

Notice of meeting and agenda

Development Management Sub-Committee

10.00am, Wednesday, 5th October, 2022

Dean of Guild Court Room - City Chambers

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

Contacts

Email: martin.scott@edinburgh.gov.uk / blair.ritchie@edinburgh.gov.uk

1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 3rd October 2022** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

- 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 None.

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 Glenprop 4 LLP for Proposal of Application Notice at 14 Ashley Place, Bonnington, Edinburgh - Purpose-built student accommodation with associated infrastructure and landscaping - application no. 22/04004/PAN – Report by the Chief Planning Officer 7 - 12

Applications

- 4.2 Edinburgh Zoo, 134 Corstorphine Road, Edinburgh - Installation of ground mounted solar array and associated infrastructure - application no. 21/06721/FUL - Report by the Chief Planning Officer 13 - 30

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

- 4.3 4 Piersfield Terrace, Edinburgh - Car park valeting pod to be located within the existing car park (as amended) - application no. 21/03671/FUL - Report by the Chief Planning Officer 31 - 42

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

5. Returning Applications

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

- 5.1 7-7 A Newcraighall Road, Edinburgh - Residential development (as amended) - application no. 21/02559/PPP 43 - 44

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

6. Applications for Hearing

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

6.1 None.

7. Applications for Detailed Presentation

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

7.1 24 & 25 Seafield East, Edinburgh - Residential led mixed-use including classes 1, 2 and 4, development with associated infrastructure - application no. 22/00733/PPP - Report by the Chief Planning Officer 45 - 76

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

8. Returning Applications Following Site Visit

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

8.1 None.

Nick Smith

Service Director – Legal and Assurance

Committee Members

Councillor Hal Osler (Convener), Councillor Alan Beal, Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor James Dalgleish, 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 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 Martin Scott, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, email martin.scott@edinburgh.gov.uk / blair.ritchie@edinburgh.gov.uk.

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Development Management Sub Committee

Wednesday 5 October 2022

Report for forthcoming application by

Glenprop 4 LLP for Proposal of Application Notice

22/04004/PAN

at 14 Ashley Place, Bonnington, Edinburgh.

Purpose-built student accommodation with associated infrastructure and landscaping.

Item number

Report number

Wards

B12 - Leith Walk

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming planning application for the development of a purpose-built student accommodation with associated infrastructure and landscaping. In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice (application number - 22/04004/PAN) on 8 August 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 site is approximately 0.27 hectares in area and is located within the Bonnington industrial area in the Newhaven area of Edinburgh. Ashley Place is a cul-de-sac which leads off Newhaven Road. The site currently contains a two storey brick commercial building occupied by a building services company and its associated yard which is enclosed by 3m high fencing. There is an area of car park on the eastern part of the site. The south-west boundary of the site is formed by Ashley Place with a terrace of traditional tenemental flats. To the west, adjoining land comprises a two storey brick industrial warehouse building and vehicle parking area. The north boundary consists of a 2-3m high brick boundary wall and the neighbouring industrial units. The east boundary consists of an area of hardstanding, and neighbouring residential development comprising a large six storey high flatted block accessed from Tinto Place. The south east also contains a large six storey flatted block.

2.2 Site History

15th October 2021 planning permission granted for the demolition of existing building and erection of 65 flatted residential development with associated landscaping, car and cycle parking: formation of pedestrian access from Ashley Place and associated infrastructure at 14 Ashley Place, Edinburgh, EH6 5PX (application number 19/05092/FUL).

Main report

3.1 Description of the Proposal

An application for full planning permission will be submitted for a purpose built student accommodation with associated infrastructure and landscaping at 14 Ashley Place. No further details have been submitted of the student housing, access or design.

3.2 Key Issues

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

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

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

The site is within the urban area where student accommodation residential development is acceptable in principle. The specific site proposals will be assessed against the relevant policies of the LDP. This includes policy Hou 1 Housing Development, which sets out criteria for considering the suitability of sites for housing and policy Hou 8 which includes criteria for purpose- built student accommodation. Given the nature of the existing employment uses on parts of the site, LDP policy Emp 9 Employment Sites and Premises, will need to be considered in relation to the redevelopment of employment sites or premises in the urban area for uses other than business, industry or storage. However, planning permission for residential development (planning application 19/05092) has already been granted for residential development on this site and would be a material consideration.

b) the Design, Scale and Layout are acceptable within the character of the area and whether the proposal complies with the Edinburgh Design Guidance

The application will be for full planning permission. A design and access statement will be required to accompany the application. The layout and design of the proposal will be assessed against the requirements of the Edinburgh Design Guidance and the Bonnington Development Brief (2008) which sought to ensure that the introduction of residential uses in this location would not compromise the operation of existing businesses.

c) the proposal is acceptable in terms of residential amenity

The application will need to ensure that there is no significant impact on residential amenity of neighbours. The proposals will be assessed to ensure that there is adequate level of amenity for the future occupiers of the development.

d) access arrangements are acceptable in terms of road safety and public transport accessibility

The application should have regard to the transport policy of the LDP and Designing Streets. Consideration should be given to prioritising pedestrian and cycle movement. Transport Information will be required to support this application.

e) 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 an unacceptable impact on the environment. In order to support the application, the following documents are likely to be expected (This list is not exhaustive):

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Daylighting, Sunlight and Privacy analysis;
- Landscape and Visual Impact Assessment;

- Transport Information;
- Archaeology Assessment;
- Flood Risk Assessment and Surface Water Management Plan;
- Contaminated land survey;
- Noise Impact Assessment;
- Air Quality Impact Assessment and
- Sustainability Statement.

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: 22/04004/PAN) outlined a virtual public exhibition event to be held on 4 - 7pm 21 September 2020 (times not confirmed) and the website to remain live from 19 September until 3 October 2022.

The applicant has also undertaken the following measures:

- Correspondence with local Councillors, MSPs and MPS;
- Correspondence with Leith Central Community Council; and
- Water of Leith Conservation Trust

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

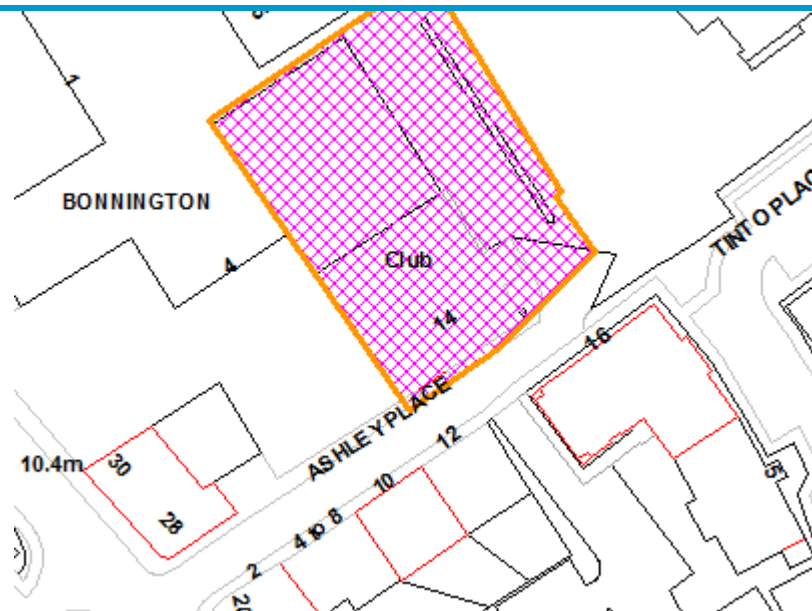
Background reading/external references

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

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Catriona Reece-Heal, Senior Planning Officer
E-mail: catriona.reece-heal@edinburgh.gov.uk Tel:0131 529 6123

Location Plan



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Development Management Sub-Committee Report

Wednesday 5 October 2022

**Application for Planning Permission
Edinburgh Zoo, 134 Corstorphine Road, Edinburgh.**

Proposal: Installation of ground mounted solar array and associated infrastructure.

**Item – Committee Decision
Application Number – 21/06721/FUL
Ward – B06 - Corstorphine/Murrayfield**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as the Chief Planning Officer considers the application to be of significant public interest.

Recommendation

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

Summary

The proposals are acceptable in terms of Sections 59 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 relates to land at Edinburgh Zoo, No. 134 Corstorphine Road, Edinburgh. The area to accommodate the array consists of sloping neutral semi-improved grassland that is currently utilised as a rotational grazing paddock at the northern boundary of the Zoo. The total area of the site is 1.08 hectares. The site lies within an area bounded with security fencing and established vegetation and trees. The site lies within the Greenbelt, is a defined area of open space, is part of the Special Landscape Area (Corstorphine Hill) and is part of a Local Nature Conservation Site.

Access to the site will be gained via the main vehicle gate off Corstorphine Road, lying 590m south of the development. Existing internal roadways will be utilised to reach the secure access gate for the development. This gate will be used solely to access the development site during construction and future maintenance; no access will be available to unauthorised personnel.

There are a number of category B and C listed buildings within the wider zoo site. The nearest listed building is, however, more than approximately 200 metres away from the proposed solar array.

Description of the Proposal

The application is for planning permission for the installation of a ground mounted solar array and associated infrastructure. The array will comprise of 1870 photovoltaic (PV) panels comprising a total generating capacity of 1MW. Each panel will measure 2279mm by 1134mm by 34mm. The PV panels will be arranged in rows, supported 0.8 metres off the ground by a series of narrow metal frames with specifically chosen tree-system foundations to limit ground disturbance and protect drainage. The maximum height of the array above ground level will be 2.02 metres. The PV panels will be fitted with anti-reflective coating.

Eight inverters for the array will be contained within a metal 20ft kiosk to the south of the development, which shall be painted in a similar style to the other metal containers that are already located nearby. An energy education centre is also proposed to the south of the array to educate visitors about the importance of renewable energy and sustainability, with emphasis on the benefits of the installation to the zoo. The centre will be 10 metres in length, 3 metres in depth and 4 metres in height with a pitched tiled roof and wooden sides similar to many other buildings within the zoo. It will have a large window so that the array can be clearly viewed. A new substation is also proposed.

The array will generate electricity feeding directly into Edinburgh Zoo, contributing towards their targets of becoming a greener business with a reduced carbon footprint from their operations. With a reduced reliance on the national grid network the sites operations will benefit from energy and financial security. During the winter months the Zoo has a high energy requirement for heating the many animal enclosures, during these times it is expected that all energy produced by the array will be utilised onsite, however during warmer seasons excess energy will be exported to the grid. It is anticipated that the operational period of the array will be 30 years with provision for it to be decommissioned afterwards.

Supporting Information

Planning Statement
Landscape and Visual Impact Assessment
Phase 1 habitat survey
Surface water management report
Glint and glare map

Relevant Site History

No relevant site history.

Other Relevant Site History

30.09.2021- Screening Opinion request for proposed Edinburgh Zoo Solar Array. EIA not required. (Application Reference: 21/04346/SCR).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Edinburgh Airport

Archaeology

Environmental Protection

Flood Planning

Nature Scot

Natural Environment

National Air Traffic Services

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

Publicity and Public Engagement

Date of Neighbour Notification: 5 January 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 0

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 setting of listed buildings?

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

- Managing Change in the Historic Environment: Setting

There are a number of listed buildings located within the zoo. However, the historical designations map which has been submitted shows that the proposed array will not be visible from any of the listed buildings and that there is quite a substantial distance between the array and listed buildings present. It must also be acknowledged that there are already a number of large non-traditional buildings which are present throughout the zoo.

Conclusion in relation to the setting of listed buildings

The proposal will not have a detrimental impact on the setting of the listed buildings. The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan?

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

- LDP Historic Environment policy Env 3
- LDP Design policies Des 1.
- LDP Environment policies Env 8, Env 9, Env 10, Env 11, Env 12, Env 15, Env 16, Env 18 and Env 21.
- LDP Sustainable Energy policy Rs 1.

The non-statutory Edinburgh Design Guidance and Guidance for Development in the Countryside and Greenbelt is a material consideration that is relevant when considering policy Env 10. The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policy Env 3.

Impact on setting of listed building

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.

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

Principle of development

LDP policy Env 10 (Development in the Green Belt and Countryside) states that within the Green Belt and Countryside shown in the proposals map, development will only be permitted where it meets one of the four stated criteria and that the key test for all proposals in the countryside and greenbelt will be to ensure that development would not detract from the landscape quality and/or rural character of the area.

Criterion (c) of Env 10 states that for development relating to an existing use or building(s) such as an extension to a site or building, ancillary development or intensification of the use, provided the proposal is appropriate in type in terms of the existing use, of an appropriate scale, of high-quality design and acceptable in terms of traffic impact. The Guidance for Development in the Countryside and Green Belt (2019) reiterates the requirements of the policy stated above.

The proposed array will provide power to the existing zoo. It is therefore an ancillary development within the wider site. The development is large at 1.08 hectares, however it is of an appropriate scale given that the total size of the zoo is approximately 33 hectares. It is of appropriate design and it will have no impact in terms of traffic,

The proposal therefore complies with criterion (c) of LDP policy Env 10 provided it does not detract from the landscape quality and/or rural character of the area.

Impact on Landscape Quality and Ecology

The application site lies within the Corstorphine Special Landscape Area.

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

The Review of Local Landscape Designations states that *From a city-wide perspective, Corstorphine Hill is conspicuous amongst Edinburgh's urban hills, comprising a distinctive and scenically attractive, low, elongated north-south ridge and having a locally unique wooded character, which contrasts with surrounding built development.*

Corstorphine Hill is an important landmark on western approaches to Edinburgh by road and rail. As Edinburgh's largest urban woodland, it forms a green backdrop to views across the city centre from The Mound, Calton Hill, Blackford Hill, the Braid Hills and Salisbury Crags.

The hill's legible geomorphology, historic land use and built heritage emphasise generations of cultural associations between people and place. This is continued by the attraction of Edinburgh Zoo, the hill's popularity as a viewpoint, recreational environment and semi-natural resource within the city

In terms of pressures upon landscape integrity, it states:

Inappropriate development or poor quality design affecting landscape character, in particular the pattern of tree and woodland cover, or impacting adversely on key views from surrounding areas.

A landscape and visual impact assessment has therefore been carried out to assess the potential impact of the solar array on Corstorphine Hill Special Landscape Area and the key views identified.

It is acknowledged that the zoo, which is an element of the special landscape area, already has a number of large buildings of different shapes and sizes present, as would be expected due to its commercial function. There are also a number of large telecommunications masts present nearby. The application site is currently an area of neutral semi improved grassland and no trees shall be removed as part of the development.

The applicant has provided a zone of theoretical visibility map as well as a viewpoint map which identified key viewpoints from where the array may be visible. Photomontages were then taken from these sites.

Based on the information provided and due to the fact that the array would be a maximum of 2.02 metres from the ground level and that there is tree cover present surrounding the site, there would be very limited visibility of the array. Within the zoo, the array will be shown as an exhibit and will be read in association with the animal enclosures and existing displays. Provided trees to the south remain in place, the proposal would not have a materially detrimental impact on key views.

LDP policy Env 15 (Sites of Local Importance) states development likely to have an adverse impact on the flora, fauna, landscape or geological features of a Local Nature Conservation Site will not be permitted unless it can be demonstrated that:

- (a) the reasons for allowing the development are sufficient to outweigh the nature conservation interest of the site
- (b) the adverse consequences of allowing the development for the value of the site has been minimised and mitigated in an acceptable manner.

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

The site is not prime agricultural land, the majority of the site is neutral semi improved grassland. The planning statement confirms that the proposed array and associated infrastructure will have a small footprint as the proposed panels will be raised off the ground. Major excavation or land levelling works will not be required. Grassland will remain beneath the panels and there will be opportunities to enhance ground conditions with regular maintenance.

A stage 1 habitats survey of the development site was submitted with the application. It concluded that there is evidence of badger setts within proximity of the site and the presence of mammal paths through the site. Whilst the habitat survey states that the impact to species during the operational phase of the development will be negligible, appropriate mitigation measures have been proposed. Actions are also to be adopted during construction and further recommendations have been made to enhance the sites attractiveness and suitability for species as part of the development. It is recommended that hedgehog boxes as well as bat and bird boxes are installed as well as log piles and insect hotels.

In terms of ecology there are no objections to the application subject to the inclusion of a condition relating to a construction environmental management plan.

The application complies with LDP policy Env 15 and Env 16.

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact upon a tree protected by virtue of a Tree Preservation Order (TPO) or on any other tree or woodland worthy of retention.

There are a number of semi-mature trees that line the boundaries of the site. None of these trees are covered by a TPO and nor are the trees within a conservation area. The plans submitted do not show that any trees are to be removed or pruned to accommodate the array and associated components onsite. The PV panels will be arranged in rows, supported 0.8 metres off the ground by a series of narrow metal frames with specifically chosen tree-system foundations to limit ground disturbance. Cable routing shall be installed in ducting along verges minimising ground work and impact to established trees. A condition has been applied to the permission to ensure that the trees directly surrounding the site are protected during construction works. A further condition has been applied stating that none of the trees directly to the south of the site shall be removed, pollarded or pruned without the written consent of the Council. This condition will ensure that there are no materially detrimental impacts on key views.

The application complies with LDP policy Env 12.

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

- (a) there will be no significant impact on the quality or character of the local environment and
- (b) the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area and
- (c) the loss would not be detrimental to the wider network including its continuity or biodiversity value and either
- (d) there will be a local benefit in allowing development in terms of either alternative provision being made or improvements to an existing public park or other open space or
- (e) the development is for a community purpose and the benefits to the local community outweigh the loss.

The field is currently surrounded by high security fencing and provides very limited amenity value throughout the zoo. The land is also not particularly high quality and does not have any trees present within it. The use of the field for the solar array will not have a significant impact on the quality or character of the local environment. The majority of the 33 hectare Edinburgh Zoo and the wider Corstorphine Hill area will still provide open space and the proposal will not harm the overall areas biodiversity value. It is also acknowledged that the proposal will have a substantial role in ensuring that the zoo reduces its carbon emissions and limits its impacts on Climate Change as well as providing an educational resource. The proposal will include a learning zone that will show patrons of the zoo how solar panels work and how they can help tackle Climate Change.

The proposal complies with LDP policy Env 18.

The proposal will not have a significant impact upon the special character or qualities of the Special landscape Area. The proposal complies with LDP policy Env 11 and Env 10.

The development is acceptable in principle.

Scale, form and design and amenity

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

The proposed development is functional in appearance. It will be located within the zoo which already has a number of buildings which are functionally formed in order to contain and provide habitation for the animals. It is relatively low lying and has been sited so that it is located away from neighbouring houses and is sheltered by surrounding trees and bushes. It will not be damaging to the character or appearance of the area. The proposal will have no material impact upon the amenity of neighbouring properties.

The proposal complies with LDP policy Des 1.

Archaeology

LDP policy Env 9 (Development on Sites of Archaeological Significance) states that planning permission will be granted for development on sites of known or suspected archaeological significance if it can be concluded that either:

- (a) no significant archaeological features are likely to be affected by the development, or
- (b) any significant archaeological features will be preserved in situ and, if necessary, in an appropriate setting for public access and interpretation.

Subject to the inclusion of a condition relating to surveying and recording of the site, the application complies with LDP policy Env 9.

Flooding

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

The applicant submitted flood risk information with the application. Flood Planning has confirmed that subject to the inclusion of a condition relating to further details of the proposed drainage management bunds, it had no objection to the proposal.

Renewable Energy

LDP policy RS 1 (Sustainable Energy) states that planning permission will be granted for development of low and zero carbon energy schemes such as solar panels provided the proposals:

- (a) do not cause significant harm to the local environment, including natural heritage interests and the character and appearance of listed buildings and conservation areas
- (b) will not unacceptably affect the amenity of neighbouring occupiers by reason of, for example noise emissions or visual dominance.

The proposal will not cause significant harm to the local environment or to the character and appearance of listed buildings and conservation areas. It will also not unacceptably affect the amenity of neighbouring occupiers.

The proposal complies with LDP policy Rs 1.

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

SPP - Sustainable development

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

The proposal complies with Paragraph 29 of SPP.

The SPP also states that the planning system should support the development of a diverse range of electrical generation from renewable energy technologies- including the expansion of renewable generation capacity.

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.

Edinburgh Airport

The airport was consulted as part of the assessment of the application. It confirmed that it had no objections to the proposal.

National Air Traffic Services

NATS was consulted as part of the assessment of the application. It confirmed that it had no objections to the proposal.

Public representations

None received.

Conclusion in relation to identified material considerations

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

Overall conclusion

The proposals are acceptable in terms of Sections 59 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;

Conditions :-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. 'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'
3. Prior to the construction of works on site the applicant shall provide details of the proposed drainage management bunds for the written approval of the Planning Authority.
4. No development shall take place until a construction environmental management plan, relating to biodiversity (CEMP:biodiversity), has been submitted to and approved in writing by the planning authority.

The CEMP (biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologist need to be present on site to oversee works.
- f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of ecological clerk of works (ECoW) or similar competent person.
 - h) The use of protective fences, exclusion barriers and warning signs.
5. The trees surrounding the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".
 6. The trees highlighted in red in approved drawing No.11 shall not be lopped, topped or felled without the approval of the Council, as planning authority. If any trees within this defined area are required to be removed, they shall be replaced with species of a similar type and standard to be agreed with the Council, as planning authority.

Reasons:-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To protect features of archaeological interest within the site.
3. In the interests of flood management.
4. In order to safeguard the interests of nature conservation.
5. In order to protect the trees surrounding the site.
6. In the interests of visual amenity.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (Available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 22 December 2021

Drawing Numbers/Scheme

1-11

Scheme 1

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

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

Summary of Consultation Responses

NAME: Edinburgh Airport

COMMENT: The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal, however have made the following observation:

Cranes

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

DATE: 13 September 2022

NAME: Archaeology

COMMENT:

Further to your consultation request, I would like to make the following comments and recommendations concerning the above planning application for the formation of temporary site compound for use during construction. Installation of ground mounted solar array and associated infrastructure.

Edinburgh Zoo occupies the southern side of Corstorphine Hill, with the application site sited running down from its summit. Corstorphine Hill is known to be a focus for prehistoric activity, contain several sites including Neolithic/Bronze Age cup marked outcroppings of natural bedrock on its western slopes. Bronze Age and Iron Age settlement is known from across the northern end of the hill in the 19th century whilst flint artifacts and a sherd of Roman Samian pottery have been discovered from across the hill in the 1990's. Further, the hill has evidence for latter medieval and post-medieval landscapes and activities associated with several estates most notably Craigcrook Castle to the east, with the site forming part of a late Victorian Golf Course.

Accordingly, the site is located within an area of archaeological potential this application must be considered under terms of Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The full extent of the prehistoric cup and ring markings are not fully known as much of the bedrock has been buried. It is therefore possible that they could occur in this location as natural bedrock was observed on the surface of the site. In addition, except for the Victorian Golf Course the area has remained relatively free from development as such it is possible that isolated features may occur therefore across this site dating back to prehistory.

The proposals will require extensive ground works in terms of the excavation of new service trenching. Accordingly, it is recommended that a suitable programme of archaeological works is undertaken to monitor these ground-breaking works in order to record and excavate any significant archaeological deposits uncovered which may survive.

Therefore, it is recommended that the following condition is attached if permission is granted to ensure that this programme of archaeological mitigation is undertaken.

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

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

Please contact me if you require any further information.

DATE: 13 September 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 erection of a ground mounted solar array along with an inverter kiosk, a new electrical substation and an associated education centre. The array will be positioned in a paddock area in the northern part of the zoo and will be arranged in 11 rows which will be 2 metres apart. The highest point of the panels will be 2.02m above ground level. The inverter kiosk will be located within the southern part of the paddock area and the electrical substation will be located further south adjacent to existing substation units. It is stated that noise from the proposed array and infrastructure will be negligible. The closest residential properties are located over 200m to the west on Cairnmuir Road and so would be unlikely to be adversely affected by noise.

DATE: 13 September 2022

NAME: Flood Planning

COMMENT: Thank you for providing the completed certificate A1.

Flood Prevention propose that the following condition is included with any permission that the Planning Authority is minded to grant. This will cover the implementation of the bunds noted in Figure 7 as there has been limited information provided at this stage.

o Prior to the start of works on site the applicant shall provide details of the proposed drainage management bunds to the satisfaction of The City of Edinburgh Council Planning Authority.

DATE: 13 September 2022

NAME: Nature Scot

COMMENT:

We will not be commenting on this application as it falls outwith our planning role:
<https://www.nature.scot/professional-advice/planning-and-development/our-planning-role-and-consulting-us>
<https://www.nature.scot/doc/guidance-planning-how-and-when-consult-naturescot-checklist>

However, I have added a link to our solar array guidance which may be useful in terms of biodiversity enhancement advice:

<https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/renewable-energy/solar-energy>

I've also added our protected species standing advice here:

<https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species>

DATE: 13 September 2022

NAME:

COMMENT:

DATE: 13 September 2022

NAME: Natural Environment

COMMENT: Installation of ground mounted solar array and associated infrastructure, Edinburgh Zoo, 134 Corstorphine Road Edinburgh, 21/06721/FUL

Policy Context

Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features

Policy Env 12 Trees

Policy Env 15 Sites of Local Importance

Policy Env 16 Species Protection

Edinburgh Design Guidance

BS42020: 2013 Biodiversity

Planning Statement Edinburgh Zoo Solar Array chapter 7. ECOLOGY

Having reviewed the application and details within the Planning Statement - Chapter 7 Ecology, I would advise that the details and requirements of Table 7.12 and Table 7.13, should be included as part of the consent. In order to achieve this I would advise that a condition requiring a an Construction Environmental Management Plan (CEMP) should be include with any consent given.

This will ensure all ecological mitigation and enhancements, recommended within the Planning Statement, are implemented as part of any consent given and compliance with policies Des 3, Env12, Env15 and Env16.

Condition

Construction Environmental Management Plan - Biodiveristy (suggested wording) from BS42020 :2013 Biodiversity

No development shall take place until a construction environmental management plan, relating to biodiversity (CEMP:biodiversity), has been submitted to and approved in writing by the planning authority.

The CEMP (biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologist need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of ecological clerk of works (ECoW) or similar competent person.
- h) The use of protective fences, exclusion barriers and warning signs.

Reason: In order to safeguard the interests of nature conservation.

DATE: 13 September 2022

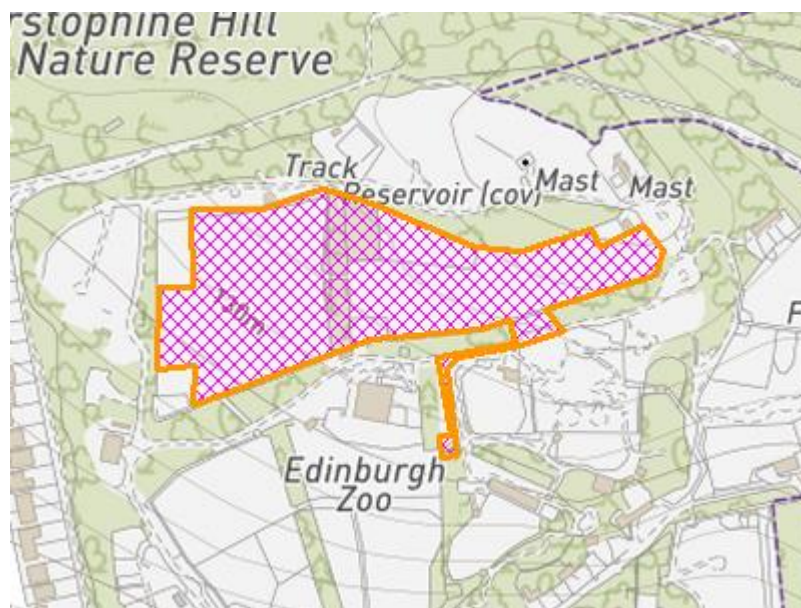
NAME: National Air Traffic Services

COMMENT: Representation received.

DATE: 21 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 5 October 2022

**Application for Planning Permission
4 Piersfield Terrace, Edinburgh, EH8 7BQ**

Proposal: Car park valeting pod to be located within the existing car park (as amended)

**Item – Committee Decision
Application Number – 21/03671/FUL
Ward – B14 - Craigentenny/Duddingston**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than six material representations in objection and the recommendation is to approve planning permission.

Recommendation

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

Summary

The proposals comply with the relevant Local Development Plan policies and Scottish Planning Policy. The proposals are acceptable in principle and will not have a detrimental impact on the function of the Piershill Local Centre. They do not have a materially detrimental effect on the living conditions of nearby residents and the proposals will promote the creation of a sense of place. The proposals raise no material issues in respect of flooding, drainage, pollution or car and cycle parking. There are no compelling material considerations for not approving the development.

SECTION A – Application Background

Site Description

The development site comprises an area of nine car parking spaces in the southwest corner of the car park of Morrisons at Piershill.

The application site is separated from Baronscourt Park to the south by a row of trees. To the west are 2-storey residential properties fronting Baronscourt Terrace. The boundaries of their rear curtilages are marked by a stone wall which is approximately 1.5m in height.

The application site is located in the Piershill Local Centre.

Description of the Proposals

Planning permission is sought for the erection of a vehicular valeting facility. There are three parts to the proposals. From west to east, it is proposed to site a blue steel cabin, measuring 2.4m by 4.9m by 2.6m (w / l / h), then form a dry area, which will include finishing and vacuuming, and a wet area, which will include a jet wash. Two blue canopies, each measuring 4.9m by 8.0m by 3.9m, are to sit above the wet and dry areas and a 2.8m in height grey composite fence shall be installed to the south, east and west boundaries.

The application was amended prior to this recommendation. Scheme 2 and Scheme 3 increased the height of the composite boundary fence and the extent of a canopy. Scheme 4 replaces one canopy with two, with no significant change to the overall height and extent when compared to Scheme 2 and Scheme 3, and further increased the height of the composite boundary fence.

Supporting Information

A Design and Access Statement and a Noise Impact Assessment, with subsequent reappraisal to take into account the changes between Scheme 3 and Scheme 4, were submitted in support.

Relevant Site History

21/03670/ADV
4 Piersfield Terrace
Edinburgh
EH8 7BQ
Fascia, Hoarding and Elevations signage (as amended)
Granted
14 June 2022

Other Relevant Site History

Pre-Application process

There is no pre-application process history.

Consultation Engagement

CEC Environmental Protection

Scottish Water

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

Publicity and Public Engagement

Date of Neighbour Notification: 20 July 2021

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 35

Section B - Assessment

Determining Issues

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

Do the proposals comply with the development plan?

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

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

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:

- Des 1 Design Quality and Context;
- Hou 7 Inappropriate Uses in Residential Areas;
- Ret 5 Local Centres;
- Env 21 Flood Protection;
- Env 22 Pollution and Air, Water and Soil Quality;
- Tra 2 Private Car Parking;
- Tra 3 Private Cycle Parking and
- RS 6 Water and Drainage.

The non-statutory Guidance for Businesses and the Edinburgh Design Guidance are material in the consideration of these policies.

Principle of the proposals

LDP Policy Ret 5 states that *"proposals for non-retail development in a local centre which would have a detrimental impact on the function of the centre will not be permitted"*.

Whilst Morrisons has a conveyorised tunnel car wash, the Piershill Local Centre is not served by a vehicular valet facility. Although similar, in terms of the function of cleaning cars, the proposals would offer a more hands on service for customers to use when they are in-store. The non-retail development is small, ancillary in nature and would not have a detrimental impact on the function of the Piershill Local Centre.

Sting, design and impact on surroundings

LDP Policy Des 1 state that *"planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance"*.

The removal of car parking spaces to provide complementary uses to a supermarket is supported as it would foster the creation of a sense of place by the diversification of an otherwise characterless expanse of tarmac. The proposed siting is acceptable as mature trees will frame the development, promoting integration into its surroundings and minimising change to the wider townscape. The design of the proposals is functional and has largely been dictated by a need to contain spray and noise, which is appropriate for a development of this nature in this location.

Amenity

LDP Policy Hou 7 states that *"developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted"*.

The eastern side of Baronscourt Terrace is defined by three rows of 2-storey terraced properties. Single-storey garages sit between each row. The nearest properties are 35/37 Baronscourt Terrace to the west (30m to façade and 14m to curtilage boundary), 31/33 Baronscourt Terrace to the northwest (18m and 35m) and 51/53 Baronscourt Terrace to the southwest (38m and 52m). All are separated from the car park by a 1.5m high stone wall (approx.) except 51/53 Baronscourt Terrace; this property would not have a clear line of sight of the development, owing to trees around Baronscourt Park and its own and neighbouring boundary treatments.

These separation distances, the presence of the stone wall and intervening mature trees, as well as the composite fencing and canopies being proposed, sufficiently ensures that there will be no materially detrimental effect on the levels of privacy, overshadowing, immediate outlook, daylight or sunlight for bounding properties. The wet area is the easternmost part and located the furthest from properties. This, and the broadly enclosed nature of the proposals, means that spray is unlikely to break out into curtilages.

A Noise Impact Assessment (NIA) was submitted in support. It modelled the worst-case scenario in respect of noise from jet washers and vacuums and considers local topography and barriers, as well as the existing noise levels of the supermarket environment. In response to the as submitted NIA and subject to conditions, CEC Environmental Protection do not consider that the proposals shall have an adverse impact on residential amenity and raised no objection. The attachment of their suggested restriction of opening hours, which matches those proposed within the as submitted and revised NIA, as well as a standard, implementation of mitigation prior to operation condition is recommended. The NIA was reappraised to take into account the changes between Scheme 3 and Scheme 4 and there was no change in its findings. As such, it was not considered necessary to reconsult CEC Environmental Protection.

Car and cycle parking

LDP Policies Tra 2 and Tra 3 support development where the proposed car and cycle parking provision complies with the Edinburgh Design Guidance.

No cycle parking is proposed, and staff would be able to use the existing provision of the supermarket. This is acceptable for a small scale and incidental development of this nature. The proposals and 'garden centre' approved by planning permission 21/02951/FUL will occupy nine and 12 car parking spaces respectively. The reduction from 387 car parking spaces to 366 is minor, acceptable and raises no capacity concerns for the supermarket.

Drainage, flooding and pollution

LDP Policy Env 21 states that *"planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself"*. LDP Policy Env 22 states that *"planning permission will only be granted for development where:*

- a) there will be no significant adverse effects for health, the environment and amenity and either:*
- b) there will be no significant adverse effects on: air, and soil quality; the quality of the water environment; or on ground stability: or*
- c) appropriate mitigation to minimise any adverse effects can be provided"*.

LDP Policy RS 6 states that *"planning permission will not be granted where there is an inadequate water supply or sewerage available to meet the demands of the development and necessary improvements cannot be provided"*.

The wet area will be graded to direct run off into a centralised drain. There will be no change to the tarmac for the dry area. Whilst sections of Baronscourt Park are at risk of surface water flooding, the small-scale facility, set within a car park with existing drainage provision, which would be bounded by composite fencing and use a relatively modest amount of water per day, would not increase the identified flood risk or be at risk of flooding itself.

Chemicals used are to be biodegradable, diluted and will flow into a silt trap before connecting to the existing wastewater network. Scottish Water has confirmed that there is adequate water and wastewater capacity to serve the development and no current network issues which may impact provision. The requirement to obtain Scottish Water consent for a connection to the existing wastewater network as well as a Trade Effluent Licence suitably ensures there will be no significant adverse effects for soil quality and the water environment.

The proposals are expected to serve 30 vehicles per day which is significantly fewer than the movements generated by the supermarket currently. Its 'selling point' over the conveyerised tunnel car wash is the convenience for supermarket customers to have their car washed whilst they shop. Its ancillary nature, in both scale and need to the supermarket, means that it is unlikely to generate vehicular trips by itself and it is accepted that the majority of users will also be supermarket customers. The increase in vehicular traffic from the proposals, as well as any from the similarly ancillary 'garden centre', is minor, unlikely to intensify any existing periods of congestion associated with the supermarket or result in significant adverse effects on air quality.

Conclusion in relation to the Development Plan

The proposals comply with LDP Policy Des 1, Hou 7, Ret 5, Env 21, Env 22, Tra 2, Tra 3 and RS 6. The proposals are acceptable in principle and will not have a detrimental impact on the function of the Piershill Local Centre. They shall not have a materially detrimental effect on the living conditions of nearby residents and the proposals will promote the creation of a sense of place. The proposals raise no material issues in respect of flooding, drainage, pollution or car and cycle parking.

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

The following material planning considerations have been identified:

Scottish Planning Policy - 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 proposals will have a net economic benefit and they support the Piershill Local Centre through the diversification of its commercial offering. The 'wash while we shop' nature is unlikely to generate vehicular trips by itself and any increase in water use is minor. The amenity of existing development shall not be adversely affected and there are no implications for water and soil quality.

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. City Plan 2030 has not been submitted to Scottish Ministers for examination. As such, little weight can be attached to these as material considerations.

Equalities and human rights

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

Public representations

35 letters of representation in objection were received.

Material considerations in objection

- Existence of similar in nature developments - this is addressed under 'principle of the proposals' within paragraph a).
- Inappropriate design and siting - this is addressed under 'siting, design and impact on surroundings' within paragraph a).
- Impact on amenity including from noise and spray - this is addressed under 'amenity' within paragraph a).
- Water usage - this is addressed under 'drainage, flooding and pollution' within paragraph a).
- Air and ground pollution - this is addressed under 'drainage, flooding and pollution' within paragraph a).
- Drainage and flood risk - this is addressed under 'drainage, flooding and pollution' within paragraph a).
- Increase in vehicular traffic - this is addressed under 'drainage, flooding and pollution' within paragraph a).
- Loss of car parking spaces - this is addressed under 'car and cycle parking' within paragraph a)

Non-material considerations in objection

- Discrepancy on the application form relating to trees - the answer of no to the question 'are there any trees on or adjacent to the application site' is noted. No trees shall be removed or impacted by the proposals.
- Replacement of trees previously removed to the western boundary of the supermarket - this does not relate to the proposals.
- Drawings not showing allotments or playing fields - the lack of detail in respect of Baronscourt Park was noted. The proposals shall have no material impact on the continued enjoyment of these identified areas.
- Allegations of Morrisons being a 'bad neighbour'.
- Loss of view.
- Breaking of vehicular speed limit within or outwith the car park.
- Noise from modified vehicles.
- Noise or other disturbance from birds.
- Allegations of litter being 'thrown' into curtilages.
- Noise from dogs barking outside the supermarket entrance.

- Impact on residential property value or the ability to sell property.
- Restrictions or guidance issued as a result of COVID-19.

Conclusion in relation to identified material considerations

There are no compelling material considerations for not approving the development.

c) Overall conclusion

The proposals comply with the relevant Local Development Plan policies and Scottish Planning Policy. The proposals are acceptable in principle and will not have a detrimental impact on the function of the Piershill Local Centre. They do not have a materially detrimental effect on the living conditions of nearby residents and the proposals will promote the creation of a sense of place. The proposals raise no material issues in respect of flooding, drainage, pollution or car and cycle parking. There are no compelling material considerations for not approving the development.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Hours of operation shall be restricted to 09:00 to 18:00 Monday to Saturday and 10:00 to 16:00 on Sundays as recommended by the Healthy Abode Noise Impact Assessment (ref HA/AD943/V1.2) dated 5 September 2022.
3. The development shall be implemented as set out in the Healthy Abode Noise Impact Assessment (ref HA/AD943/V1.2) dated 5 September 2022. The noise attenuation measures shall be completed prior to operations subject of this planning permission being initiated.

Reasons:-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.

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. No radios or amplified music shall be used on site. While stationary, all vehicles using the car wash should be switched off and not left idling.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 19 July 2021

Drawing Numbers/Scheme

01, 02A, 03C

Scheme 4

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Graham Fraser, Assistant Planning Officer
E-mail: graham.fraser@edinburgh.gov.uk

Summary of Consultation Responses

NAME: CEC Environmental Protection

COMMENT: No objection subject to conditions and informatives

The site fronts onto Portobello Road, which is bordered by commercial and some residential premises. Residential premises run along the west boundary of the site, which are situated on Baronscourt Road. To the rear of the site (south) is Baronscourt Park and Claremont Park Allotments with residential behind. Royal High Primary School and Northfield and Willowbrae Community Council are located to the south-east.

It is proposed that a small area of the Morrisons car park be developed in to a car wash and valeting area. The development will include a; wash area, dry valet area and a car park valeting cabin. The car parking valet cabin will be situated to the west. In addition, a composite fence is proposed to surround the wet and dry bay to the south, east and west façade of the development. The valet area, also has a proposed canopy over it. The total area of the proposed car wash will take up approximately 9 car parking spaces.

The applicant has provided a site-specific supporting noise impact assessment. In terms of changes to the noise environment from the proposals, the main change will arise from the use of the high-pressure jet washers and vacuums. The applicants noise impact assessment has been modelled on a worst-case scenario. They have assessed against the relevant noise criteria's and demonstrated that there should not be an adverse impact on residential amenity of conditions are attached to any consent. The store opening times are 07:00 - 22:00 hours Monday - Saturday, and between 08:00 - 08:00 hours on Sundays. The operational times for the proposed Car Wash would be between 09:00 - 18:00 hours Monday - Saturday and 10:00 - 16:00 Sunday. Planning have confirmed that a condition can be applied to ensure that the car wash cannot operate beyond these hours. Further noise mitigation measures will also be applied in the form of barriers and enclosers near to the sources of noise.

The site office (2.6m high) will be located to the west façade of the site and act as a barrier for noise between the site activities and the sensitive receptors. A composite 2.6m high fence will be erected to the south of the site wrap around to the east to limit flanking noise, this barrier will be comprised of a solid structure, with no air gaps. A good standard fence design will achieve around 10 dB(A) noise reduction. A canopy will be installed too although this will have limited acoustic benefit. All external plant such as jet wash pumps should be in acoustic enclosures. No radios or amplified music shall be used on site. While stationary all vehicles using the car wash should be switched off and not left idling.

Any changes to supermarket car parking should consider the installation of electric vehicle charging point when works are taking place.

Therefore, Environmental Protection offer no objection subject to the following conditions;

1. Hours of operation shall be restricted to 09:00 to 18:00 Monday to Saturday and 10:00 to 16:00 on Sundays

2. As per the Healthy Abode Noise Impact Assessment (ref HA/AD943/V1.1) dated 5 January 2022 the following noise mitigation measures shall be fully implemented prior to operation - to the car wash must include the enclosure of the pressure washers, vacuum cleaners' and compressor within an acoustic enclosure. A composite 2.6m high fence/site office shall be erected to the south and west of the site then wrap around to the east to limit flanking noise, this barrier will be comprised of a solid structure, with no air gaps. This shall be carried out in full and completed prior to the development being occupied.

Informative

No radios or amplified music shall be used on site. While stationary all vehicles using the car wash should be switched off and not left idling.

The applicant should consider the installation of electric vehicle charging points whilst conducting works in the car parking area.

DATE: 18 May 2022

NAME: Scottish Water

COMMENT: No objection

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

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

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

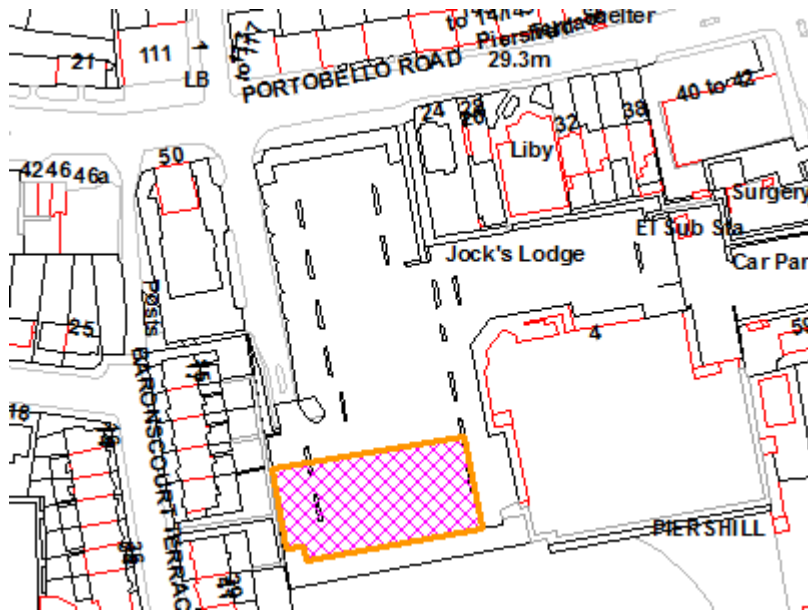
Waste Water Capacity Assessment

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

DATE: 10 May 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 5 October 2022

Application for Planning Permission in Principle 21/02559/PPP at 7-7 A Newcraighall Road, Edinburgh, EH15 3HH. Residential development (as amended)

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Recommendations

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

Background information

Planning Permission in Principle (PPP) was recommended for Grant on 10 November 2021 subject to the conclusion of a legal agreement for a developer contribution for Niddrie Health Care Contribution Zone of £5670.

The application proposes residential development on the site. Indicative drawings submitted show that six residential units are proposed. The existing buildings will be demolished.

Main report

LDP Policy Del 1 (Developer Contributions) requires contributions to the provision of infrastructure to mitigate the impact of development. The Action Programme and Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

The application site is situated in the Niddrie Healthcare Contribution Zone and a developer contribution of £945 per house is required. A legal agreement is necessary to secure the developer contribution of £5,670. The developer is required to pay these monies in advance of the planning permission being issued and before commencement of development.

Discussions have been ongoing between the applicant's solicitor and the Council solicitor and an initial extension to the time period was granted under delegated powers. However, the applicant has passed away and the executry is unable to agree the legal agreement monies. In these exceptional circumstances an extension to the period of time to conclude the legal agreement is acceptable. It is recommended that an extension of six months is given due to the site now being under the executry.

Reason for Decision

The circumstances of the bereavement and subsequent involvement of the executry has prevented the legal agreement being concluded. The principle of residential development on the site remains acceptable. It is recommended that the period for concluding the legal agreement be extended by six months.

Links

Policies and guidance for this application

LDPP, LHOU01, LDES01, LDES04, LHOU04, LDES07, LDES05, LHOU03, LTRA02, LTRA03, LTRA04, LTRA07, LEN21, LEN08, LEN09, NSG, NSGD02,

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

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QSVQCTEWL5S00>

or Council Papers online

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer

E-mail:jackie.mcinnes@edinburgh.gov.uk

Development Management Sub-Committee Report

Wednesday 5 October 2022

**Application for Planning Permission in Principle
24 & 25 Seafield Road East, Edinburgh, EH15 1ED.**

**Proposal: Residential led mixed-use including classes 1, 2 and 4,
development with associated infrastructure.**

**Item – Committee Decision
Application Number – 22/00733/PPP
Ward – B14 - Craigentinny/Duddingston**

Reasons for Referral to Committee

This application has been referred to the Development Management Sub-Committee because 105 letters of objection have been received including from the Craigentinny and Meadowbank Community Council and the Leith Links Community Council. The application is recommended for approval. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The site is within the urban area where planning permission for residential use is acceptable in principle so long as it complies with the other local plan policies. The application raises issues of amenity for occupiers given the noise emanating from the nearby Edinburgh Dog and Cat Home. This issue could be resolved through the use of a suitably negatively worded "Grampian condition". A number of other planning conditions and a legal agreement would also be required to ensure compliance with the local plan policies at the detailed design stage. Under section 59 of the Act, it is proposed to limit the duration of planning permission to 18 months as a result of the potentially changing circumstances of the site and adjacent sites in light of the proposed City Plan which may result in cumulative impacts on primary school educational infrastructure.

Scottish Planning Policy introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions. The site is within the urban area where residential development is acceptable in terms of sustainable development and the SPP.

The proposal is compliant with the Local Development Plan and there are no other material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The site comprises existing two storey car showroom buildings, vehicle display forecourts and MOT garage and associated car parking and extends to 0.89 hectares approximately. It is bounded to the north east by the Promenade, beach and Firth of Forth, to the north west by Edinburgh Dog and Cat Home, to the south east by existing car showroom buildings and to the south west by Seafield Road East. The site is currently in use as a car showroom sales (sui generis).

The site is generally flat, with ground levels between 6-7 metres AOD, fronting Seafield Road East. The site is accessed from a vehicle access spur running parallel but downslope from the main Seafield Road East (A199) to the west. The site fronts onto Seafield Road East with its rear to the Seafront and Promenade - a core path pedestrian and cycle off road route to Portobello with a connection route at the north-west corner of the site. The site is adjacent to the Firth of Forth Special Protection Area (SPA) and the Outer Firth of Forth and St Andrews Bay Complex SPA. There is also the Forth Coast Site of Special Scientific Interest (SSI) adjacent to the site.

The site is located within the urban area, with the surrounding area largely commercial, including car dealerships, vehicle depots, and a cluster of class 4,5 and 6 uses located to the south west as well as the Edinburgh Dog and Cat Home immediately adjacent to the north west of the site. Craigentiny lies to the west of the site, separated from it by the Meadow Yards Local Nature Reserve and the Railway Line which runs parallel to Seafield Road East. Portobello Town centre lies 1.2 - 1.5km to the south east providing the closest local retail facilities to the application site currently. Leith, which includes a designated town centre is approximately 3km to the north east. The nearest bus stop currently is at the Lothian Buses depot approximately 650m away to the south of the site.

Description of the Proposal

The application seeks planning permission in principle as a red-line application site for up to 220 residential units with associated infrastructure and potential for supporting commercial units. The applicant has clarified that the commercial units would be Use Classes 1 (Shop), 2 (Financial and Professional Services) and 4 (Business) with a combined maximum floorspace of 500 sq.m.

The development proposals are indicative and flexible showing two urban grid blocks of between 3-6 storey flats with rain gardens, potential roof gardens, car parking and vehicle access from the spur from Seafield Road East. However, no design details nor unit numbers are to be agreed at this Planning Permission in Principle stage.

Supporting Information

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

- Air Quality Impact Assessment;
- Archaeology Assessment;
- Design and Access Statement;
- Drainage and Flood Risk Assessment;
- Ecology Assessment;
- Landscape and Visual Impact Assessment;
- Odour Assessment;
- Noise Assessment;
- Planning Statement;
- Pre-application Consultation Report;
- Site Investigation Report and
- Transport Assessment

Relevant Site History

No relevant site history.

Other Relevant Site History

Relevant Site History

13 January 2021 - Pre-application consultation approved for residential led mixed use development with associated infrastructure (application number 20/05758/PAN).

Other relevant applications nearby

18 February 2022 - Planning permission granted for the conversion of existing retail units at 64-66 Seaford Road to create floorspace for a discount food retailer (application number 21/06144/FUL).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

SEPA

CEC Flooding

Environmental Protection

Scottish Water

Archaeology

Nature Scot

Children and Families

The Coal Authority

Enabling Partnerships

Final Transport Response

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

Publicity and Public Engagement

Date of Neighbour Notification: 17 February 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 105

Section B - Assessment

Determining Issues

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

Do the proposals comply with the development plan?

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

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

Section 59 of the Town and Country Planning (Scotland) Act 1997 states - where planning permission in principle is granted, it must be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the date on which the permission is granted or such other period (whether longer or shorter) as the authority concerned may specify when granting the permission.

Section 41A of the Town and Country Planning (Scotland) Act 1997 states - when considering to grant planning permission for a noise-sensitive development subject to conditions, take particular account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and 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.

Section 41(1)(c) of the Town and Country Planning (Scotland) Act 1997 states - Without prejudice to the generality of section 37(1) to (3), conditions may be imposed on the grant of planning permission under that section for identifying (whether by means of a specified period or otherwise) when the applicant may be required to make an application for a consent, agreement or approval, or carry out some other action in connection with the permission or development

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 Delivery policies - Del 1, Del 3;
- LDP Design policies - Des 1 - Des 11;
- LDP Environment policies - Env 8-9, Env 13 - 16, Env 20 - 22;
- LDP Employment policies - Emp 8-9;
- LDP Housing policies - Hou 1-4, Hou 6, Hou 10;
- LDP Retail policies - Ret 6, Ret 8;
- LDP Transport policies - Tra 1-4, Tra 7-9;

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the Design, Environment, Housing and Transport policies. The Affordable Housing Guidance is a material consideration that is relevant when considering Hou 6. The Finalised Developer and Infrastructure Delivery Guidance is a material consideration that is relevant when considering policies Del1, Del 3 and the Transport policies.

Principle

SESPLAN is the Strategic Development Plan for Edinburgh and South-East Scotland. It identifies four Strategic Development Areas within Edinburgh, including Edinburgh's Waterfront. However, this application site is not identified as a strategic development area as reflected in the current Edinburgh Local Development (LDP.)

The Edinburgh Local Development Plan (2016) retains the primacy in terms of decision making and is afforded the greatest material weight despite now being over five years old. The LDP defines the site as within the urban area. Policy Hou 1 of the (LDP) relates to the location of housing development and part 1(d) gives priority to other suitable sites in the urban area, provided the proposals are compatible with other policies in the plan. Therefore, the proposal is acceptable in principle provided it complies with other local plan policies.

Relationship with employment sites and premises

The LDP Employment and Economic Development policies aim to help deliver the Council's Economic Strategy to promote economic development in sustainable locations whilst protecting and enhancing environmental quality and protecting a range of existing business and industrial sites and premises.

Some representations refer to Policy Emp 9 which sets out criteria that proposals to redevelop employment sites or premises in the urban area need to comply with. These include that (a) non-employment uses should not prejudice or inhibit the activities of any nearby employment uses; (b) should contribute to comprehensive regeneration and improvement of the wider area and (c) where sites are above one hectare, include floorspace for a range of business users. Part (c) of this policy is not applicable as the site size is 0.89 hectares.

The LDP defines employment use as "Generally business, general industry or storage and distribution uses, each defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997." It is considered that the existing use as a Car Showroom and MOT garage is sui generis and not covered by the definition of the employment use. Therefore, Policy Emp 9 itself would not apply in the assessment of this proposal.

The proposal is part of a comprehensive development

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

The submitted application is for planning permission in principle, with all other matters reserved. The site's redevelopment can include active travel connections direct to the promenade and Seafield Road East. The site has its own vehicle access, albeit from the parallel access road as part of Seafield Road East. The site could be developed in isolation from the surrounding land. Subject to an appropriate design being approved at Approval of Matters Specified in Condition (AMC) stage, the development of this site would not prevent the effective development of the adjacent land, but details of the access arrangements are reserved by condition to ensure this. The development of this land to residential use may result in some conflicts with the neighbouring commercial and industrial uses. These conflicts are assessed in terms of amenity below. Therefore, the proposal complies with Des 2 (a).

At this current time, there is no masterplan, strategy or development brief approved by the Council for the comprehensive development and regeneration of the wider area of Seafield. The emerging City Plan does envisage a masterplan and brief for the wider Seafield area, which is in development, but not yet produced, nor agreed at this time. Therefore, the proposal is acceptable under policy Des 2(b).

Scale, design, materials and landscape impact

LDP Policies Des 1 - Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials. This includes access to the site, footpath/cycleway links through the site and to existing areas, amenity issues and the creation of open space and landscaping and impact on views to and from the site. The policies seek a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces that enhances the character and appearance of the area around it.

This application is for planning in principle for residential use. The indicative site layout and site section shows a built environment of up to 220 units and from three to six storeys in height. However, it is recommended that all matters are reserved except for principle of residential mixed use development on this site. If permission is granted, design matters, including number of units, layout, scale, height, form and materials should be covered by condition requiring these matters to be the subject of further applications.

LDP Policy Des 10 Waterside Development requires sites on the coastal edge to provide an attractive frontage, improve public access to and along the water's edge, maintain and enhance the water environment including nature conservation or landscape interest and if appropriate promote, recreational use of water. There is considerable scope for proposals to enhance the Promenade providing an attractive frontage with many connections to the Promenade and through the site to Seafield Road East. This policy would also require improvements to biodiversity as well as recreational benefits within any new open space.

LDP Policy Des 11 Tall Buildings - Skyline and Key Views sets out criteria to assess where development rises above the prevailing building height, including: a proposed landmark use which enhances the skyline; in line with the proposed scale and context; and no adverse impact on landscape features, including the landscape setting in relation to the Firth of Forth.

The prevailing building height at this part of the Promenade is generally two storeys. There is no masterplan comprehensively coordinating the heights of development along the Promenade. The submitted LVIA shows that protected view Cb5 is within the middle of the site. Viewpoint 4 shows this site would be a focal point from Whinny Hill. A further LVIA would be required taking into account local views also. These matters would be appropriately assessed in any detailed application.

Housing Mix

Policy Hou2 Housing Mix seeks a provision of a mix of housing to meet a range of housing needs. This would be assessed as part of the AMC application.

Private Green Space in Housing Development

The provision of open space (20% of the site area as useable greenspace) would need to be incorporated into the proposals in order to comply with policy Hou 3. Seafield is poorly served in terms of open space provision and the beach does not constitute formal green open space. The use of rain gardens and central courtyard areas would appear to constitute private amenity space and therefore there needs to be a clear distinction between these areas and the public open space provision, which would be required at the detailed design stage.

Density

Policy Hou 4 Housing Density seeks to have appropriate densities of development on sites, given their characteristics and those of the surrounding area, the need to create an attractive residential environment and safeguard living conditions within the development. Other criteria include both the accessibility of the site including access to public transport and the need to encourage and support the provision of local facilities necessary to high quality urban living. Higher density development can be seen as making efficient use of urban land.

In terms of density, there is no prevailing character in the immediate vicinity with there being a mix of tenemental form further east, bungalows to south, tenements and recent development at former the Eastern General Hospital.

Density should be considered at the detailed design to provide appropriate layout, scale, height, massing and numbers which accords with the other design policies and ensures an attractive residential environment for occupants.

At this current time, the application site is relatively poorly served in terms of public transport provision with existing bus services focuses on Kings Road/Portobello Road, approximately 850 metres to the south east, with no services currently routed along Seafield Road East. The quality of connecting pedestrian routes, particularly Seafield Road East, are currently poor due to the predominance of heavy traffic. The Promenade is a key active travel route but is not under natural surveillance for most of the connections to either Portobello or Leith, and requires travelling past industrial/commercial areas, which be a cause for concern for some residents, particularly at night.

The proposal does include uses class 1,2 and 4 up to a total of 500 sq.m and in that respect, it would comply with policy Hou 10 Community Facilities. However most local facilities including schools, town centre facilities, green open spaces, community facilities and health are some distance away.

This is an application for planning permission in principle and it is proposed to reserve the detailed design, scale and massing and numbers via a condition which requires a subsequent AMC application. There is a balance to be struck between making best use of a "brownfield" site and ensuring that there is an attractive residential environment. Therefore the detailed design stage should address the requirements of policy H4 when setting the proposed density.

Amenity

LDP Policy Des 5 Development Design - Amenity sets out the criteria to assess the impact on the amenity of neighbouring developments and for future occupiers relating to noise, daylight, sunlight, privacy or immediate outlook. This policy also requires community security, active frontages and designing for natural surveillance. Defensible private spaces and clear distinctions between private and public spaces as well as how the proposed design integrates refuse and recycling facilities, cycle storage, low and zero carbon technology and service infrastructure are also assessed under this policy.

In terms of policy Des 5 - (b) - the adaptability to meet future needs; (d) distinctions between public and private spaces and (e) refuse and recycling facilities could be integrated into the design at a later stage.

Des 5 b) appropriate location for mixed use is considered acceptable given the class 1, 2 and 4 range of uses proposed and the maximum floorspace of 500 sq. m.

Des 5 b) in terms of the impacts on the amenity for neighbouring developments and for future occupiers can be assessed now to consider whether an attractive residential environment can be created. This links to policy Hou 4 Density which assesses the density of the development in relation to the need to create an attractive residential environment and safeguard living conditions within the development.

It is also important to consider that the development of this site for residential situates a much more sensitive use in this location than previously. This not only has impacts for neighbouring developments but requires assessment to ensure that a suitable residential environment can be created on this site.

Noise

The applicant has submitted both a noise impact assessment (NIA) and an addendum noise statement (NS). The noise impact assessment highlights road traffic noise from Seafield Road East and noise, particularly barking, from dogs at the immediately adjacent Edinburgh Dog and Cat Home (ED&CH). The updated noise statement also sets out an indicative design including mitigation measures.

Environmental Protection has assessed both these documents and the indicative design and is not satisfied with the methodology used and the potential assessment of impacts. Environmental Protection state all surrounding noises have not been included; day and night noise has not been assessed; nor external area noise assessed - balconies, access decks or roof gardens; and potential noise from the commercial uses on site is not included. They are not satisfied with the criteria, or the methodology used nor that the 'worst case scenario has been assessed.

There are concerns over the use of BS4142 and the corrections applied and the criteria of 1 hour for daytime assessment and 15 minutes night time assessment. The noise sources would have differing impact on any proposed layout and would not necessarily mask other sounds particularly due to the different tonal, intermittent or impulsive characteristics of the noise.

Environmental Protection recommend refusal as the impact on amenity will be so great that it could lead to complaints and action having to be taken against the Edinburgh Dog and Cat Home under the statutory nuisance regime. Environmental Protection note that complaints about noise barking from existing residential properties has resulted in mitigation measures already being implemented by the Edinburgh Dog and Cat Home previously. Further complaints would likely severely curtail the operation of the Edinburgh Dog and Cat Home.

The proposed mitigation measures put forward by the applicant include high quality glazing, no opening windows on specific elevations, siting habitable rooms away from both the Seafield Road and Edinburgh Dog and Cat Home. The design would be constrained in terms of external areas - decks, balconies and roof gardens which have not been assessed. However at this in principle stage, the applicant would not be held to this proposed design. The current assessment does not assume the worst case scenario and therefore it is very risky to assume that these issues could be resolved at the approval of matters specified in conditions (AMC) stage in order to deliver an attractive residential environment for occupiers and comply with LDP policies.

Section 41A of the Town and Country Planning (Scotland) Act 1997 implements the "agent of change" principle to protect existing activities that create significant noise. Subsection (1) defines a "noise-sensitive development" and a "noise source". Subsection (2)(a) provides that where an application is made for planning permission for a noise sensitive development the planning authority must take particular account of whether the development includes sufficient measures to deal with the effect of noise between the development and existing dwellings or businesses, with particular emphasis on live music venues and other cultural venues. Subsection (2)(b) states that the authority may not set conditions on the grant of such planning permission that impose additional costs on a noise source, relating to acoustic design measures to manage the effects of noise.

Given the agent of change principle is now enshrined in law, there are only two realistic options, as it would be too risky to leave the design of any mitigation measures to the detailed AMC stage.

One option is to refuse planning permission on the basis of the objection from Environmental Protection. The other option is to link the granting of planning permission to the removal of the Edinburgh Dog and Cat Home. This second option relates to land outwith the control of the applicant. Whilst the Edinburgh Dog and Cat Home is in operation then it is likely to adversely affect the amenity of residents on this site. However, should the Edinburgh Dog and Cat Home cease operation on this site or relocate to an alternative site, then the principle of residential development on this site would be acceptable. The emerging City Plan has a Housing Proposal (H55) allocation on the land surrounding the Edinburgh Dog and Cat Home as the settled view of the Council.

There is potential that the Edinburgh Dog and Cat Home may relocate in time and therefore a suitably negatively worded condition (a so called Grampian Condition) would provide an appropriate way to assuage the concerns of Environmental Protection. This is the recommended approach.

An updated noise impact assessment with details of sound attenuation measures for the road noise and adjacent commercial garages would be required and assessed through the AMC process.

Odour Assessment

The applicant has provided a basic odour assessment relating to Seafield Wastewater Treatment Works (WWTW) known as a 'sniff' test. The application site is 760 metres away. There are other residential properties closer to WWTW, however odour has no bounds and also affects properties further away from the WWTW than the proposed application site.

It appears that the ability to carry out the sniff test has been limited by the prevailing weather conditions and there is a disagreement about the length of sniffing time and concerns about complaints relating to odour from the WWTP. The sniff test was undertaken over a 17 minute period on 10th August 2022. Summer is seen as when odours from Seafield WWTW are most likely.

Environmental Protection advise that the limited scope and breadth of the assessment, is unlikely to demonstrate the full extent of the odours affecting the application site. Environmental Protection state that they continue to receive a number of odour complaints from the occupants of surrounding residential properties over the summer of 2022 stemming from Seafield WWTW. Concerns therefore remain that the site could intermittently be affected by odours from Seafield WWTW.

However, there are a number of residential properties in closer proximity to the WWTP than this application site. In recent times the site at the former Eastern General (which is closer) has been redeveloped for housing.

It is understood that the WWTW has already undertaken mitigation measures to reduce the odour emitting from the facilities. Further mitigation measures are already proposed: between now through to 2025, Scottish Water is investing over £10m in the Seafield Wastewater Treatment Works, in partnership with the site operator Veolia. This is ahead of a further multi-million pound comprehensive redesign of the site which will take place post-2030. Responsibility for the control of odours lies with the WWTW and the activities of this site are regulated by SEPA.

Set in this context, whilst odour is a concern, given the issues relating to the timing of the implementation of this planning permission in principle, it is considered unreasonable to refuse planning permission on this basis.

Light Pollution

The adjacent garage premises utilise floodlighting which may impact upon the application premises by way of glare. This issue requires to be addressed as part of the detailed design to ensure that amenity will not be adversely affected by extraneous light pollution.

Amenity for neighbouring uses

The proposed building height would need to take account of the shading/overshadowing to the beach area and Promenade. At detailed design stage this would need to be assessed to ensure the amenity of users of the Promenade and beach is not adversely affected.

Air Quality

Air Quality

Policy Env 22 requires development to either have no significant adverse effects or appropriate mitigation is proposed to minimise any adverse effects for health, the environment and amenity.

Seafield Road East is a main thoroughfare into and out of east and north Edinburgh and funnels traffic directly into two Air Quality Management Areas (AQMAs) - Salamander Street and Great Junction Street. The Salamander Street AQMA has been declared due to concerns that the ambient concentrations of PM10 are at risk of exceeding the Scottish Government's annual mean objective. The Great Junction Street AQMA has been declared due to concerns that levels of NO2 are at risk of exceeding the statutory annual mean Limit Value. Recent air quality monitoring results in both study areas indicate that levels of air pollution currently comply with statutory Limit Values and Objectives.

The applicant has submitted an air quality assessment and proposed appropriate mitigation measures. The air quality assessment concludes the consequence of the proposed development would be a predicted change of negligible significance in NO2, PM10 and PM2.5 at all sensitive receptors considered in both study areas, in terms of the IAQM/EPUK assessment framework.

The assessment is based on the following mitigation measures: a total of 60 car parking spaces for the 220 units (27% parking provision which is substantially lower car parking provision than the maximum level set out for this area in the Local Development Plan); funding for four city car club spaces, facilitating car access for new residents who can choose not to own a car; a residential travel plan; 10 electric vehicle charging provision spaces (1 EV space per 6 spaces provided will be 'actively' powered) and additionally, the applicants would duct the remainder of any spaces provided (i.e. 'passive' provision) such that future EV charging can be retrofitted as demand dictates. Cycle parking would also be provided and would be in line with the Council standards.

Environmental Protection agrees that the proposed mitigation measures would go some way to address air quality, however they consider that the development is still likely to impact upon air quality as 120 daily vehicle trips would funnel traffic into the two Air Quality Management Areas (AQMAS). New residential development would result in more vehicle trips in the area and consequently more pollution.

In terms of policy Env 22, whilst Environmental Protection has concerns, the applicant has demonstrated that the impact is negligible and the statutory limit values for NO2 and PM10 and PM2.5 are being complied with. Therefore, there would be no significant adverse effects for health, environment and amenity provided the appropriate mitigation to minimise any adverse effects is included. The proposed mitigations measures relating to car parking levels, city car club spaces and electric vehicle charging could be secured by legal agreement and planning condition.

Accessibility, Connectivity and Road Safety

Policies Tra1-4, and Tra7-10 set out the transport framework to minimise the distances people need to travel, promote active travel and minimise the detrimental effects of traffic and parking on communities and the environment. Policy Tra 7 identifies various off-road cycle/footpath links including one near the application site north of the Edinburgh Dog and Cat Home and leading north west.

As this is a planning permission in principle, the detailed layout including access and connections has not yet been agreed.

Transport notes that whilst the proposed layout would be agreed at a later stage, pedestrian and cycle access to the development from the Promenade and from Seafield Road East must include suitable access for wheelchairs and prams. A cycle and pedestrian crossing on Seafield Road East, at a suitable location, would be required. Cycle Parking should be provided in secure and undercover locations in line with Council guidance and factsheets.

Transport agree that the proposed 27% car parking provision is considered acceptable. The crossing, parking provision levels, electric vehicle spaces, disabled spaces and four city car club spaces, could all be secured by legal agreement and conditioned as part of the reserved matters.

Flooding and drainage issues

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 submitted. This included current and future coastal flood risk as well as fluvial and surface water flood risk. The application site is above the predicted 1 in 200-year water level of 3.97m AOD, based on extreme still water level calculations using the Coastal Flood Boundary Method, including a future predicted sea-level rise of 0.86m.

The issue of wave overtopping was raised. Overtopping calculations, assessing topography and cross section profile through the site, with the combined 200 year + climate change extreme sea level + waves would result in the promenade being flooded with wave levels reaching the edge of the ground level rise between the promenade and the application site.

The Flood Risk Assessment proposed a wave wall along the site frontage to mitigate any coastal flooding. Further clarity was sought on its design, height and potential impact to the Promenade and beach. Two further methods were used to calculate wave overtopping - the Bayonet modelling tool and the Eurotop Manual. Both these calculations show acceptable overtopping even with no wave wall. However, as there are uncertainties in the calculation, a 1m wave wall would reduce the wave overtopping rates effectively to zero and would be sufficient to protect the development.

These documents have been assessed by CEC Flood Planning and SEPA. SEPA has no objection in terms of flooding but do advocate a precautionary approach as residential use is more vulnerable to flood risk than commercial property. SEPA support further studies, particularly of wave overtopping, at detailed design stage which should be used to inform the layout and finished floor levels to reduce flood risk and help future proof the site. This could be secured by condition.

Flood Planning has assessed the information provided. Flood Planning has stated that there are no immediate plans to improve or replace the coastal erosion and flooding defences along this section of the coastline. Therefore, the applicant should consider the need to develop additional defences that could be maintained by the site owners privately. Flood Planning is satisfied in terms of flood risk assessment, provided that the applicant clarifies the adoption and maintenance of the proposed wave wall. This could be secured by condition.

SEPA recommend a wider strategic FRA is undertaken for the whole of the Seafield area to allow exploration of a more sustainable solution to managing flood risk across the whole site. SEPA encourage the applicants to develop the site in as future proof a way as possible by delaying this application until the Place Brief is agreed. While this is encouraged, the Council has a duty to determine the application before it at this time. SEPA do not object to the current proposals for the site in terms of flooding. In relation to these issues, if the Place Brief is prepared prior to any AMC for this site being determined, that Place Brief would be a material consideration and could therefore influence how a decision should be taken on such an AMC.

The proposal complies with policy Env 21.

Surface Water Management and Drainage

Policy RS6 Water and Drainage states where there is an inadequate water supply or sewerage available to meet the demands of the development and necessary improvements cannot be provided, then planning permission would not be granted.

The Drainage Report states that the Sustainable Urban Drainage System (SUDS) would manage all the surface water within the site and foul drainage in line with CEC guidelines.

SEPA has asked that the applicant demonstrate how their proposal can help achieve a strategic SUDS or be future proofed to be able to connect to one. SEPA advises the use of hydrological modelling prior to detailed design site and layout and seeks a multifunctional SUDS, enhancing biodiversity and recreational use.

CEC Flooding asks that the detailed design site levels and landscaping should ensure that it safely manages exceedance surface water flows, acknowledging the impact of the proposed wave return wall. Further engagement with Scottish Water is also encouraged to confirm drainage features maintenance arrangements and connecting the existing off-site surface water network to the proposed surface water network rather than the combined network.

Scottish Water has no objection to the proposed development. There is an adequate water supply and sewerage available, detailed design issues could be secured by condition or informative as appropriate and therefore it complies with Policy RS6 Water and Drainage.

Biodiversity

The proposal could affect the Firth of Forth Special Protection Area (SPA) designated for its wintering bird interest. The status of the site meets the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations"). Consequently, the City of Edinburgh Council is required to consider the effect of the proposal on the site before it can be consented (commonly known as Habitats Regulations Appraisal).

Having consulted with Nature Scot and undertaken a Habitat Regulations Appraisal and Appropriate Assessment, it has been possible to reach a conclusion of 'no adverse effects upon site integrity'. Therefore, there is no objection to this application in relation to Policy Env13. Nature Scot also recommend mitigation of the effects of construction works on any wintering birds using the adjacent coast by screening the site from the foreshore during construction. This could be added as an informative.

Infrastructure

Policy Del 1 - Developer Contributions and Infrastructure Delivery states that proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development. The current version of the LDP Action Programme, December 2021, sets out the actions to deliver the Plan.

The LDP and Action Programme only identify a limited number of actions which specifically relate to this site and wider Seafield area. The LDP would require contributions in relation to affordable housing, education infrastructure, transport infrastructure and health and open space.

Affordable Housing

Policy Hou 6 Affordable Housing states 25% of the total number of units proposed should be affordable housing. The applicant should submit an Affordable Housing Statement which commits to providing 25% on site affordable housing. This could be secured through the legal agreement. Prior to submitting any detailed applications, applicants should engage with the Council to agree the approach to delivery, tenure, and location of the affordable homes. The proposed approach should be explained within an Affordable Housing Statement submitted as part of relevant applications for the Approval of Matters Specified in Conditions.

Transport

The site is not within a Transport Infrastructure contribution area as set out in the Finalised Developer Contribution and Infrastructure Delivery Guidance 2018. There are no identified actions for this site within the Action Programme 2021. Therefore, it is not reasonable to ask for transport contributions.

Education

Education contributions will be applied in accordance the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018) and the figures set out in the Edinburgh Local Development Plan Action Programme of December 2021.

The site falls within Sub-Area LT-1 of the "Leith/Trinity Education Contribution Zone". The Action Programme December 2021 sets out the requirement for a new 18 class Primary School and 80 place nursery (New Victoria Primary School) at a cost of £21,622,867 and additional secondary school capacity for 548 pupils (Leith Academy and Trinity Academy - 485 pupils; St Thomas of Aquin's - 22 pupils and Holyrood RC HS - 41 pupils). The estimated capital cost is £54,852,609.

Looking at the current application in isolation, there is existing primary school capacity at Craigentenny Primary School. There would be no requirement for a contribution at this time. There would be a need for Additional Secondary School Capacity associated with secondary school places at Leith Academy and Holyrood High School. This would equate to a contribution of £3,262 per flat where contributions are not sought for one-bedroom flats.

Children and Families has concerns that proposed development will cumulatively contribute to the requirement for Craigentenny Primary School to be extended, taking into account development of the wider site at Seafield and the impact on educational infrastructure identified in the Educational Appraisal (September 2021). Potential cumulative impacts of development on educational infrastructure is a material consideration. In such circumstances, it is recommended that this permission is restricted to a period of 18 months for implementation given the emerging position at Seafield and the need for developments to contribute their fair share towards educational infrastructure. A condition to this effect is recommended in accordance with the provisions under section 59 of the Town and Country Planning (Scotland) Act 1997.

Other contributions

The site is not within a contribution zone for open green space at this time. The site is not within a health care zone at this time. Consequently, no contributions are sought.

Archaeology

LDP Policies Env8 and Env 9 aim to preserve archaeological remains in situ as a first option and alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be acceptable. This site has potential for unrecorded remains therefore a condition could be attached to ensure a programme of archaeological work is carried out prior to /during development to excavate, record and analysis of any surviving archaeological remains that may occur. An informative is included to encourage the developer to interpret its archaeological heritage and include this within a detailed design.

Contaminated land

The site is currently in use as a car showroom with a MOT garage and associated car parking. These uses have the potential to contaminate the site. Should the application be granted, then a condition could be attached to ensure that the site is made safe for the proposed end use.

Heritage Assets

The application site is not within or adjacent to a Conservation Area nor within the vicinity of Listed Buildings. The distance of the application site from listed buildings and conservation area is such that there is no effect and the statutory provisions under sections 59 and 64 are not engaged.

Waste

The proposed waste strategy would be considered as part of the detailed design and therefore a condition could be attached requiring an agreed waste strategy to this planning permission in principle if all other aspects of the proposal were acceptable.

Conclusion in relation to the Development Plan

The site is within the urban area where planning permission for residential use is acceptable in principle so long as it complies with the other local plan policies. The applicant has not yet demonstrated that a comprehensive noise assessment has been undertaken and Environmental Protection recommend refusal due to the noise emanating from the Edinburgh Dog and Cat Home, which would significantly adversely affect the amenity of residents. The mitigation measures proposed in terms of noise mitigation would not allow future occupiers to have acceptable levels of amenity. Given the agent of change principle, a Grampian condition could be attached to ensure that no development takes place until the neighbouring use has ceased.

Whilst Environmental Protection does have some concerns with regard to the odour assessment, this alone is not considered a reason for refusal given the proximity of other residential properties to the WWTW, the proposed mitigation measures and likely timescale for implementation of this planning permission in principle. The application has been assessed against the Local Plan Policies and is acceptable provided a legal agreement and conditions are secured.

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 is for residential use of part of the urban area currently in suis generis use as car showrooms. One of the sustainable development principles refers to avoiding over development, protecting the amenity of the new and existing development and considering the implications of development for water, air and soil quality.

The application is for planning permission in principle. At the AMC planning stage, it will be possible for the applicant to provide appropriate design details relating to the scale, height, massing, number of units and layout of the proposed development. The pedestrian, cycle and car access and connections will also be included in any detailed design. With reference to climate change adaptation and sustainability, detailed design would address any flooding and drainage issues for the site. Other matters including sustainable drainage design, impact on the water environment and any impact the natural environment would be addressed at the AMC planning stage where SPP sustainable development criteria would need to be considered as well.

The proposal 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 view 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.

Whilst it carries little material weight, some representations refer to the emerging development strategy and place brief for Seafield and query whether the proposal complies with the vision for this part of the City.

The proposed City Plan 2030 proposals map identifies the site and surrounding area for major housing-led mixed-use development, as part of an urban extension covering 32.5 hectares with 800 units envisaged (H55).

City Plan Place Policy 15 (Seafield) does set out the Council's view of how the Seafield area should be developed. This requires a Place Brief to be prepared, establishing high level principles to inform future masterplan and design processes. The Place Brief must also consider the implications of flood risk and erosion in the area and be informed by a flood risk and coastal erosion appraisal which develops options which can be supported by the Council. Other potential infrastructure requirements relating to transport, active travel and green/blue networks will also need to be considered. These issues are to be addressed strategically, and the outcome of this work could have significant implications for the development of the area, including the application site. This is to be progressed through a wider masterplan brief which the Council is pursuing along with interested stakeholders.

Policy Env 2 of the emerging City Plan states that Proposals for any part of this site in advance of an approved Place Brief will be considered premature in line with Proposed Policy Env 2. Proposals will also be assessed against the Seafield Development Principles set out in Place Policy 15.

Representations make clear that this development should wait for the development brief to be finished. However, the procurement and public engagement processes to support this work are currently being progressed. It is anticipated this will be undertaken 2022-23. There is no agreed masterplan or place brief that includes the application site currently. However, the emerging City Plan policy Env 2 only has limited weight itself at this time.

The application has been submitted and needs to be assessed at this current time. This proposal for a change of use from car showrooms to residential in principle, and this principle is consistent with the emerging City Plan. If minded to grant, the detailed design of this development would be secured by condition and considered at the AMC stage.

Prematurity

Representations also raise the issue of prematurity, as it could be considered premature to grant planning permission which could prejudice the emerging plan. Scottish Planning Policy 201 para 34 states that where a plan is under review, circumstances to consider are: whether the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

The application site is approximately 2.75% of the overall extent of the Seafield H55 allocation. The suggested number of units is around 220. The City Plan identifies a total Housing Supply Target for the period 2021-2032 of 36,911. Therefore 220 units out of 36911 is equivalent of 0.6% of the housing supply and the Seafield allocation of 800 units would be only 2.16%. This proposal is not so substantial, nor could its cumulative effect be so significant, that it would undermine the City Plan and therefore the proposals should not be refused for reasons of prematurity.

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 - addressed in Section a) and b) of the report above.

- Need more affordable homes in the area
- air pollution, atmospheric dispersion and street canyon also adverse effect due to traffic increase
- air quality assessment is not detailed for the proposal and does not consider air pollution and smell from sewage works
- amenity - overlooking and loss of privacy, light or overshadowing
- amenity of occupiers affected by dog barking from ED&CH and potentially noise industrial uses
- odour from Seafield would affect residents amenity
- impact on protected species, loss of habitat for protected species, loss of biodiversity and micro eco habitat
- SPA - impact on it not assessed and need a long-term coastal protection solution which also potentially benefits the SPA
- no information about net biodiversity gain
- current industrial and commercial uses mean there is a lack of infrastructure associated with residential use
- housing development here would be isolated from other housing, public transport and services
- need a mixed use development that takes into account local, environmental, entertainment, health and well-being needs
- await City Plan adoption prior to developing this site to ensure coordinated development
- fails to comply with City Plan objectives in relation to infrastructure, coastal defences, improved public transport and will hamper delivery on coastal defences
- fails to comply with City Plan masterplan approach and integrate facilities
- does not take account of City Plan and 20 min neighbourhoods
- effect on character of listed buildings or conservation areas
- existing character of the site should remain
- character proposed different to rest of Portobello Promenade
- would destroy the character of the seafront
- Needs more full consultation with local communities
- layout and density - does not include green areas only dense accommodation

- Promenade should be fronted by landscaping and trees with ped/cycle connections away from Seafield Road
- No linking of layout and density with surrounding area
- No design, appearance and materials
- flats would obstruct views of coastline
- height - of proposed buildings too high, out of keeping with other buildings - as next to low lying bungalows
- height of development would have a significant impact on daylight to the beach and Promenade
- design should incorporate wild planting along promenade
- out of keeping with the City's waterfront Promenade
- height calculations need to consider height of site and impact when viewed from the promenade
- lack of detail on how proposal would enhance the site, Promenade and sea frontage
- design needs to include green wild space, trees and scrubland
- lack of climate resilience in design
- design should incorporate roof garden space
- design fails to coordinate and comply with LDP design policies
- increase in density/damaging density of development
- no environmental impact assessment done for the site - no plans for biodiversity net gain
- no future proofing to consider environmental changes
- rising sea levels - may impact on the proposed development
- current sea wall defence would be at risk from waves overtopping
- not linked to drainage/infrastructure/flood risk
- installation of flood defences made more difficult
- no flood defence review taken place
- needs to include coastal defences which will protect the prom and associated public spaces
- danger from existing sea wall defences
- contrary to government policy
- enough land identified in LDP to meet housing need
- resist windfall site development
- lack of clarity on affordable housing
- lack of infrastructure/services for new residents
- any new infrastructure unlikely to be within walking distance of this site
- lack of leisure facilities, retail, dental facilities
- would be a blot on the landscape, detrimental to city's skyline
- better brown field sites exist in the city rather than this fringe
- location better suited to a tourist destination as prom/beach could become one
- area should be a greenspace/aquapark
- area should include public amenity, rewilding, land reclamation
- lack of clarity over mix of uses proposed, no substantial mixed use element
- need to consider Leisure related facilities at this part of the Promenade
- need to consider other uses not just residential
- this is a tourist area not a housing area
- small business units should be provided
- meeting spaces for local groups, community hubs should be included
- should include a few allotments

- would result in increased noise pollution due to traffic increase noise and disturbance in the area
- proposal is contrary to NPF4 objectives for infrastructure first and climate resilient design, coastal development policy, infrastructure renewal and will compromise future and adjacent delivery especially in terms of coastal protection
- proximity to Seafield waste plant and smell already
- traffic impact and increased congestion, gridlock
- 10-15min walk to nearest bus stop will not encourage public transport use
- need integrated transport infrastructure
- need proposals to protect pedestrian safety and reduce vehicle speeds
- parking - road safety, traffic generation and lack of parking
- no public transport nearby (bus or tram), no bus service along Seafield Road East
- need to consider long terms proposals for Seafield and A199
- traffic in area hazardous to pedestrians especially crossing the road, need more crossing spaces on Seafield road for pedestrians
- access into Seafield Road for businesses is very difficult
- lack of public transport and walking distance to shops is excessive
- cycle networks need to be completed
- transport assessment is flawed based on covid lockdown data
- safe routes to schools and other amenities need to be secured
- proposal would lock Seafield Road and limit renewal or change or relocation of road so wider Seafield area is not cut in half
- lack of a tram on existing railway line, as sustainable public transport
- changing Seafield road would be a safety concern due to heavy goods route conflict with residential area
- lack of access to Prom area for cyclists and pedestrians, lack of active travel links
- extra vehicles on bridge at junction with Craigentenny Ave may be problematic
- Boundary treatments
- Community Councils and other stakeholders are working to form a community consensus about Seafield being redeveloped for housing.

non-material considerations

- Use of visuals is misleading as includes masterplanning process which the developer is not undertaking
- Loss of view of the coastline
- Flats will be extortionate and out of reach to local people
- Consultation online and during pandemic and lack of full consultation
- Construction noise and building works would drive out species
- Impact of construction noise and vibrations on Dogs and Cats at the ED&CH would be cruel
- Could lead to an increase in crime which existing policy resources may not be able to deal with
- Timing to avoid having to take account of new NPF4 and Scottish Planning Policy.

letters of support

- need more affordable housing
- Encourage more retailers
- Need more housing

Conclusion in relation to identified material considerations

The site is within the urban area where residential development is acceptable in terms of sustainable development and the SPP. The City Plan allocates this area as part of housing proposal H55. Whilst a Place Brief is being prepared it is not yet agreed. The application has to be decided at this time and is consistent with the emerging City Plan. The proposal is not so substantial that determining this application would be premature in the context of the City Plan.

In light of the above, the proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The site is within the urban area where planning permission for residential use is acceptable in principle so long as it complies with the other local plan policies. The application raises issues of amenity for occupiers given the noise emanating from the nearby Edinburgh Dog and Cat Home. This issue could be resolved through the use of a Grampian condition. A number of other planning conditions and a legal agreement would also be required to ensure compliance with the local plan policies at the detailed design stage.

Scottish Planning Policy introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions. The site is within the urban area where residential development is acceptable in terms of sustainable development and the SPP. The City Plan allocates this area as part of housing proposal H55. Whilst a Place Brief is being prepared it is not yet agreed. The application has to be decided at this time and is consistent with the emerging City Plan. The proposal is not so substantial that determining this application would be premature in the context of the City Plan.

The proposal is complies with the Local Development Plan and there are no other material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions :-

1. No development shall take place until the adjacent dog and cat boarding use at 26 Seafield Road East has ceased operation and the use is no longer capable of being taken up without the benefit of an express grant of planning permission as agreed in writing with the Council, as planning authority.
2. The development to which this planning permission in principle relates must be begun not later than the expiration of 18 months beginning with the date on which this planning permission in principle is granted. If development has not begun at the expiration of the period mentioned in this paragraph, the planning permission in principle lapses.
3. Application for the approval of matters specified in condition must be made before whichever is latest of the following
 - (i) the expiration of 12 months from the date of the grant of the permission,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, and
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed or, where the earlier application is the subject of a review by the Council's Local Review Body, the expiration of 6 months from the date of the notice of the decision to uphold the determination, and may be made for
 - (a) different matters, and
 - (b) different parts of the development, at different times.
4. The development in question will not being until the following matters have been approved by the Council as planning authority; the submission shall be in the form of a detailed layout covering points (a) - (n) below.

The following supporting information shall also form part of any submission:

- an updated Air Quality Impact Assessment including mitigation measures;
- an updated Ecology Assessment including mitigation measures during construction and operation;
- an updated Odour and Fume Assessment;
- a Light pollution Assessment;
- an updated Noise Assessment;
- an updated Transport Statement;
- an updated Design and Access statement, detailing the layout, streets and spaces, accessibility, safety and security, sustainability and energy efficiency;
- an Affordable Housing Statement setting out how 25% affordable housing will be provided on site including delivery, tenure and location;
- an updated Landscape and Visual Impact statement detailing the impact on both City and Local views;

- an updated Flood Risk Assessment of the detailed design including a study of wave overtopping, and highlighting how the layout, finished floor levels, landscaping and SUDS have been designed in relation to the Flood Risk;
- an updated drainage and surface water management strategy including site levels and landscaping to ensure it safely managed exceedance surface water flow, taking into account the impact of the proposed wave wall;
- details of adoption, management and maintenance of the landscaping, SUDS, open space; and any other flood prevention or drainage measures including the proposed wave wall and
- an updated waste management strategy.

- (a) a site development layout showing built development, footpath, cycle, and road access and connections, including open space provision, SUDS drainage and landscaping;
- (b) details of the layout, siting, design, form, density, height, tenure, and the number and mix of units, including the design of all external features and materials and appearance of all buildings and glazing specifications (including acoustic capabilities) and ground floor levels in relation to Ordnance Datum;
- (c) the precise location and extent of individual uses to be developed including the number of residential units and any class 1, 2 and 4 uses;
- (d) design and configuration of public realm and open spaces, all external materials and finishes;
- (e) cycle parking in secure undercover locations, not more than 27% car parking, at least four city car club parking spaces, disabled spaces and at least ten electric charging points and spaces;
- (f) access, road layouts and alignment, including a Stage 2 Quality Audit, classification of streets, servicing areas;
- (g) footpaths and cycle routes, including proposed pedestrian, cycle and wheelchair routes and access to the Promenade and Seafield Road East, and the signage of pedestrian and cycle access links, and the details including timescale for implementation, of the pedestrian and cycle crossing on Seafield Road East, the location of which is to be agreed with Planning and Transport.
- (h) waste management and recycling facilities;
- (i) Site investigation/decontamination arrangements;
- (j) surface water and drainage arrangements including management, maintenance, ownership and adoption;
- (k) existing and finished site and ground levels in relation to Ordnance Datum;
- (l) any further noise, fume, odour, or light mitigation measures arising from the updated studies, including details, materials and finishes;

(m) full details of sustainability measures and

(n) full details of the landscape proposals include fully detailed plans of the design and configuration of all public open space all external materials and hard and soft landscaping details.

This shall include:

- (i) Walls, fences, gates and any other boundary treatments;
- (ii) The location of new trees, shrubs and hedges.
- (iii) A schedule of plants to comprise species, plant size and proposed number/density;
- (iv) Programme of completion and subsequent maintenance and management of any flooding mitigation measures including the wave wall, SUDS drainage, and open space areas;
- (v) Existing and proposed services such as cables, pipelines, substations, and details of the wave wall required under the Flood Risk Assessment and
- (vi) Other artefacts and structures such as street furniture, including lighting columns and fittings;
- (vii) Details of any cooking ventilation systems for Class 1, 2 and 4 uses.

5. Prior to the commencement of construction works on site:

- (a) A site survey (including initial desk study as a minimum) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Council, as planning authority.
- (2) 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.

6. Prior to the occupation of the development, the air quality mitigation measures either as set out below or as set out in an updated Air Quality Assessment as part of the AMC application should be implemented.

The air quality measures include

- a maximum of 27% car parking;
- funding for four city car club spaces;
- disabled car parking spaces in line with Council standards;
- a residential travel plan;
- 10 electric vehicle charging provision spaces (1 EV space per 6 spaces provided will be `actively' powered) and
- ducting the remainder of any spaces provided (i.e. `passive' provision) such that future EV charging can be retrofitted as demand dictates.
- Cycle parking would also be provided secure, under cover and in line with the Council standards.

7. No development can take place on site until the applicant has secured a detailed design evolved from an updated Flood Risk Assessment, Drainage Strategy and Surface Water Management Plan to ensure that site levels, layout and landscaping safely manage the exceedance of surface water flows taking into account the impact of the proposed wave return wall and any further mitigation measures required, which has been submitted by the applicant and approved by the Planning Authority.
8. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication and public engagement, interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

Reasons:-

1. In the interest of residential amenity for future occupiers and to comply with statutory requirements relating to "agent of change".
2. To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997.
3. In order to ensure applications for approval of matters specified in condition are made timeously and in accordance with section 41 (1) (c) of the Town and Country Planning (Scotland) Act 1997
4. In order to enable the planning authority to consider these matters in detail.
5. To ensure the site is suitable for the proposed end use.
6. In the interest of air quality management and residential amenity.
7. In the interest of amenity.
8. In order to safeguard the interests of archaeological heritage.

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. Further engagement with Scottish Water is required to confirm that there is an adequate water supply and sewerage available and to explore the possibility to connect to the existing off site surface water network to the proposed surface water network rather than the proposed combined network at this site.
4. Consent shall not be issued until a suitable legal agreement relating to affordable housing, transport and education has been concluded and signed. The legal agreement shall include the following:
 - i. Affordable housing - 25% of the total number of residential units shall be developed for affordable housing provision.
 - ii. Transport - the following transport contributions are required:
 - a. to introduce car club vehicles in the area. It is noted that 4 spaces are- proposed. Current guidance states that developments of over 50 units will be individually assessed;
 - b. to progress various orders which may be required, including stopping up, waiting and loading restrictions, 20mph speed limit and redetermination;
 - iii. Education - Additional Secondary School Capacity associated with secondary school places at Leith Academy and Holyrood High School equating to a contribution of £3,262 per flat where contributions are not sought for one bedroom flats.
5. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
6. The applicant should note that the Council will not accept maintenance responsibility for underground water storage/attenuation.
7. The applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not.

The developer is expected to make this clear to prospective residents as part of any sale of land or property.

9. Nature Scot recommend mitigation of the effects of construction works on any wintering birds using the adjacent coast by screening the site from the foreshore during construction.
10. The applicant is encouraged to interpret the site's archaeological heritage and include this within a detailed design.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 16 February 2022

Drawing Numbers/Scheme

1-2

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Catriona Reece-Heal, Senior Planning Officer
E-mail: catriona.reece-heal@edinburgh.gov.uk

Summary of Consultation Responses

NAME: SEPA

COMMENT: No objection however would prefer this site to be developed as part of a holistic approach with the wider City Plan housing designation, particularly in relation to flooding issues. It is noted that further information has been provided in relation to flooding, air quality issues and odour assessment. There are now a number of air quality mitigation measures proposed.

DATE: 6 July 2022

NAME: CEC Flooding

COMMENT: No objection however a number of conditions and informatives proposed: The detailed design site levels and landscaping should be designed to safely manage exceedance of surface water flows taking into account the impact of the proposed wave return wall. The applicant should engage with Scottish Water and the Council to confirm maintenance arrangements for the proposed drainage features. Informative: further engagement with Scottish Water is required to explore the possibility to connect the existing off site surface water network to the proposed surface water network rather than the proposed combined network at this site.

DATE: 8 August 2022

NAME: Environmental Protection

COMMENT: Recommend Refusal. The applicant has provided additional information relating to noise, odour, and air quality impact mitigation. Environmental Protection has concerns that odour and noise, particularly from the Edinburgh Dog and Cat Home, will affect the residential amenity of the application properties. In addition, the mitigation put forward by the applicant to deal with air quality impacts caused by the updated car parking provision is limited for a site feeding considerable daily traffic into Air Quality Management Areas.

Should the application be granted then a number of conditions are recommended. A condition in terms of contaminated land that the site should be made safe for the proposed end use. A condition regarding the use classes proposed.

DATE: 13 September 2022

NAME: Scottish Water

COMMENT: No objection.

DATE: 21 February 2022

NAME: Archaeology

COMMENT: No objection subject to the following condition. This programme of work should be secured by the following recommended condition; No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication and public engagement, interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

DATE: 22 February 2022

NAME: Nature Scot

COMMENT: Additional information has been provided including the HRA report and clarification on direct impacts during construction. This has now been received. It is advised that the Council should have enough information to undertake their HRA and conclude no adverse effect on site integrity.

DATE: 9 September 2022

NAME: Children and Families

COMMENT: A legal agreement is required for the contributions towards the provision of educational infrastructure.

DATE: 1 September 2022

NAME: The Coal Authority

COMMENT: No observations as site is not within a defined coalfield.

DATE: 24 February 2022

NAME: Enabling Partnerships

COMMENT: Policy Hou 6 Affordable Housing in the LDP states that 25% of the total number of units should be affordable housing. The submission of an Affordable Housing Statement is required. This will be secured through legal agreement.

DATE: 22 March 2022

NAME: Final Transport Response

COMMENT: No objection subject to conditions and informatives including:

Condition -

The applicant will be required to introduce a cycle and pedestrian crossing on Seafield Road East at a suitable location;

Condition - Cycle and car parking, including electric vehicle and disabled spaces to be reserved matters. Cycle parking to be provided in secure and undercover locations in line with Council guidance and factsheets. The proposed 60 car parking spaces for the 220 units is considered acceptable;

Condition - layout and pedestrian, wheelchair and cycle access to the Promenade and Seafield Road East to be reserved matters.

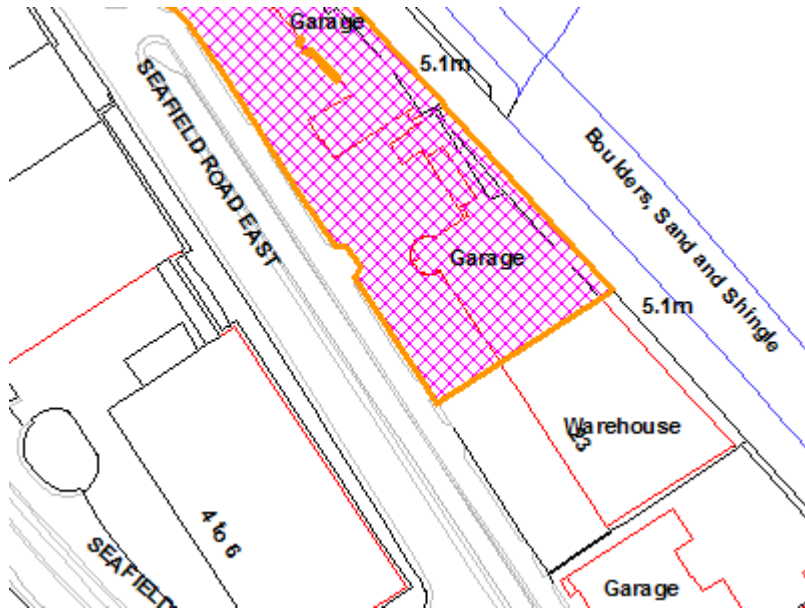
Legal Agreement - Contributions will be required to introduce car club vehicles in the area. It is noted that 4 spaces are proposed. Legal Agreement - Contributions will be required to progress various orders which may be required, including stopping up, waiting and loading restrictions, 20mph speed limit and redetermination;

Informatives relating to access, maintenance, quality audit, outline travel plan, street names, adoption of roads and car parking areas.

DATE: 15 September 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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