.
9. Notwithstanding the provisions of the Use Classes Order, the Class 11 unit shall be used solely for the purposes of a yoga studio and treatment room and for no other purpose falling within Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

Reasons:-

1. In order to ensure the site is safe and suitable for the development.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.
9. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The hoarding board to be erected to the north of the new gable end should contain viewing windows in the area to be temporarily planted with the coastal meadow mix

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 21 March 2022

Drawing Numbers/Scheme

01-27

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Flood Prevention

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

DATE: 7 June 2022

NAME: Environmental Protection

COMMENT: Environmental Protection continues to highlight noise issues of concern that in the opinion of this team have yet to be addressed by the developer. This team has however recommended conditions below which would allow this team to support the application

Air quality - includes removal of parking spaces and so should no impact on air quality.

Noise - NIA considered noise impacts and mitigation measures. Potential for noise impacts on adjacent proposed residential uses.

Ground floor external uses should be restricted from 8am to 9pm to protect residential amenity.

Class 11 use should be restricted to yoga and treatment uses only.

Further noise mitigation in terms of glazing and plant noises. Mitigation measures in the NIA should be conditioned.

Odour - ventilation measures proposed should be conditioned.

DATE: 2 September 2022

NAME: NatureScot

COMMENT: The proposal lies just over 200m away from Imperial Dock Lock, Leith SPA and around 600m from the Firth of Forth SPA.

There are interests of international importance close to the site, but it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required.

The noise from the demolition works are unlikely to cause disturbance to the species using the SPAs.

DATE: 21 April 2022

NAME: Archaeology Officer

COMMENT: The site overlies the site of the historic Henry Robb Shipyard. The construction of Ocean Terminal has had a significant impact and has likely to have removed almost all significant remains associated with the former shipyard, it is important that the site's shipbuilding heritage is commemorated within the new development.

Recommend that the public realm includes a scheme for heritage interpretation and public art, commemorating and celebrating the site's important maritime and shipbuilding heritage. Recommended condition:

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic interpretation & public art) which has been submitted by the applicant and approved by the Planning Authority.'

DATE: 25 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 returning to Committee - Wednesday 21 September 2022

**Application for Planning Permission 21/01222/FUL
at 126 - 130 Raeburn Place, Edinburgh, EH4 1HG.
Section 42 Application seeking variation to condition No.9 of
Planning Permission 12/03567/FUL, to allow the use of
acoustic glazing on the elevation fronting onto Comely Bank
Road.**

Item number

Report number

Wards

B05 - Inverleith

Recommendations

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

Background information

The application was granted on 4 August 2021 by the Development Management Sub-Committee subject to a legal agreement requiring a financial contribution for pitch upgrade works, public realm improvements and a TRO. The legal agreement had not been concluded due to timescale delays and the application was presented again on 15th June 2022 to request an additional three months to conclude the s75.

Since the granting of permission by Development Management Sub-Committee in August 2021 there have been no new material planning considerations which could impact on the planning application's consideration and level of required financial contributions.

The finalised draft agreement has now been submitted to the Council. As the legal agreement has taken slightly longer to conclude, the application is required to be presented to the Development Management Sub-Committee to allow conclusion of the legal agreement again. If Committee accept the recommendation then a further month is required to conclude the Section 75 Agreement, and enable the planning permission to be released.

Main report

Legal Agreement:

There are no new material planning considerations which affect the Development Management Sub-Committee decision on 4th August 2021, where it was minded to grant planning permission for this application subject to a legal agreement first being concluded to secure the necessary contributions totalling £289,501.50 towards pitch upgrade works, public realm works and a TRO.

Progress has been made in negotiating the terms of the legal agreement and it has now been submitted in final form.

Discussions have reached a point where it is considered that a further one month extension to the period will allow the legal agreement to be concluded.

Links

Policies and guidance for this application

LDPP, LEN06, LHOU07, LDEL01, NSG, NSLBCA, SGDC,

A copy of the original and previous returning Committee reports can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=QPOZNQEWJTT00>

Or Council Papers online

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Karen Robertson, Senior planning officer

E-mail: karen.robertson@edinburgh.gov.uk

Development Management Sub Committee

report returning to Committee - Wednesday 21 September 2022

**Application for Planning Permission 21/00518/FUL
at Former Agilent Technologies, Scotstoun Avenue, South
Queensferry.**

**Residential development comprising 16 flats with
associated car and cycle parking, infrastructure and
landscaping (as amended).**

Item number

Report number

Wards

B01 - Almond

Recommendations

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

Background information

The application was previously considered by the Development Management Committee on 27 October 2021. The application proposes the erection of a total of 16 residential flats. At the committee it was resolved to grant planning permission subject to the conclusion of a legal agreement to secure the delivery of affordable housing.

The application was further considered at the Development Management Committee on 9th February 2022.

Main report

LDP Policy Hou 6 (Affordable Housing) requires that residential development consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of less than 20 dwellings, a commuted sum may be acceptable.

In securing the development of this site it was agreed that the delivery of affordable housing would be through a link with a development at Barnton Avenue West. Planning permission was granted for the development of this site (application reference 21/00461/FUL at the Development Management Sub Committee on 27 October 2021. A legal agreement was required to secure the affordable housing and link the two sites.

During the progression of the drafting of the S75 Agreement, the applicant on the Barnton Avenue West requested that the method of delivery of the affordable housing be altered from the agreed off site provision at Queensferry to a commuted sum. The two sites would no longer be linked in relation to the delivery of affordable housing. The legal agreement associated with this application at Queensferry would be progressed to maintain the delivery 100% affordable housing on site as a stand alone proposal.

Committee were asked to note the update to this application on 9th February 2022. Following this update the application at Barnton Avenue West has been progressed and the Section 75 Agreement signed and planning permission released.

However, there has been no progress made in securing the legal agreement for the site at South Queensferry with no engagement from the applicants. An alternative application for planning permission (22/01153/FUL) for 3 properties has been submitted and has progressed to legal agreement. This is not material to the consideration of this application as each proposals requires to be considered on its own merits.

In addition to the affordable housing requirements for the site a contribution to healthcare of contribution is required towards the South Queensferry Medical Practice Contribution Zone. At £210 per dwelling, this equates to a total contribution of £3,360 to mitigate the impact of the proposed development on local healthcare infrastructure.

As no legal agreement has been concluded in respect of securing these contributions It is recommended that the application be refused on the basis that the appropriate infrastructure to mitigate the development has not been provided contrary to policies DEL 1 and HOU 6 of the Edinburgh Local Development Plan.

Reason for Decision

The applicant has failed to secure an appropriate legal agreement within the specified period. It is recommended that the application be refused on the basis that the appropriate infrastructure to mitigate the development has not been provided contrary to policies DEL 1 and HOU 6 of the Edinburgh Local Development Plan.

Links

Policies and guidance for this application

LDPP, LDES01, LDES02, LDES04, LDES05, LDES06, LDES07, LEN09, LEN03, LEN09, LEN21, LEN22, LEMP09, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, LDEL01,

A copy of the original and previous returning Committee reports can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=QNWHC7EWN0O00>

Or Council Papers online

David Givan
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PLACE
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Development Management Sub-Committee

10.00am, Wednesday 21 September 2022

Protocol Note for Hearing

**Silverlea Old Peoples Home, Former Tynecastle High School, 17
McLeod Street, Edinburgh EH11 2NJ – application nos. 21/04469/FUL,
21/04468/LBC and 21/05152/FUL**

Report number	6.1
Wards	B07 - Sighthill/Gorgie

Nick Smith

Service Director – Legal and Assurance

Contacts: Jamie Macrae, Committee Services

Email: jamie.macrae@edinburgh.gov.uk

Summary

Protocol Note for Hearing

Summary

The Council is committed to extending public involvement in the planning process. Hearings allow members of the public to put their views on planning applications direct to the Councillors on the Development Management Sub-Committee.

The Sub-Committee members have a report on the planning application which contains a summary of the comments received from the public. Copies of the letters are available for Councillors to view online.

Committee Protocol for Hearings

The Planning Committee on 25 February 2016 agreed a revised general protocol within which to conduct hearings of planning applications as follows:

- Presentation by the Chief Planning Officer	20 minutes
- Questions by Members of the Sub-Committee	
- Presentation by Community Council	5 minutes
- Presentations by Other Parties	5 minutes, each party
- Questions by Members of the Sub-Committee	
- Presentation by Ward Councillors	5 minutes each member
- Questions by Members of the Sub-Committee	
- Presentation by Applicant	15 minutes
- Questions by Members of the Sub-Committee	
- Debate and decision by members of the Sub-Committee	

Order of Speakers for this Hearing

1	Chief Planning Officer - presentation of report	10.10 - 10.30
2	Representors or Consultees Gorgie and Dalry Community Council (name) Living Streets Edinburgh (David Hunter) Living Rent Gorgie/Dalry Branch (Aditi Jehangir) People Know How (Tanya Anderson/Glen Liddall) Love Gorgie (Lynn Black)	10.40 - 10.45 10.50 - 10.55 11.00 - 11.05 11.10 - 11.15 11.20 – 11.25
3	Ward Councillors Councillor Denis Dixon Councillor Dan Heap Councillor Ross McKenzie	11.30 - 11.35 11.40 - 11.45 11.50 - 11.55
4	Break	12.00 - 12.10
5	Applicant and Applicant's Agent Dan Teague and Luke McClelland (S1 Developments) Steven Black of JLL (Planning Consultant) Sandy Anderson, MLA Architects Simon Cleary, Bigger Economics	12.10 - 12.25
6	Debate and Decision on Application by Sub-Committee	12.30

Scheduled times are approximate but within this the time limits for speakers will be enforced – speakers will be reminded when they have 1 minute remaining.

Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. Decisions will generally be to approve or refuse. Conditions of approval or reasons for refusal may be considered at a subsequent

meeting. If the application is continued for further information, the Hearing will not be re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can view the meeting via the webcast to observe the discussion.

Development Management Sub-Committee Report

Wednesday 21 September 2022

Application for Planning Permission

Former Tynecastle High School, 17 Mcleod Street, Edinburgh.

Proposal: Partial demolition, change of use and new build to form student residential development and community facilities with associated infrastructure, landscaping, and access (as amended).

Item – Committee Hearing

Application Number – 21/04469/FUL

Ward – B07 - Sighthill/Gorgie

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 233 letters of objection have been received and it is recommended for approval. The application was also called for consideration by the Development Management Sub-Committee by a local 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 proposal is acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan.

In taking a balanced approach to the delivery of the strategy of the Development Plan the proposals will deliver purpose-built student accommodation on a site which has a number of constraints to the delivery of mainstream housing. The proposals provide an enhanced amenity for the students. The proposals will support the retention of a deteriorating heritage asset. The proposals do not comply with the provisions of the non-statutory guidance on student housing due to the failure to provide mainstream housing. However, on balance the retention of a listed building on a constrained site through the proposed student scheme is considered to be a pragmatic approach.

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).

The proposal complies with the development plan and other material considerations support the presumption to grant planning permission.

SECTION A – Application Background

Site Description

The application site measures 1.35 hectares and is located on the northern extent of McLeod Street with the Western Approach Road forming the northern boundary of the site. The Western Approach Road is positioned higher than the application site.

The west of the application site has an industrial character with the presence of the North British Distillery which has an associated Health and Safety Consultation Zone. To the south of the site is Tynecastle Football Stadium. To the east are existing residential properties and the new Tynecastle High School.

The site is occupied by a range of buildings associated with the former Tynecastle High School which are category B listed (reference LB26950, listed on 9 February 1993), including the original school building, attached Janitor's House, workshops along the northern boundary, gates, gate piers and railings. The school building, dating from 1910-11, is an extensive L plan structure with the Assembly Hall extending from the re-entrant corner. The building is finished in harling with dressings of red brick and cream and red ashlar sandstone and slate roof. The Janitor's House is of similar style and was built shortly after the main building along with an additional classroom. The workshops date from 1910 and are of brick (painted) construction and simpler detailing. These early structures are two-storey.

Alterations and extensions have taken place on the site pre-1930, including a classroom extension on the west wing of the original school building (listed as part of the historic block) and a later, single storey addition to the south end of the western workshop range.

Post-1960s buildings on site include a rendered single storey structure in the south-west corner of the quadrangle (the Dining Hall and Kitchen) and two substantial, red brick and render buildings, dating from the 1970s/80s (classrooms extension and the Games Hall) within the internal quadrangle to the rear of the original school building

The four-storey flatted block with deck access at 16-20 McLeod Street is category B listed (reference LB26938, listed on 9 February 1993) and dates from 1897.

Description of the Proposal

The application proposes the redevelopment of the site to provide a development of 100% student accommodation which totals 468 bedspaces. A range of cluster and studio apartments will be provided.

The proposals are split into a number of different elements as follows:

- redevelopment of the original Tynecastle High school to provide student accommodation;
- demolition of the later additions and workshop buildings and the development of new student accommodation blocks;
- development of a new community space within the ground floor of the new northern block 284 square metres and
- redevelopment of the central space to provide amenity space and planting.

A total of 468 student beds will be provided split between 87 studios and 381 cluster bed spaces.

Tynecastle High School

The original building and early extensions to the eastern range, including the Janitor's House, will be retained. The following key external alterations are proposed:

- demolish the extension to the west wing and modern classroom extensions to the rear;
- carry out remedial works to the elevations affected by the proposed demolitions (described below) and install traditional and contemporary style window and door openings in restored sections;
- erect two brick/glazed stair extensions on the rear elevation and form connecting door openings from four existing windows;
- remove the existing rooflight on the rear roof pitch and slate the roof to match the original finish;
- remove a section of the existing railings and plinths at the south end of McLeod Street to form gated vehicular access to a new sub-station and
- remove the existing vehicular and pedestrian gates and a stone wall at the north end of the main school building to form new vehicular and pedestrian accesses.

Demolitions

The workshop ranges, including the single-storey extension to the western block and the modern blocks to the rear (classrooms extension, Games Hall and Dining Hall and Kitchen) will be demolished.

New Buildings

The proposed new blocks of student accommodation will extend along the northern (block C) and western boundaries (block B) of the site with a section towards the centre of the site. Block B will range from 4 storeys to 6 storeys high. Block C will range from 4 storeys at the eastern end of the site to 7 storeys at the western end of the site. Within the ground floor of each of the blocks a range of student amenity facilities are proposed including a gym, cinema and large breakout spaces facing onto the central landscaped area.

A community facility is proposed within the ground floor of Block C with direct access and facing towards McLeod Street. This facility will have an approximate floor area of 238 square metres and will including meeting rooms.

No provision is provided within the site for car parking. Delivery/servicing access will be provided from a controlled access to the north of the site on to McLeod Street. Cycle parking will be provided in a range of locations across the site with dedicated cycle storage for each block.

Scheme 1

The original application proposed the demolition of the Janitor's House on the eastern section of the main school building.

An associated application for listed building consent has been submitted for the external and internal alterations to the listed buildings and demolition of listed curtilage buildings (application number 22/00671/LBC).

Supporting Information

- Pre-application Consultation Report;
- Planning Statement and Addendum;
- Heritage Statement;
- Design and Access Statement and Addendum;
- Transport Statement;
- Archaeology Assessment;
- Ecology/ Bat Survey;
- Sustainability Statement, Sustainability Design File Note and Sustainability Form S1;
- Daylight and Sunlight Assessment and Daylight Addendum;
- Noise Impact Assessment and Addendum;
- Air Quality Assessment;
- Desktop Ground Investigation Report;
- Light Pollution Assessment ;
- Pre-Application Consultation (PAC) Report;
- Flood Risk Impact Assessment;
- Economic Impact Report and Addendum; and
- Surface Water Management Plan.

Relevant Site History

21/00988/PAN

Former Tynecastle High School

17 McLeod Street

Edinburgh

EH11 2NJ

Redevelopment of the former Tynecastle High School site, incorporating partial demolition and change of use of the school buildings and new build to form student residential development with associated infrastructure, landscaping, access and parking.

Pre-application Consultation approved.
16 March 2021

21/04468/LBC
Former Tynecastle High School
17 Mcleod Street
Edinburgh
EH11 2NJ

Selective demolitions to enable adaptation of original school building to long-term future use including preservation of essential special architectural and historic interest of the listed building and its setting (as amended).

21/05152/FUL
Former Tynecastle High School
17 Mcleod Street
Edinburgh
EH11 2NJ

Proposed alterations to land to provide landscaping and planting beds as part of a community garden.

Other Relevant Site History

No other relevant site history.

Pre-Application process

Pre-application discussions took place including a review by the Edinburgh Urban Design Panel on 28 April 2021. The Panel's report can be viewed on the Planning and Building Standards Portal.

Consultation Engagement

Transport Planning

Archaeology

Environmental Protection

Edinburgh Airport - Safeguarding

Health and Safety Executive

Police Scotland

SEPA

Archaeology

Communities and Families

Historic Environment Scotland

Edinburgh Airport

SEPA

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

Publicity and Public Engagement

Date of Neighbour Notification: 2 June 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 10 June 2022; 10 September 2021;

Site Notices Date(s): Not Applicable;

Number of Contributors: 233

Section B - Assessment

Determining Issues

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change: Use and Adaptation of Listed Buildings
- Managing Change: Setting

The listed building includes the original school building, attached Janitor's House, workshops along the northern boundary, gates, gate piers and railings.

External Alterations

The proposed alterations to the category B listed school building involve extensive restoration, including the removal of the modern, functional classroom extensions which obscure a significant part of the historic rear elevation and north-east elevation of the Assembly Hall. This alteration will reinstate the symmetrical L-plan configuration of the building and original window and door openings will be restored with appropriate infills.

The early extension to the west wing is not a significant addition to the original school building in terms of special historic and architectural interest, so its removal is acceptable to accommodate new build development along the western edge of the site.

The proposed stair extensions to the rear elevation are modest in scale, symmetrically positioned and of appropriate, functional design using a blend of traditional and contemporary materials in keeping with the historic architecture. The other external works to the main building are minor and comprise mainly restoration and repair, retaining historic fabric wherever possible and matching original detailing.

The sections of original railings, gates and plinths to be removed are plainly detailed. However, there may be an opportunity to retain more existing fabric at the north end (main site entrance) although the condition of these railings may render this impractical. The stone wall at the south end of McLeod Street is a significant part of the listing. A condition has been applied requiring further details of the proposed boundary treatment and proposed use of any salvageable material.

Demolitions

HES emphasises the importance of retaining listed building and only resorting to demolition if every other option has been explored. Keeping listed buildings in an existing use or finding a new use that has the least possible impact, is the best way to protect them. In this case, the approach taken is to retain and restore the original Tynecastle High School building which has been disused for over ten years and is in a deteriorating condition. The demolition of the listed curtilage buildings, comprising the workshop ranges along with the pre-1930s extension to the east school wing, is essential to achieving the sustainable future use of the main listed building.

This application is assessed against the section on 'selective demolition' in HES guidance on the 'Use and Adaptation of Listed Buildings', HES defines 'selective demolition' as involving the removal, or demolition, of parts of a listed building to enable the significant parts of a listed building to be retained. In this case, the proposed level of demolition involves later extensions to the principal listed building and entire curtilage buildings.

Whilst the workshop ranges are substantial in scale, these just pre-date the school and were constructed against the embankment of the Caledonian Railway branch line to the north. The ranges are of largely functional design and finish, with plainly detailed interiors comprising single open spaces accessed external stair cores and balconies.

HES notes that the workshops are characterful and add significantly to the historical interest of the school site and suggest that the structures could be repurposed for new uses. The historic and visual contribution of the workshops to the site is acknowledged and the structures are not in bad condition. However, a substantial section of the range extending along the western boundary cannot be converted to another use due to inclusion within the Health and Safety Executive Consultation Zone arising from the neighbouring distillery. Also, the front section of the range on the east side of the site cannot be retained without loss of the Janitor's House due to the need for emergency and service vehicle access. The original scheme was amended to retain the Janitor's House at the request of HES.

The retention of the remaining parts of the workshops would severely curtail the area of land available for development. If these sections of workshop were to be retained the extent of new build would not be sufficient to offset the overall cost of repair and conversion of the main school building. In mitigation, where practicable, materials salvaged from the demolition will be used in the construction and landscaping of the new internal quadrangle. A condition has been applied requiring full details of the proposed use of these materials.

A further condition has been applied to ensure that the workshop ranges are officially recorded prior to demolition.

The current setting of the listed school building comprises a conglomeration of randomly located modern structures with the historic workshop range defining the northern and eastern edges of the site. The classroom extension which is attached to the original rear elevation and Assembly Hall impinges on the space immediately behind the former school and visually interferes with the historic building's symmetrical L-plan form and rear elevations. The demolition of this structure will therefore significantly improve the setting of the listed building.

The proposed new buildings are of appropriate scale, massing, detailing and materials and along with new complementary landscaping, will have no detrimental impact on the setting of the listed school and listed tenement opposite.

Conclusion in relation to the listed building

The proposed development will result in the sustainable and long-term use of the category B listed former Tynecastle High School and involves significant conservation gain. Whilst the demolition of the historic workshops as listed curtilage buildings is regrettable, this will enable the restoration of the original school building in terms of historic plan form and significant elements of architectural detailing.

The location and technical constraints of this site severely limit opportunities for restorative redevelopment of the listed school building and the preservation of its special historic and architectural interest is dependent on cross funding the significant costs of repair and refurbishment. Overall, the proposals have an acceptable impact upon the listed building of the school and its associated structures.

The proposed new buildings are of appropriate scale, massing, detailing and materials and along with new complementary landscaping, will have no detrimental impact on the setting of the listed school and listed tenement opposite.

Conditions have been applied to ensure that the specifications for all proposed external materials alterations and repairs to the original school and proposed new buildings and landscaping are appropriate.

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

b) The proposals comply with the development plan?

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

- LDP Environment policies - Env 3, Env 4 , Env 8, Env 9 and Env 21;
- LDP Housing policies- Hou 1, Hou 5, Hou 8;
- LDP Transport policies - TRa 2, Tra 3 and Tra 4;
- LDP Design Principles policies Des 1 - Des 8;

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3 and Env 4.

Character and setting of the listed building

This has been assessed in section a) and the proposals comply with LDP Policy Env 3 (Listed Buildings - Setting).

Principle of Student Development

LDP policy Hou 8 (Student Accommodation) supports the development of purpose-built student accommodation subject to the following two requirements. Firstly, proposals must be in a suitable location in relation to university and college facilities, and be well connected by means of walking, cycling or public transport. Secondly, it must not lead to an excessive concentration of student accommodation or transient population in the locality to an extent that would adversely affect the area and its established residential amenity or character.

The Council's Non-Statutory Student Housing Guidance re-enforces the requirements of policy Hou 8 and identifies that student accommodation needs should be met in well managed and regulated schemes where possible.

Location of Student Housing

In terms of criterion a) of policy Hou 8, the site is located within easy walking distance of Gorgie Road which provides direct access routes towards the education campuses at Sighthill and beyond to Heriot Watt University. There are also good linkages towards the city centre (and therefore the University of Edinburgh) with bus routes along Gorgie Road. The development of the Roseburn Cycle Link enhances active travel connections into the wider cycling network opening connections to the campus network to the east of the application site.

Concentration of Student Housing

Criterion b) of policy Hou 8 seeks to limit the concentration of student accommodation where it would have an adverse impact on the maintenance of balanced communities, or to the established character and residential amenity of the locality. The Student Housing Guidance advises that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community.

The area can be calculated using data zones from the 2011 census. As the individual data zones are tightly drawn, considering them in isolation does not give an accurate reflection of the population demographic within the local area. While there is no definition of what constitutes an 'area' for the purposes of calculating student population, it is normal procedure to use the proposed development's data zone and those that surround it. Using this method considers a wider catchment and provides a more accurate representation of the local population.

The student population within the area is based on 2011 census data and the National Records of Scotland's Special Area population Estimates 2018. This data is then adjusted to include consented developments in the area to provide a 2020 figure. The 2020 figure assumes that all pending and consented applications for Purpose Built Student Accommodation (PBSA) have been granted and are fully occupied. The figure for the datazone is then adjusted to accommodate the application to provide an updated maximum figure for student percentage.

When considering a wider area of a 10 minute walk (approximately 800m) the 2011 census shows an overall student population concentration of 17%. This includes areas within Fountainbridge, Polwarth, Shandon and the rest of Gorgie. Within this wider area there have been a number of completed student accommodation, some under

construction and other live planning applications. When reviewing the wider area as a whole, the resultant impact of the proposed development would increase the student population to 24%. Areas located within 800m of the site but located to the north of the railway line have been excluded from this assessment.

When viewed in isolation the student population within the single datazone of the application was recorded as 15% in the 2011 census. As a result of the application and considering the 2020 population estimate the percentage of students within this datazone would increase to 45%.

In a recent appeal decision (PPA-230-2377 , East Newington Place) it was noted that: *"policy Hou 8 does not provide a specific percentage figure above which it might be concluded that there is an excessive concentration of students in any one locality. It is effectively left to a matter of judgement as to whether the terms of the policy are met in any given case."*

The student population figure in the calculated area, including the proposed development, when viewing the wider area would be approximately 24%. This proportion would not lead to an over-concentrated student population in the area and meets criterion b) of policy Hou 8 and the Student Housing Guidance.

When considering Policy Hou 8 of the LDP the proposals comply with the Development Plan.

The LDP advises that it is preferable in principle that student needs are met as far as possible in purpose-built student schemes. The LDP also expresses further guidance on the location of student accommodation is provided through the Student Housing Guidance. The further guidance is a material consideration in the assessment of the application.

Criterion a) within the Student Housing Guidance accepts student housing in locations within or sharing a boundary with a main university or college campus. The application site is not adjacent to a defined university campus as highlighted within the non - statutory guidance on student housing.

Criterion b) advises that 'outwith criterion a) student housing will generally be supported on sites with less than 0.25 hectares of developable area'. This site does not share a boundary with a university or college campus. The total site area is 1.52 hectares. Therefore, the proposal does not comply with these criteria of the guidance.

Criterion c) advises that 'outwith criteria a) and b) sites identified as having a high probability of delivering housing within Map 5 taken from the LDP Housing Land Study (June 2014) and sites with greater than 0.25 hectares of developable area must comprise a proportion of housing as part of the proposed development'.

The site is not identified in the LDP Housing Land Study for delivering housing and therefore does not contribute towards the housing land supply. However, the site does exceed the size criterion set out within the Student Housing Guidance and the expectation would be that there is a 50% contribution to housing on the site. The proposals submitted are for a 100% student accommodation proposal and would therefore not comply with this aspect of the guidance.

In order to consider the justification for no housing being provided on the site an assessment of the appropriateness of the site to accommodate housing is required.

There have been limited circumstances where the requirement to provide housing as part of a student led development have been required following the inclusion of the requirement within the non-statutory guidance. A recent reporter's decision on a planning application at Gorgie Road (PPA-230-2298) observed that there was a conflict between the LDP policy requirement to support student housing and then the requirement within the Student Housing Guidance to also provide housing.

The site has been vacant for a number of years and no real prospect of housing delivery on the site has ever been brought forward through the planning process. It is relevant that the site was unoccupied during the course of the LDP Housing Land Study (2014) and was not brought forward within that analysis as providing a suitable site for housing development.

The applicant has acknowledged that there is the requirement to provide residential accommodation within the site. They outline within the Planning Statement that the opportunity to incorporate residential development on the site was explored as part of the development appraisals for the site. However, the justification to exclude housing from the proposals is embedded within the physical constraints of the site.

The Student Housing Guidance notes that it cannot be applied *"in isolation and consideration must be given to other matters addressed in the LDP and planning guidelines including The Edinburgh Design Guidance"*. When taken in isolation the proposals do not deliver the required housing as set out within the Student Housing Guidance. However, the proposals need to be considered as a whole and a balanced decision considering all other matters needs to be made.

Housing

Policy Hou 1 d) prioritises the delivery of housing on sites identified in the LDP, but also on other suitable sites in the urban area in recognition that windfall sites can contribute to land supply. To comply with Hou 1 d), proposals on sites suitable for housing should give consideration to how they might deliver housing as part of any proposals. This policy is intended to apply to all suitable sites in the urban area, including the application site which is vacant and relatively unconstrained for development. Housing is not proposed on any part of the site. The suitability of the site for housing will be considered in the following paragraphs of the report.

Amenity

Site Constraints

The site is located within a mixed use area with key constraints located at the western and southern boundaries of the site. The presence of these constraints has informed the development of the site including the layout and ultimately the use. The constraints to consider are:

- category B listed building addressed above;
- Proximity to the North British Distillery and the HSE Consultation Zone
- Proximity to Tynecastle Stadium.

The site partly lies partly within a consultation zone as set by the Health and Safety Executive (HSE) associated with the storage of materials on the adjacent North British Distillery Site. The inner zone of the consultation area runs along the western most part of the site. The impact of this is that no development can take place within this area where there would be an increase in population. This has ultimately informed the area of developable land for the site. Any new development is restricted to being only in the middle/outer ring of the consultation zone. As a result the existing buildings along the western edge of the application site cannot be redeveloped. The proposed layout has been progressed to respect the consultation zone. As HSE are a statutory consultee in this case the application has been considered using the consultation web app and the HSE do not advise against development of the site.

In addition to the HSE consultation zone the North British Distillery Site and Tynecastle Stadium both generate noise through their daily activities which adds additional constraints to the redevelopment of the site.

Taking into consideration all the constraints on the site and the influence these have on the developable areas of the site the application must be considered in accordance with Policy Des 5 (Development Design - Amenity). Policy Des 5 - sets out criteria for ensuring occupants have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

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 sources including the Western Approach Road, distillery, Tynecastle football stadium and children's nursery.

The applicant has worked proactively with Environmental Protection on the scoping and preparation of a Noise Impact Assessment (NIA) to support the application. Following the initial consultation response a further Noise Impact Assessment Addendum has been submitted and considered. The NIA clearly identifies the new development as sensitive noise receptors. The NIA also seeks to clarify that:

"while no difference can be made between 'long-term' residential and student residential in terms of sensitivity; the students will only/ mostly be present during term-time. They will likely only live within the Proposed Development for a short period of time. As such it could be argued that their sensitivity to noise is lower than 'long-term' residential receptors where people will live for many years."

In review of the information submitted Environmental Protection have advised that in considering student accommodation within the same lens as a residential proposal the application cannot be supported. In considering the amenity of the future occupiers of the premises both indoor and external amenity needs to be considered.

Industrial noise is identified by Environmental Protection as a constant audible noise across the site. The NIA concludes that a closed window attenuation is required on most facades to meet internal noise criteria due to industrial noise and road traffic noise. In addition habitable rooms with windows on Block H northern and western facades will require to be fitted with acoustic glazing. Any events associated with Tynecastle Stadium are considered to be infrequent and short term.

In considering the outdoor amenity spaces it is identified by Environmental Protection that any garden spaces usually provided for residential properties would not meet external amenity standards due to the noise associated with the industrial premises to the west. The applicants have incorporated into the design of the proposals an acoustic barrier to limit noise break out into the central landscaped area.

In order to enhance the amenity of the student accommodation the proposals include large areas of open space (3,869 square metres) to provide a range of outdoor spaces for the students within the central courtyards. These areas are extensive for the scale of development and provide an enhanced level of outdoor amenity for a student block. In addition, the scheme provides significant amenity areas (961 square metres) for the students to allow time away from their own rooms and for social interaction. This includes a gym, a central core of social breakout areas, private study rooms, games area and cinema room.

Air Quality

The application is supported by an Air Quality Impact Assessment. The proposals also include no parking which is supported by Environmental Protection. There are no air quality issues arising from the proposals.

Amenity Conclusions

Generally, when assessing an application for planning permission, options for alternative development are not material to the determination of the application. In this case the requirement to consider housing as a suitable alternative is engaged through Policy Hou 1 and the Student Housing Guidance.

The level of residential amenity that can be provided on this site as required by policies Hou5 and Des 5 would not be achievable as outlined above with particular reference to the noise constraints on the site.

There is a balance to be taken to the delivery of the right development on this site. The constraints limit the delivery of mainstream housing on the site. Whilst not being able to fully support the application, Environmental Protection acknowledged that the student proposal is designed as well as it could be due to the constraints on the site.

Design

Policies Des 1 to Des 8 of the LDP set out the policy framework for the design of developments. These policies outline a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area, with the need for high quality design which is appropriate in terms of height, scale and form, layout and materials.

The proposals incorporate a modern approach to the redevelopment of the rear of the site whilst respecting the setting of the listed building as outlined above. The perimeter style blocks allow for the creation of a central area of amenity to provide a strong landscaped and useable area for the students. The height respects the lower edges of the site in proximity to the main listed school and increases in height from 4 to 7 storeys in the north western corner of the site. The height within this location is appropriate given the higher land levels associated with the adjacent Western Approach Road.

Through the amendment of the scheme and the retention of the Janitors House the new build is pushed back into the site on the eastern edge of the site. This retains an appropriate frontage along MacLeod Street and providing a presence for the proposed community space.

In summary, the building heights and massing responds effectively to the surrounding context and allows the proposal to integrate into the surrounding area. The proposal is a contemporary design that is appropriate to its location. The impact of the development on its setting has been assessed and the redevelopment of the site will not have a detrimental impact on the setting and wider townscape. The proposed development is an acceptable form of development in this location.

Transport

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.

No car parking is proposed which is acceptable in this city centre location where the site has good levels of access to public transport along the Gorgie Road arterial route.

The proposal discourages reliance on private car use through no car parking provision in a sustainable location which complies with LDP policy Tra 2.

Cycle Parking

Policy Tra 3 state permission will be granted where proposed cycle parking and storage complies with standards in Council Guidance. In addition, policy Tra 4 seeks to ensure that cycle parking is provided within accessible locations.

Cycle storage is provided throughout the site in a range of secure locations. The new build blocks have multiple cycle storage facilities at ground floor level in accessible locations. There are new secure cycle storage facilities provided within the courtyard area for the listed building. 100% cycle provision is provided.

Archaeology

LDP policy Env 8 states development will not be permitted which would adversely affect important archaeological remains. Policy ENV 9 states development will not be granted that will have a significant impact on archaeological remains.

The City Archaeologist has been consulted on the proposals and has referred to the site as being of significant archaeological interest. Whilst welcoming the retention of the main school building and the amended plans to include the janitors house, they express concern over the loss of the workshops to the rear.

As detailed in the assessment of the setting of listed buildings and the concurrent application for listed buildings permission a balanced approach has to be made to the redevelopment of this site. The site constraints, in particular the Health and Safety Consultation Zone severely limit the reuse of these buildings. Therefore, whilst it is unfortunate to lose these elements a balanced judgement to secure the future retention of the main school building has to be taken.

In order to ensure that these buildings are appropriately recorded it is recommended that a condition is attached to any permission seeking a programme of archaeological works including appropriate historic building recording.

Flooding

The application has been considered against the requirements of Policy Env 21 to ensure that there are no implications for flood risk as a result of the development. No matters have been raised by either SEPA or the Council Flood Prevention Team in respect of the application.

Conclusion in relation to the Development Plan

In taking a balanced approach to the delivery of the strategy of the Development Plan the proposals will deliver purpose built student accommodation on a site which has a number of constraints to the delivery of mainstream housing. The proposals provide an enhanced amenity for the students. The proposals will support the retention of a deteriorating heritage asset. The proposals do not comply with the provisions of the non-statutory guidance on student housing due to the failure to provide mainstream housing. However, on balance the retention of a listed building on a constrained site through the proposed student scheme is considered to be a pragmatic approach. Overall, the proposals comply with 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

A summary of representations is provided below:

material considerations - addressed in Section a) and b) of the report above:

- Over concentration of student accommodation
- Resultant imbalance in the make up of the community
- Should include 50% housing as per guidance
- Insufficient off site walking provisions
- Site not appropriate for students due to noise and air pollution issues
- Design Issues - height, massing architectural context out of keeping with the area
- Adverse impact on the historic character of the site
- Relationship to the blast zone on the adjacent site
- Provision of cycling infrastructure unclear
- Lack of car parking spaces

- Inadequate local infrastructure
- Impact of further development on drainage system
- Impact of loss of original historic fabric

non-material considerations

- Proposals should be for affordable housing
- Behaviour of students in the community
- Conflict of students and high school pupils
- Loss of Council Tax
- Impact on construction process on neighbours
- Fly- tipping
- Insufficient public consultation - no opportunity for debate and discussion at the online event

Letters of Support

- Good development on a difficult site
- School in need of repair only option in the last 10 years
- Accommodation for students will free up private homes
- School building retained
- A sustainable proposal
- Support the inclusion of community facilities

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 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan.

In taking a balanced approach to the delivery of the strategy of the Development Plan the proposals will deliver purpose-built student accommodation on a site which has a number of constraints to the delivery of mainstream housing. The proposals provide an enhanced amenity for the students. The proposals will support the retention of a deteriorating heritage asset. The proposals do not comply with the provisions of the non-statutory guidance on student housing due to the failure to provide mainstream housing. However, on balance the retention of a listed building on a constrained site through the proposed student scheme is considered to be a pragmatic approach.

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).

The proposal complies with the development plan and 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 take place on the site until the applicant has secured and implemented a programme of archaeological (Historic building recording, excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Planning Authority.
4. Prior to the occupation of the first block the ground floor gap under Block I (communal amenity area) will be filled with an openable noise barrier (refer to Drawing 4 of the Noise Impact Assessment) shall be installed and maintained thereafter. The chosen barrier will be effective acoustically, with a minimum mass per unit of area in excess of 12 kg/m² and with no gaps at the joints. The barrier resting position will be closed.

5. Prior to the commencement of construction on Blocks A and H as identified within the Noise Impact assessment details of acoustic glazing and trickle vents providing up to 37dB noise reduction including the thickness of any glazing and air gaps which form the glazing units shall be submitted and approved by the Planning Authority. The approved detailing will then be fitted on all habitable room windows on Block A western façade, and Block H northern and western façades, all shown on Drawing 5 of the Noise Impact Assessment.
 6. Only the sections of the existing railings, gates and boundary walls necessary for vehicular access to the site shall be removed.
Full details of the proposed boundary treatment along McLeod Street, including the re-use of any removed original railings, gates and boundary walls, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
 7. 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.
 8. Prior to the commencement of works any significant historic fabric or remnants shall be identified and details for re-use within the scheme shall be submitted to and approved by the Planning Authority and subsequently implemented within the scheme.
1. In the interest of archaeological heritage of the site.
 2. In the interest of site amenity.
 3. In the interest of residential amenity.
 4. In the interest of amenity.
 5. In the interest of amenity.
 6. To respect the heritage asset on the site.
 7. In order to allow the Planning Authority to consider further.

Informatives

It should be noted that:

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

2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. The development 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: 1 September 2021

Drawing Numbers/Scheme

1, 2a-31, 5, 6, 7a - 16a, 17b, 18a, 19b,20b,21, 22b, 23b,24a25a- 32a, 33, 34,35

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

NAME: Transport Planning

COMMENT: No objections subject to appropriate conditions and informatives.

The proposed zero car parking and 551 cycle parking spaces for the 545 bed student accommodation is considered acceptable.

DATE: 18 October 2021

NAME: Archaeology

COMMENT: Recommended that the application be refused on the basis of ENV 2 due to the loss of the workshop buildings. If permission is granted a condition on archaeological recording is required.

DATE:

NAME:

COMMENT:

DATE:

NAME: Environmental Protection

COMMENT: It should be noted that Environmental Health consider student accommodation in the same way as residential accommodation or care homes. They will be used as the primary place of residence for the students therefore would be afforded the same protection with regards any future noise or other public health complaints.

The applicant has submitted various supporting documents including noise/air quality/odour impact assessments that have all been assessed by Environmental Health. Environmental Protection recommend that the application is refused due the poor level of amenity that will be afforded any residential lead development on this site whilst the NBD is operational. If consented further conditions will be required on noise however the current level of information provided is insufficient to enable us to adequacy word enforceable conditions. Condition on contaminated land must be attached if consented.

DATE: 22 November 2021

NAME: Edinburgh Airport - Safeguarding

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

DATE: 21 September 2021

NAME: Health and Safety Executive

COMMENT: Do Not Advise Against Development

DATE: 6 October 2021

NAME: Police Scotland

COMMENT: We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

DATE: 21 September 2021

NAME: SEPA

COMMENT: No objection to the application -

DATE: 11 October 2021

NAME:

COMMENT: Gorgie Dalry Community Council (GDCC) have been consulted on the above application and have facilitated discussions around these proposals for the last few months.

We would like to preface our response with an acknowledgment regarding the community aspects of the scheme and pre-application discussions. The proposed community facility and garden will be of benefit to the local community and community groups, and we would like to thank the applicants for these being included. We do also appreciate the community engagement with ourselves and other groups, but we note that we were not included in any of the discussions with LOVE Gorgie Farm, Big Hearts or People Know How.

It is important to say that the GDCC and the local community welcome students to our area and appreciate all the current student residents who live within the GDCC boundary. Students play an important role in the local community, with many studying locally choosing to stay after finishing their studies. However, we have spent considerable effort to produce a community survey on the proposals, the results of which are the basis for our response below alongside the thoughts we have heard in our meetings.

Gorgie Dalry Community Council wish to object to the proposals due to the overwhelming opposition of local residents. 87% of our survey respondents indicated that they were opposed to the proposals.

The proposals are contrary to a number of policies within the Development Plan. Concerns around design and loss of existing features including the workshop ranges, gym hall, Janitors House and early extension. Single use aspect of the site is potentially unsustainable.

Consideration of Policy HOU 8 and the high concentration levels of student accommodation within the area. In the detailed analysis of datazones and provision of student accommodation there are significant increases in student population over the period since 2011.

The student population in Gorgie-Dalry in 2011 from both areas stood at 20%. 1,138 new Purpose-Built Student Accommodation have been built or approved since then using the Area 1 boundary and this would be an even larger 3,737 using the slightly larger Area 2. This is a rise in student numbers of 49% and 100% respectively. In terms of the immediate neighbourhood of the build (Gorgie East 02 Data zone) the student population would more than triple if the new development goes ahead, from 113 students or 15% of the population to 658 or 50% once built.

Both of these situations at the local and neighbourhood levels paint a picture of an already excessively high concentration of students and this further development will add yet more numbers. Making it yet harder to form a balanced community. From the applicants own documents they admit that students are likely not to stick around in the long term locally or even constantly through the year. This will form a transient community hollowed out twice a year during holiday breaks and with a guaranteed yearly rotating population.

Impact on transport infrastructure in the area.

DATE: 11 October 2021

NAME: Archaeology

COMMENT: The amended proposals still propose significant demolitions including some later extensions to the main building and the complete loss of other buildings on the site. Having assessed the scale and significance of the loss of these structures, as stated in 2021 although the loss of these latter (non-original) elements of the main school can be accepted and mitigated against (subject to the appropriate agreed archaeological works), the amended scheme will still seek to demolish the original B-listed workshop range. This is regarded as being a significant and adverse impact on the surviving heritage of the site and thereby contra to planning Policy ENV2. It is therefore recommended that this application is refused permission and consent and that this range is retained and converted in any future applications.

DATE: 14 June 2022

NAME: Communities and Families

COMMENT: Residential units used exclusively for students are not expected to generate at least one additional primary school pupil therefore a contribution towards education infrastructure is not required.

DATE: 26 July 2021

NAME: Historic Environment Scotland

COMMENT: No objections to the proposed development and welcome the repair and reuse of the main school, a long term vacant listed building. However, question whether a portion of the workshop range, that nearest McLeod Street, could be retained instead of the proposed 'landscaped area' in this position.

Recommend further details should be submitted as conditions, including the treatment of the external elevations, including the slate roof, harled facades, proposed new multi-pane sash windows, repair of the stained glass rooflight and salvage and reuse of materials.

DATE: 15 June 2022

NAME: Edinburgh Airport

COMMENT: No objections to the proposals. No conditions.

DATE: 20 June 2022

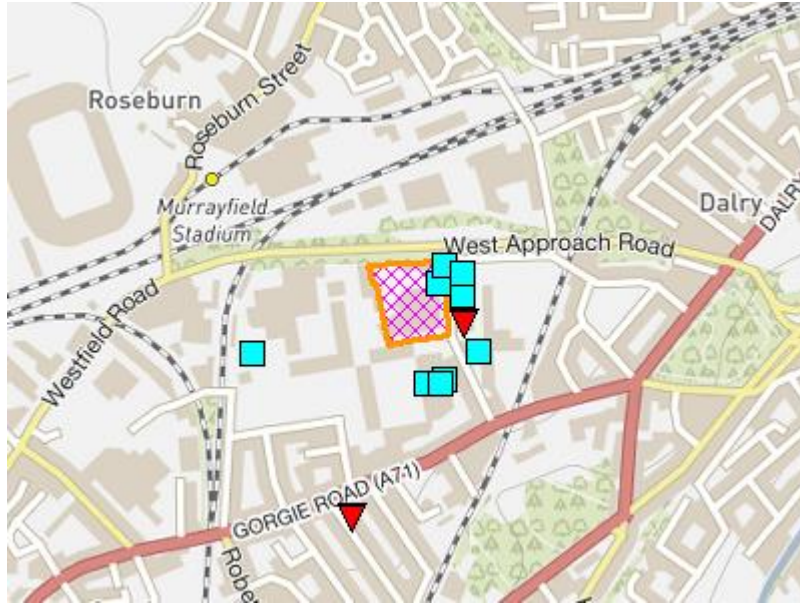
NAME: SEPA

COMMENT: No further observations to previous consultation response.

DATE: 14 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 21 September 2022

Application for Planning Permission

Former Tynecastle High School, 17 Mcleod Street, Edinburgh.

Proposal: Proposed alterations to land to provide landscaping and planting beds as part of a community garden.

Item – Committee Hearing

Application Number – 21/05152/FUL

Ward – B07 - Sighthill/Gorgie

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because of the direct relationship with other significant proposals on an adjacent site and it is appropriate to consider the applications together.

Recommendation

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

Summary

The proposal is acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site measures 0.17 hectares and is located on the northern extent of McLeod Street with the Western Approach Road forming the northern boundary of the site. The Western Approach Road is positioned higher than the application site.

The west of the application site has an industrial character with the presence of the North British Distillery which has an associated Health and Safety Consultation Zone. To the south of the site is Tynecastle Football Stadium. To the east is the former Tynecastle School and beyond existing residential properties and the new Tynecastle High School.

The adjacent site is occupied by a range of buildings associated with the former Tynecastle High School which are category B listed (reference LB26950, listed on 9 February 1993), including the original school building, attached Janitor's House, workshops along the northern boundary, gates, gate piers and railings. The school building, dating from 1910-11, is an extensive L plan structure with the Assembly Hall extending from the re-entrant corner. The building is finished in harling with dressings of red brick and cream and red ashlar sandstone and slate roof. The Janitor's House is of similar style and was built shortly after the main building along with an additional classroom. The workshops date from 1910 and are of brick (painted) construction and simpler detailing. These early structures are two-storey.

Alterations and extensions have taken place on the site pre-1930, including a classroom extension on the west wing of the original school building (listed as part of the historic block) and a single storey addition to the south end of the western workshop range.

Post-1960s buildings on site, include a rendered single storey structure in the south-west corner of the quadrangle (the Dining Hall and Kitchen) and two substantial, red brick and render buildings, dating from the 1970s/80s (classrooms extension and the Games Hall) within the internal quadrangle to the rear of the original school building

The four-storey flatted block with deck access at 16-20 McLeod Street is category B listed (reference LB26938, listed on 9 February 1993) and dates from 1897.

Description of the Proposal

The application proposes the development of an urban farm on land adjacent to the former Tynecastle School.

The proposals will include the formation of growing areas, an orchard, greenhouses and storage shed.

Pedestrian access will be provided to the south of the site. Limited vehicle access will be provided to the north as required.

The removal of the buildings located on the eastern section of the site are considered separately under application 21/04468/LBC.

Supporting Information

No information submitted in support of the application.

Relevant Site History

21/04468/LBC
Former Tynecastle High School
17 McLeod Street
Edinburgh
EH11 2NJ

Selective demolitions to enable adaptation of original school building to long-term future use including preservation of essential special architectural and historic interest of the listed building and its setting (as amended).

21/04469/FUL

Former Tynecastle High School

17 Mcleod Street

Edinburgh

EH11 2NJ

Partial demolition, change of use and new build to form student residential development and community facilities with associated infrastructure, landscaping, and access (as amended).

Other Relevant Site History

No other relevant planning history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Health and Safety Executive

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

Publicity and Public Engagement

Date of Neighbour Notification: 15 October 2021

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable.

Site Notices Date(s): Not Applicable.

Number of Contributors: 4

Section B - Assessment

Determining Issues

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change: Use and Adaptation of Listed Buildings
- Managing Change: Setting

Demolitions

HES emphasises the importance of retaining listed building and only resorting to demolition if every other option has been explored. Keeping listed buildings in an existing use or finding a new use that has the least possible impact, is the best way to protect them. In this case, the approach taken is to retain and restore the original Tynecastle High School building which has been disused for over ten years and is in a deteriorating condition. The demolition of the listed curtilage buildings, comprising the workshop ranges along with the pre-1930s extension to the east school wing, is essential to achieving the sustainable future use of the main listed building.

This application is assessed against the section on 'selective demolition' in HES guidance on the 'Use and Adaptation of Listed Buildings', HES defines 'selective demolition' as involving the removal, or demolition, of parts of a listed building to enable the significant parts of a listed building to be retained. In this case, the proposed level of demolition involves later extensions to the principal listed building and entire curtilage buildings.

Whilst the workshop ranges are substantial in scale, these just pre-date the school and were constructed against the embankment of the Caledonian Railway branch line to the north. The ranges are of largely functional design and finish, with plainly detailed interiors comprising single open spaces accessed external stair cores and balconies.

HES notes that the workshops are characterful and add significantly to the historical interest of the school site and suggest that the structures could be repurposed for new uses. The historic and visual contribution of the workshops to the site is acknowledged and the structures are not in bad condition. However, a substantial section of the range extending along the western boundary cannot be converted to another use due to inclusion within the Health and Safety Executive Consultation Zone.

The retention of the remaining parts of the workshops would severely curtail the area of land available for development the extent of new build would not be sufficient to offset the overall cost of repair and conversion of the main school building. In mitigation, where practicable, materials salvaged from the demolition will be used in the construction and landscaping of the new internal quadrangle. A condition has been applied requiring full details of the proposed use of these materials.

A further condition has been applied to ensure that the workshop ranges are officially recorded prior to demolition.

Conclusion in relation to the listed building

The proposed development will help to facilitate the sustainable and long-term use of the category B listed former Tynecastle High School and involves significant conservation gain. Whilst the demolition of the historic workshops as listed curtilage buildings is regrettable, this will enable the restoration of the original school building in terms of historic plan form and significant elements of architectural detailing.

The location and technical constraints of this site severely limit opportunities for restorative redevelopment of the listed school building and the preservation of its special historic and architectural interest is dependent on cross funding the significant costs of repair and refurbishment.

The proposed use of the site as an urban farm provides a good compromise to the use of a constrained site.

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

b) The proposals comply with the development plan?

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

- LDP Environment policy Env 4 , Env and Env 20.
- LDP Design Policy Des 5.

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

Character and setting of the listed building

This has been assessed in section a) and the proposals comply with LDP Policies Env 3 and Env 4.

Principle of Development

Site Constraints

The site is located within a mixed use area with key constraints located at the western and southern boundaries of the site. The presence of these constraints has informed the development of the site including the layout and ultimately the use. The constraints to consider are:

- category B listed building addressed above;
- Proximity to the North British Distillery and the HSE Consultation Zone
- Proximity to Tynecastle Stadium.

The site partly lies partly within a consultation zone as set by the Health and Safety Executive (HSE) associated with the storage of materials on the adjacent North British Distillery Site. The impact of this is that no development can take place within this area where there would be an increase in population. This has ultimately informed the area of developable land for the site. and the wider development of the former Tynecastle High School. As a result, the existing buildings along the eastern edge of the application site cannot be redeveloped. The proposed layout has been progressed to respect the consultation zone. As HSE are a statutory consultee in this case the application has been considered using the consultation web app and the HSE do not advise against development of the site.

In addition to the HSE consultation zone the North British Distillery Site and Tynecastle Stadium both generate noise through their daily activities which adds additional constraints to the redevelopment of the site. These constraints have informed the concurrent application for the wider site under application 21/04469/FUL.

Taking into consideration all the constraints on the site and the influence these have on the developable areas of the site the application must be considered in accordance with Policy Des 5 - Development Design and Env 20 - Open Space in New Development.

The principle of creating a new public space/ urban farm within the area are supported and will create an appropriate development within an area of land that is difficult to develop. The proposals provide a community solution to this area of land and provide a sustainable approach to engage with a community group to take over the area.

Conclusion in relation to the Development Plan

The proposals are a positive approach to develop an area of land which has a number of constraints to development. The proposals will create a sense of place and community ownership in accordance with the over principles 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

A summary of the representations is provided below:

material considerations

Letters of representation have been received which support the development of the site for the urban farm.

Conclusion in relation to identified material considerations

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 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. 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.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 30 September 2021

Drawing Numbers/Scheme

1 - 4

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

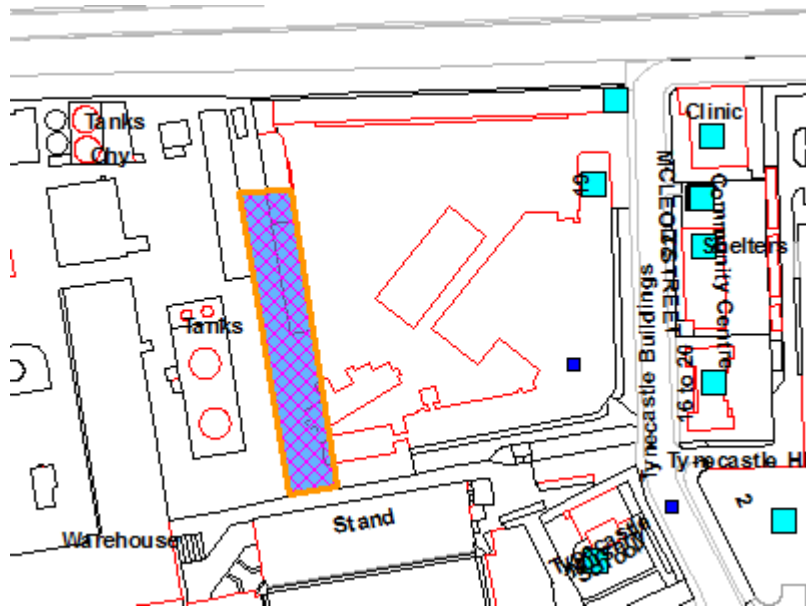
NAME: Health and Safety Executive

COMMENT: HSE does not advise, on safety grounds, against the granting of planning permission in this case.

DATE: 13 September 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 21 September 2022

**Application for Listed Building Consent
Former Tynecastle High School, 17 Mcleod Street, Edinburgh**

Proposal: Selective demolitions to enable adaptation of original school building to long-term future use including preservation of essential special architectural and historic interest of the listed building and its setting (as amended).

**Item – Committee Hearing
Application Number – 21/04468/LBC
Ward – B07 - Sighthill/Gorgie**

Reasons for Referral to Committee

There are more than six objections and the recommendation is to grant listed building consent. Therefore, the application must be considered by Development Management Sub Committee.

Recommendation

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

Summary

The proposed development will result in the sustainable and long-term use of the category B listed former Tynecastle High School and involves significant conservation gain. Whilst the demolition of the historic workshops as listed curtilage buildings is regrettable, this will enable the restoration of the original school building in terms of historic plan form and significant elements of architectural detailing.

The location and technical constraints of this site severely limit opportunities for restorative redevelopment of the listed school building and the preservation of its special historic and architectural interest is dependent on cross funding the significant costs of repair and refurbishment.

Conditions have been applied to ensure that the specifications for all proposed external materials alterations and repairs to the original school and proposed new buildings and landscaping are appropriate.

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

SECTION A – Application Background

Site Description

The application site measures 1.52 hectares and is located on the northern extent of McLeod Street with the Western Approach Road forming the northern boundary of the site. The Western Approach Road is positioned higher than the application site.

The west of the application site has an industrial character with the presence of the North British Distillery which has an associated Health and Safety Consultation Zone. To the south of the site is Tynecastle Football Stadium. To the east are existing residential properties and the new Tynecastle High School.

The site is occupied by a range of buildings associated with the former Tynecastle High School which are category B listed (reference LB26950, listed on 9 February 1993), including the original school building, attached Janitor's House, workshops along the northern boundary, gates, gatepiers and railings. The school building, dating from 1910-11, is an extensive L plan structure with the Assembly Hall extending from the re-entrant corner. The building is finished in harling with dressings of red brick and cream and red ashlar sandstone and slate roof. The Janitor's House is of similar style and was built shortly after the main building along with an additional classroom. The workshops date from 1910 and are of brick (painted) construction and simpler detailing. These early structures are two-storey.

Alterations and extensions have taken place on the site pre-1930, including a classroom extension on the west wing of the original school building (listed as part of the historic block) and a single storey addition to the south end of the western workshop range.

Post-1960s buildings on site, include a rendered single storey structure in the south-west corner of the quadrangle (the Dining Hall and Kitchen) and two substantial, red brick and render buildings, dating from the 1970s/80s (classrooms extension and the Games Hall) within the internal quadrangle to the rear of the original school building

The four-storey flatted block with deck access at 16-20 McLeod Street is category B listed (reference LB26938, listed on 9 February 1993) and dates from 1897.

Description Of The Proposal

The application proposes the redevelopment of the site to provide a development of student accommodation. The associated works that require listed building consent comprise the following:

- alteration, extension and refurbishment of the original Tynecastle High School to provide student accommodation;
- demolition of the early classroom extension to the west wing and separate workshop buildings on the northern and eastern edges of the site.

The proposed new student accommodation blocks and associated hard and soft landscaping form part of the associated application for planning permission (reference

Tynecastle High School

The original building and early extensions to the eastern range, including the Janitor's House, will be retained. The following key alterations are proposed:

External

- demolish the extension to the west wing and modern classroom extensions to the rear;
- carry out remedial works to the elevations affected by the proposed demolitions (described below) and install traditional and contemporary style window and door openings in restored sections;
- erect two brick/glazed stair extensions on the rear elevation and form connecting door openings from four existing windows;
- remove the existing rooflight on the rear roof pitch and slate the roof to match the original finish;
- fit existing windows with double glazing and replace original windows in poor condition with double-glazed versions to match the existing profiles and materials;
- remove a section of the existing railings and plinths at the south end of McLeod to form gated vehicular access to a new sub-station; and
- remove the existing vehicular and pedestrian gates and a stone wall at the north end of the main school building to form new vehicular and pedestrian accesses.

Internal

- remove selected walls and sections of walls within the original school building and Assembly Hall and erect new partitions to form student bedrooms, kitchen/lounges, a meeting room, reception area and stores;
- remove the majority of the existing walls and stairs within the Janitor's House and adjoining classroom extension and erect new partitions and stairs to form student accommodation;

Scheme 1

The original application proposed the demolition of the Janitor's House on the eastern section of the main school building.

Supporting Information

- Heritage Statement;
- Planning Statement; and
- Design and Access Statement.

Relevant Site History

21/04469/FUL

Former Tynecastle High School

17 Mcleod Street

Edinburgh

EH11 2NJ

Partial demolition, change of use and new build to form student residential development and community facilities with associated infrastructure, landscaping, and access (as amended).

21/05152/FUL

Former Tynecastle High School

17 Mcleod Street

Edinburgh

EH11 2NJ

Proposed alterations to land to provide landscaping and planting beds as part of a community garden.

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 2 June 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 10 June 2022; 10 September 2021;

Site Notices Date(s): 6 June 2022; 7 September 2021;

Number of Contributors: 9

Section B - Assessment

Determining Issues

This application for listed building consent is required to be assessed against Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals harm a listed building or its setting?
- If the proposals do comply with HES Policy and guidance, 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, 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 proposals harm the listed building or its setting?

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

- Managing Change: Use and Adaptation of Listed Buildings
- Managing Change: Setting

External and Internal Alterations

The proposed alterations to the category B listed school building involve extensive restoration, including the removal of the modern, functional classroom extensions which obscure a significant part of the historic rear elevation and north-east elevation of the Assembly Hall. This alteration will reinstate the symmetrical L-plan configuration of the building and original window and door openings will be restored with appropriate infills.

The early extension to the west wing is not a significant addition to the original school building in terms of special historic and architectural interest, so its removal is acceptable to accommodate new build development along the western edge of the site.

The proposed stair extensions to the rear elevation are modest in scale, symmetrically positioned and of appropriate, functional design using a blend of traditional and contemporary materials in keeping with the historic architecture. The other external works to the main building are minor and comprise mainly restoration and repair, retaining historic fabric wherever possible and matching original detailing.

The sections of original railings, gates and plinths to be removed are plainly detailed. However, there may be an opportunity to retain more existing fabric at the north end (main site entrance) although the condition of these railings may render this impractical. The stone wall at the south end of McLeod Street is a significant part of the listing. A condition has been applied requiring further details of the proposed boundary treatment and proposed use of any salvageable material.

The proposed insertion of double glazing in original windows is acceptable in principle as the existing glazing is of no special historic interest. The replacement of some original windows in poor condition with double-glazed versions to match the existing profiles will be acceptable on the basis that a window condition survey is undertaken which demonstrates that these windows are beyond repair. A condition has been applied to secure the submission of a window survey and further details of the proposed glazing, window profiles, materials and ventilation.

The interior of the original school building is relatively functional in plan form and detailing except for the main entrance stair and stained glass rooflight. These features will remain intact and unaltered. A condition has been applied to ensure that the repair of the stained glass rooflight is carried out appropriately.

Otherwise, the historic classrooms' divisions are well suited to the formation of student bedrooms and minimal interventions are required to create the required accommodation. The removal of some doors and walls or sections of walls is acceptable as this will not have a detrimental impact on the building's special historic or architectural quality.

The existing interiors of the early extension and Janitor's House at the end of the north range are plain and altered, so the entire replacement of these is acceptable. The proposed internal configurations are in keeping with the historic pattern and no partitions will physically or visually impinge on windows.

Demolitions

HES emphasises the importance of retaining listed building and only resorting to demolition if every other option has been explored. Keeping listed buildings in an existing use or finding a new use that has the least possible impact, is the best way to protect them. In this case, the approach taken is to retain and restore the original Tynecastle High School building which has been disused for over ten years and is in a deteriorating condition. The demolition of the listed curtilage buildings, comprising the workshop ranges along with the pre-1930s extension to the east school wing, is essential to achieving the sustainable future use of the main listed building.

This application is assessed against the section on 'selective demolition' in HES's guidance on the "Use and Adaptation of Listed Buildings". HES defines 'selective demolition' as involving the removal, or demolition, of parts of a listed building to enable the significant parts of a listed building to be retained. In this case, the proposed level of demolition involves later extensions to the principal listed building and entire curtilage buildings.

Whilst the workshop ranges are substantial in scale, these just pre-date the school and were constructed against the embankment of the Caledonian Railway branch line to the north. The ranges are of largely functional design and finish, with plainly detailed interiors comprising single open spaces accessed external stair cores and balconies.

HES notes that the workshops are characterful and add significantly to the historical interest of the school site and suggest that the structures could be repurposed for new uses. The historic and visual contribution of the workshops to the site is acknowledged and the structures are not in bad condition. However, a substantial section of the range extending along the western boundary cannot be converted to another use due to inclusion within the Health and Safety Executive Consultation Zone. Also, the front section of the range on the east side of the site cannot be retained without loss of the Janitor's House due to the need for emergency and service vehicle access. The original scheme was amended to retain the Janitor's House at the request of HES.

The retention of the remaining parts of the workshops would severely curtail the area of land available for development the extent of new build would not be sufficient to offset the overall cost of repair and conversion of the main school building. In mitigation, where practicable, materials salvaged from the demolition will be used in the construction and landscaping of the new internal quadrangle. A condition has been applied requiring full details of the proposed use of these materials.

A further condition has been applied to ensure that the workshop ranges are officially recorded prior to demolition.

Setting

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The current setting of the listed school building comprises a conglomeration of randomly located modern structures with the historic workshop range defining the northern and eastern edges of the site. The classroom extension which is attached to the original rear elevation and Assembly Hall impinges on the space immediately behind the former school and visually interferes with the historic building's symmetrical L-plan form and rear elevations. The demolition of this structure will therefore significantly improve the setting of the listed building.

With regards to the setting of the Category B listed building to the immediate east of the site on the opposite side of McLeod Street, the proposals will not have a negative impact on the setting of this building.

Conclusion in relation to the listed building

b) There are any other matters to consider?

The following matters have been identified for consideration:

Archaeological remains

The site lies within an area of archaeological significance, including the historic Tynecastle High School building and workshop ranges.

The proposals include the demolition of both workshop ranges, so a condition has been applied to ensure that a programme of archaeological work (historic building recording and public engagement programme) is undertaken before and during the proposed works to provide a detailed record of the workshops, including any significant historic fixtures.

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 summary of the representations is provided below:

material considerations

- loss of the listed workshops, Janitor's House and historic railings;
- the historic significance of the workshops has been underestimated;
- loss of all the original roof slates;
- subdivision of the Assembly Hall; and
- lack of details of the internal features of the school.

These comments are addressed in section a) above. Sufficient information on the school's interior has been obtained.

support comment

- the reuse of a derelict and unsafe building is welcomed.

non-material considerations

The other comments relate to the associated application for planning permission.

Conclusion in relation to other matters considered

The proposals are acceptable with regard to the other material considerations that have been identified above.

Overall conclusion

The proposed development will result in the sustainable and long-term use of the category B listed former Tynecastle High School and involves significant conservation gain. Whilst the demolition of the historic workshops as listed curtilage buildings is regrettable, this will enable the restoration of the original school building in terms of historic plan form and significant elements of architectural detailing.

The location and technical constraints of this site severely limit opportunities for restorative redevelopment of the listed school building and the preservation of its special historic and architectural interest is dependent on cross funding the significant costs of repair and refurbishment.

Conditions have been applied to ensure that the specifications for all proposed external materials alterations and repairs to the original school and proposed new buildings and landscaping are appropriate.

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

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 for planning application reference 21/04469/FUL.
2. A programme of archaeological work (historic building recording and public engagement programme) shall be undertaken before and during the demolition of the workshops ranges to provide a detailed record of these buildings, including any significant historic fixtures.
Details of this programme shall be submitted to and approved in writing by the planning authority, having first been agreed by the City Archaeologist.
3. Any significant historic fabric or remnants shall be re-used within the new development where possible and details of the proposed new locations shall be submitted to the planning authority and approved in writing before the works to the original Tynecastle High School building and landscaping works proposed in the associated application for planning permission (reference 21/04469/FUL) are commenced.
4. A detailed specification, including trade names where appropriate and sources, of all the proposed external materials and paint colours shall be submitted to and approved in writing by the Planning Authority before the works hereby approved are commenced on site; Note: samples of the materials may be required.

5. A full condition survey of the existing windows in the original Tynecastle High School building shall be submitted to the planning authority for further consideration prior to any window alterations being carried out.
No original windows shall be removed without written approval from the planning authority and further details of the proposed double-glazing and replacement and new window profiles, materials and ventilation shall be submitted to and approved in writing by the planning authority before any such glazing or windows are installed.
6. Details of proposed repair works to the stained glass rooflight within the main stairwell of the school shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
7. Only the sections of the existing railings, gates and boundary walls necessary for vehicular access to the site shall be removed.
Full details of the proposed boundary treatment along McLeod Street, including the re-use of any removed original railings, gates and boundary walls, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to retain and/or protect important elements of the existing character and amenity of the site.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard the character of the statutorily listed building.
4. In order to enable these matter/s to be considered in detail.
5. In order to safeguard the character of the statutorily listed building.
6. In order to safeguard the character of the statutorily listed building.
7. In order to safeguard the character of the statutorily listed building.

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: 1 September 2021

Drawing Numbers/Scheme

1,5-7,2A-4A,8A-14A,15B,16A,17B,18B,19,20B,21B,22A-30A+31-35

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No objections to the proposed development and welcome the repair and reuse of the main school, a long term vacant listed building. However, question whether a portion of the workshop range, that nearest McLeod Street, could be retained instead of the proposed 'landscaped area' in this position.

Recommend further details should be submitted as conditions, including the treatment of the external elevations, including the slate roof, harled facades, proposed new multi-pane sash windows, repair of the stained glass rooflight and salvage and reuse of materials.

DATE: 15 June 2022

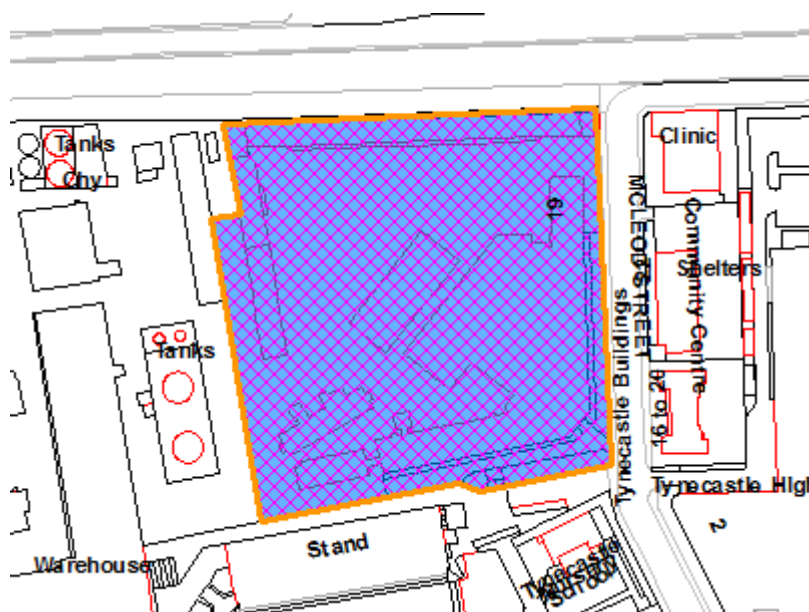
NAME: Historic Environment Scotland

COMMENT: 21/04468/LBC

DATE: 15 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 21 September 2022

Application for Planning Permission

Proposed Festival Event Space at, St James Square, Edinburgh.

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

Item – Committee Decision

Application Number – 22/02035/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 **Refused** 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 in terms of impact upon the setting of listed buildings, the Old and New Towns of Edinburgh Heritage Site and the New Town Conservation Area.

The principle of development is accepted, and the proposals are appropriate in terms of design in accordance with the development plan.

However, the proposals fail to comply with the amenity requirements of LDP Policies Des 5, Ret 7 and Ret 11, and it is determined the proposals would cause an unreasonable level of harm to neighbouring amenity.

There are no material considerations which indicate that the proposals should be granted. Therefore, the recommendation is to refuse planning permission.

SECTION A – Application Background

Site Description

The site comprises the central portion of St James Square, an external space of the new St James Quarter development- a retail and leisure led development in the city centre that surrounds the majority of the square on the north, west and eastern sides.

The B- Listed 27-31 James Craig Walk (Ref: LB30026) forms the southern side of the square.

The four storey and attic A-Listed tenements at 23-26 St James Square (Ref: LB29728) are located to the west of the square.

The Category B Listed Sassine Office (Ref: LB30027) and Category B Circular Record Hall (Ref: LB30025) are located to the south of the square.

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, including a Spiegeltent and service area/bar, to facilitate the use of St James 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.

The structures will be in the form of a Spiegeltent, bar, seating and low level timber fence to provide a perimeter to the space.

The space is proposed to operate between 10am and 11pm during 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 200 people, with capacity reduced for some shows.

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

The tent has been erected and the space has been in operation since the start of August 2022, and was operating under the '28 day rule', under the provisions of Class 15 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

Supporting Documents

A Noise Impact Assessment and Noise Management Plan submitted in support of the application.

Relevant Site History

21/05177/FUL

Proposed Festival Event Space At
St James Square
Edinburgh

Use of St James Square as a festive events space, including erection of temporary structures, stage, enclosures and other associated works. Permission sought for four years (2021/22, 2022/23, 2023/24 and 2024/25).

Granted

15 December 2021

Other Relevant Site History

22/02039/FUL

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

Granted

19 August 2022

22/02040/FUL

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

Granted

19 August 2022

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

HES

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 27 July 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 5 July 2022; 13 May 2022;

Site Notices Date(s): ; 10 May 2022;

Number of Contributors: 13

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 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.

Historic Environment Scotland (HES) was consulted on the proposal and has raised no objections.

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 structure is a material factor in the assessment of any impact on the character or appearance of the conservation area. The structure will be set within the context of the 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.

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 Policies Ret 7 and 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 (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. 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 structure 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 accepted within this area. The temporary nature and positioning of the installations ensure 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.

Scale, Design and Materials

The proposal is in the form of a Spiegeltent which is of a temporary festive appearance. The proposed materials and tented accommodation appears transient in nature and does not appear as a permanent structure. As such, the proposed materials are appropriate.

The space is enclosed by low level fencing, ensuring the space is self contained and providing separation from the rest of the public realm and thoroughway. As such, it will not dominate the square or result in clutter.

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. LDP Policy Ret 7 requires 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.

There nearest residential properties are located along St James Walk and 23-26 St James Square, with the closest properties being approximately 10m from the site.

The applicant has submitted a Noise Impact Assessment along with a Noise Management Plan in support of the application. The Noise Impact Assessment demonstrates that the proposal will exceed the expected noise standards.

The Noise Impact Assessment advises that the Spiegeltent would be used primarily for live radio broadcasts with the BBC during year 2022, comedy shows and spoken word events with only low levels of intermittent amplified music being played, this includes early morning broadcasts. The proposed operating hours will ensure the space will cease operation at 11pm.

Environmental Protection were consulted on the proposal and has raised concerns about the noise from outdoor activities negatively affecting the amenity of nearby residents.

Environmental Protection comment that the "Just the Tonic" events proposed to operate late in the evening, will not meet the expected noise standard, along with the bar area which would operate at the same time as the shows. As such, Environmental Protection has recommended refusal of the application. There are no mitigative measures identified to sufficiently reduce the level of noise.

The space sits at the entrance of the St James Quarter within the public realm where there a significant level of on street activity existing and examples of outdoor seating associated with adjacent uses. There has also been examples of event/bar uses in the space previously which were granted temporary permission.

The permission granted was on the proviso that a Noise Impact Assessment would be submitted identifying the noise impact of the event and to address any of the noise complaints received during its operation for future years.

Whilst this is a central location, it is located within a relatively enclosed site in comparison to other spaces identified for events throughout St James Quarter, with residential properties being in close proximity. There have been objections received from local residents prior to the development taking place, as well as subsequent complaints received since its installation and operation.

Given that the Noise Impact Assessment demonstrates that the proposal will exceed the expected noise standards, and complaints relating to noise continue to be received, it can be reasonably determined that the proposal results in harm to neighbouring amenity and would continue to in the forthcoming years of operation without suitable mitigation.

Overall, whilst this is city centre location where the principle is accepted, the proposal currently results in an unacceptable level of noise disturbance and there are no mitigative measures proposed that would prevent further unreasonable harm to residential amenity if approved for future years. As such, the proposal does not comply with the amenity requirements of LDP policies Des 5, Ret 7 and Ret 11.

The proposal fails to comply with the objectives of LDP Des 5, Ret 7 and Ret 11 and would result in an unreasonable level of noise disturbance to the detriment of neighbouring amenity.

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 proposals will not harm the setting of any nearby listed buildings and preserve the appearance of the conservation area. The proposals are acceptable in terms of scale, design and materiality.

However, the proposals give rise to a level of noise disturbance that is to the detriment of residential amenity, and no mitigative measures are proposed to mitigate this impact. As such the proposals fail to comply with the overall 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

13 letters of representation have been received in relation to the proposal. Four of these are in support of the application, and nine object to the proposal.

Material Considerations

- Noise. Addressed in Section a) above;
- Lack of Noise Impact Assessment. This has been submitted and neighbour re-notification carried out;
- Quality of materials. Addressed in Section a) above;
- Clutter. Addressed in Section a) above;
- Detrimental to setting of Listed Buildings. Addressed in Section a) above;
- Doesn't preserve the New Town Conservation Area or World Heritage Site. Addressed in Section a) above and
- Permission should be conditioned to one year.

Non-Material Considerations

- Anti-social behaviour and public urination. This is not controlled through the planning process. Toilet facilities are provided in the St James Centre adjacent; and
- Commercialisation of the public realm. This not a planning matter.

Support

- Will lead to vibrancy and increase footfall in the city centre location;
- Will benefit local businesses post Covid by bringing in customers to area;
- Location upon hardstanding in city centre location will preserve greenspace and avoid damage to grassed areas on alternative sites;
- Will allow the event to be well managed by the St James Quarter management;
- Will be less intrusive and less noise impact in city centre location than alternative locations upon greenspace.

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 in terms of impact upon the setting of listed buildings, the Old and New Towns of Edinburgh Heritage Site and the New Town Conservation Area.

The principle of development is accepted, and the proposals are appropriate in terms of design in accordance with the development plan.

However, the proposals fail to comply with the amenity requirements of LDP Policies Des 5, Ret 7 and Ret 11, and it is determined the proposal would cause an unreasonable level of harm to neighbouring amenity.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Ret 7 in respect of Entertainment and Leisure Developments - Preferred Locations, as it could have an unacceptable impact on residential amenity.
2. The proposal is contrary to the Local Development Plan Policy Ret 11 in respect of Food and Drink Establishments, as it could have an unacceptable impact on residential amenity.
3. The proposal is contrary to the Local Development Plan Policy Des 5 in respect of Development Design - Amenity, as it could have an unacceptable impact on residential amenity.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 29 April 2022

Drawing Numbers/Scheme

01-09

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: HES

COMMENT: No comments made in relation to the proposals.

DATE: 9 August 2022

NAME: Environmental Protection

COMMENT: Environmental Protection is unable to support this application.

The proposal is for an external events space at St James Square to operate during the month of August. The submitted Noise Management Plan and Design Statement advise the hours of operation would be 10am - 11pm daily.

The Noise Impact Assessment advises there will be a live Breakfast Broadcast from 06.30 hours (doors open 06.00 hours). There is also an event currently being advertised which starts at 08.00 (with doors open at 07.30 hours).

Environmental Protection has significant concerns about the noise from outdoor activities negatively affecting the amenity of nearby residents overlooking St James Square.

A Noise Impact Assessment (NIA) was requested by this service.

The applicant has submitted this in July (Waterman Infrastructure and Environment Limited, ref: WIE 17806-100). This assessment demonstrates that the proposal will exceed the expected noise standards.

The NIA advises that "it is currently envisaged that the Spiegel tent would be used primarily for live radio broadcasts with the BBC signed up for the festival in 2022, comedy shows and spoken word events with only low levels of intermittent amplified music being played.".

The NIA demonstrates that the Just the Tonic events, primarily operating later in the evening, will not meet the expected noise standard. Currently over 60 hours of Just the Tonic shows are programmed at this venue. The bar area is also envisaged not to meet the noise standard, and it would be anticipated that the bar would often operate at the same time as the shows.

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

DATE: 29 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 21 September 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.

Outcome of previous Committee

This application was previously considered by Committee on 17 August 2022

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

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 29.4.77 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 roofspace. 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

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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