

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am, Wednesday, 26th 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: jamie.macrae@edinburgh.gov.uk / taylor.ward@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 24 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 Minutes of Previous Meeting of Development Management Sub-Committee 5 October 2022 – submitted for approval as a correct record 9 - 14

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.

- | | | |
|------------|---|---------|
| 4.1 | 18 Cumloddan Avenue, Edinburgh - Proposed demolition and replacement dwelling house (as amended) - application no. 22/02279/FUL | 15 - 32 |
| | It is recommended that this application be GRANTED . | |
| 4.2 | 35 Kekewich Avenue, Edinburgh - To erect new dwelling, adjust location of new house on plot. Additional various minor adjustments to internal floor plan, fenestration etc. previous approval 21/01287/FUL - application no. 22/03115/FUL | 33 - 46 |
| | It is recommended that this application be GRANTED . | |
| 4.3 | 8 Roseneath Place, Edinburgh - Erect a timber clad garden room in rear garden of ground floor flat (IN PART RETROSPECT) - application no. 22/02353/FUL | 47 - 58 |
| | It is recommended that this application be GRANTED . | |
| 4.4 | Western Harbour, Western Harbour Drive, Edinburgh - Approval for matters specified in condition 3 of planning permission 20/03225/PPP for residential and commercial development providing for use classes 1, 2, 3 and 4 and associated infrastructure - application no. 22/01633/AMC | 59 - 80 |
| | It is recommended that this application be APPROVED . | |

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 49 Mitchell Street, Edinburgh - Extension to hotel - application no. 81 - 82
 21/00880/FUL

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

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 Site 117 Metres Southwest of 6 New Market Road, Edinburgh - 83 - 130
 Mixed-use development including built-to-rent homes and student
 accommodation with ancillary development including commercial
 use (Class 1, 2, 3, 4, 10 and 11), demolitions, public realm,
 landscaping and access - application no. 22/00670/FUL

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

- 7.2** Site 117 Metres Southwest of 6 New Market Road, Edinburgh - 131 - 148
Part demolition and alterations of listed buildings in association
with proposed mixed-use development - application no.
22/00671/LBC

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

Further information

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

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 5 October 2022

Present:

Councillors Osler (Convener), Beal, Booth, Gardiner, Hyslop, Jones, McNeese-Mechan and Mowat.

1. General Applications and Miscellaneous Business

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

Requests for a Hearing:

Ward Councillors Aston, Campbell and Staniforth– Item 7.1 – 24 & 25 Seafield Road East, Edinburgh. EH15 1ED - application no. 22/00733/PPP

Decision

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

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

2. 24 & 25 Seafield Road East, Edinburgh, EH15 1ED.

Details were provided of proposals for planning permission in principle for a residential led mixed-use including classes 1, 2 and 4, development with associated infrastructure at 24 & 25 Seafield Road East, Edinburgh, EH15 1ED – application no. 22/00358/FUL.

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

Decision 1

To **REFUSE** the request for a hearing

Decision 2

Motion

To **GRANT** Planning Permission in principle subject to the conditions, reasons, informatives and legal agreement as set out in section C of the report by the Chief Planning Officer.

- moved by Councillor Jones, seconded by Councillor Mowat

Amendment

To **REFUSE** Planning Permission in Principle as the proposals were contrary to Edinburgh Local Development Plan Policies Des 2a) Des 5a) and are premature undermining the plan-making process having regard to Paragraph 34 of Scottish Planning Policy 2014.

- moved by Councillor Osler, seconded by Councillor Booth

Voting

For the motion - 2

For the amendment - 6

(For the motion: Councillors Jones and Mowat

For the amendment: Councillors Beal, Booth, Gardiner, Hyslop, McNeese-Mechan and Osler.)

Decision

To **REFUSE** Planning Permission in Principle as the proposals were contrary to Edinburgh Local Development Plan Policies Des 2a) Des 5a) and are premature undermining the plan-making process having regard to Paragraph 34 of Scottish Planning Policy 2014.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.1 – Report for forthcoming application by Glenprop 4 LLP for Proposal of Application Notice at 14 Ashley Place, Bonnington, Edinburgh</p>	<p>Purpose-built student accommodation with associated infrastructure and landscaping - application no. 22/04004/PAN</p>	<ol style="list-style-type: none"> 1) To note the key issues at this stage. 2) Planning Officers to check public transport, bus routes and active travel links as this was subject to change. 3) The applicant to provide more detail on how the application defined the community (locality) and what percentage of students would be in residence. 4) With consideration of the current lack of regular buses and the large amount of proposed building, Lothian Buses to provide assurance on the provision of public transport and active travel. 5) When the amount of student accommodation was calculated, to determine the overall number of residents in the area, taking account of history where there is significant change in the area. 6) To address issues of connectivity, ensuring there was easy flow through area and that it was a safe environment. 7) To note that a site visit to understand context may be useful.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.2 - Edinburgh Zoo, 134 Corstorphine Road, Edinburgh	Installation of ground mounted solar array and associated infrastructure - application no. 21/06721/FUL	To GRANT Planning Permission subject to the conditions, reasons and informatives set out in section C of the report by the Chief Planning Officer.
4.3 – 4 Piersfield Terrace, Edinburgh	Car park valeting pod to be located within the existing car park (as amended) - application no. 21/03671/FUL	To GRANT Planning Permission subject to the conditions, reasons and informatives set out in section C of the report by the Chief Planning Officer.
5.1 - 7-7 A Newcraighall Road, Edinburgh	Residential development (as amended) - application no. 21/02559/PPP	To AGREE to a further six-month extension to the period to conclude the legal agreement which will enable the planning permission to be released for this application.
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	<p>1) To REFUSE the request for a hearing.</p> <p>2) To REFUSE Planning Permission in Principle as the proposals were contrary to Edinburgh Local Development Plan Policies Des 2a) Des 5a) and are premature undermining the plan-making process having regard to Paragraph 34 of Scottish Planning Policy 2014.</p> <p>(On a division.)</p>

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Development Management Sub-Committee Report

Wednesday 26 October 2022

**Application for Planning Permission
18 Cumloddan Avenue, Edinburgh, EH12 6DR**

Proposal: Proposed demolition and replacement dwelling house (as amended).

**Item – Committee Decision
Application Number – 22/02279/FUL
Ward – B06 - Corstorphine/Murrayfield**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 14 letters of objection have been received and it is recommended for approval. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

Residential use is established on-site and this use is compatible with the character of the area. The scale, form and design will not have a damaging impact on the townscape character. The proposal will continue to help support local facilities and has near access to sustainable transport modes. A satisfactory residential environment will be created and there will be no adverse impact on the amenity of neighbouring residents. Appropriately designed cycle provision is incorporated and exceedance of the car parking standards is acceptable given the existing parking provision on-site. No specific road or pedestrian safety issues will occur as a result. Sustainable features are incorporated.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP) and due regard has been had to matters of equality.

The proposal is in accordance with the development plan. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The proposal site is a detached bungalow property located on the north-east side of Cumloden Avenue.

It contains a hipped roof with a bay window feature facing the street. It is constructed externally with white render walls a red clay tiled roof with three dormers.

The site has front and rear gardens with hedging, plants and foliage and a driveway facing the street.

The surrounding area is primarily residential in character with detached and semi-dwellings evident nearby. There is some range to the scale, form and design of houses nearby.

Description of the Proposal

Proposed demolition, replacement dwelling house and associated works.

The new dwelling is one and a half storeys in height with an asymmetrical, curved form. Its footprint will be 151 square metres (sqm) whilst the existing dwelling is 170 sqm. Four bedrooms will be included in total, all at first floor level.

It will primarily be constructed externally in a dark red standing seam zinc on the front and gable sides.

The lower sections will be finished in a cedar cladding which includes a single storey flat roof projection with a sedum roof.

Modern, rectangular, glazed openings are proposed. The size of these openings are larger at the rear which face onto the applicant's own garden space.

At the rear of the garden, a single-storey, flat roof garden room is proposed externally finished in a cedar cladding with patio doors and a sedum roof. Its footprint will be approximately 21 square metres.

The existing driveway will be re-used and increased in width by approximately 1 metre with a new sliding vehicular gate fronting the road and a curved footpath formed.

Revised Scheme

Scheme 1 was amended to reduce the overall size of glazing on the first floor to the rear by changing windows to solid panels.

Cycle storage has also been added adjacent to the car port. This provision includes space for 4 cycles via wall-mounted supports and an additional sheffield stand has been added on the driveway fronting this.

Existing and proposed finished floor levels have been added to the floor plans and a sunlight plan received.

Supporting Information

The following information was submitted in support of the planning application. These are available to view on the Planning and Building Standards Online Service:

- Bat reports
- Design statements
- Demolition statement
- Flood Risk Assessment
- Preliminary Ecology Appraisal
- Surface Water Management Plan
- Visualisations and street scene analysis

Relevant Site History

No relevant site history.

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Flood Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 11 May 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 14

Section B - Assessment

Determining Issues

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

- LDP Design policies Des 1, Des 3, Des 4, Des 5, Des 6
- LDP Environment policies Env 12, Env 16, Env 21
- LDP Housing policies Hou 1, Hou 3, Hou 4
- LDP Transport policies Tra 2, Tra 3 and Tra 4

The Edinburgh Design Guidance is a material consideration that is relevant when considering policies of the Local Development Plan.

Land Use

Policy Hou 1 (Housing Development) - criteria d) refers to delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan.

The site is located within the urban area where the continued residential use on-site is appropriate.

The proposal's compatibility with all other applicable policies are assessed throughout this report.

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

The proposal includes provision of greenspace to the front and rear which will provide adequate external amenity space for future occupiers.

Policy Hou 4 (Housing Density), states an appropriate density of development on each site will be sought having regard to the following as summarised:

- a) its characteristics and those of the surrounding area;
- b) the need to create an attractive residential environment and safeguard living conditions within development,
- c) the site's accessibility including access to public transport
- d) encourage and support provision of local facilities

The footprint of the new dwelling will be smaller than the existing. Its form will differ however its overall height is smaller, and it will increase the distance to either side boundary when compared with the existing dwellinghouse on site.

The garden room will be appropriately modest in scale, as a single storey structure set in from the sides and similarly scaled to garden buildings nearby.

In light of the above, the site's lower density characteristics will not materially be altered by the proposal. The spacious garden setting of the site which is characteristic of the area will be retained.

The dwelling will be a good size and is designed with large, glazed openings allowing natural light into the main habitable spaces. The size of garden spaces will allow good levels of sunlight to be received. Therefore, overall, an attractive residential environment will be achieved.

The established residential use on-site is compatible with the surrounding character of the area which will safeguard future living conditions.

The accessibility to public transport is commensurate with existing levels in this residential area.

Lothian bus service 13 is an approximate two minute walk away onto Ravelston Dykes which provides access into the city centre.

The local centre at the junction between Corstorphine Road and Saughtonhall Drive is accessible in a 15 minute walk or 5-10 minute bus journey via Lothian Service no. 38.

Local centre on Roseburn Terrace to the south-west can be accessed in an approximate 12 minute walk.

The continued residential use on-site will help support these local facilities.

In light of the above, the proposal complies with LDP policies Hou 1, Hou 3 and Hou 4.

Design

Policy Des 1 (Design Quality and Context) refers to development creating or contributing to a sense of place based on positive characteristics of the surrounding area.

Policy Des 3 (Development Design) refers to development incorporating existing characteristics and features worthy of retention on site and surrounding area.

Policy Des 4 (Development Design - Impact on Setting) sets out criteria for development to have a positive impact on the character of the wider townscape and landscape. These include:

- a) height and form
- b) scale and proportions
- c) position of buildings and other features on site
- d) materials and detailing

Supporting paragraph 154 refers to where the built environment is of high quality and has a settled townscape character, new development will be expected to have similar characteristics to surrounding buildings and urban grain.

There are prevalent characteristics to houses on the street in terms of a general consistency of traditional building materials and pitched roof forms.

The existing bungalow reflects these traditional characteristics through its construction in rosemary clay tiles, light rendered walls, pitched roof form and traditional window detailing.

Its appearance aligns with the adjacent property to the north whilst its form, eaves level and consistency of materials ties with larger scaled house to the south. In this regard, the existing bungalow blends suitably with the townscape character.

No application for prior approval has been submitted or determined by the planning authority for the demolition of the bungalow on-site. Therefore, this aspect of the proposed development requires consideration.

As per the above, the bungalow makes a contribution to the townscape character however it is not listed or of any special architectural or historical interest.

Whilst there is a prevalent traditional character to the street, a degree of change has occurred and the site is not located within a conservation area.

For example, planning permission 12/01739/FUL was granted for demolition and replacement dwelling at 8 Cumlodden Avenue. Other modern alterations have been carried out including presence of differing materials including slate / zinc roofs, changing shades of rendered and wood cladding. Moreover, there are regular changes to building heights and forms evident.

In this respect whilst there is a prevalence of traditional materials, the character of the area is mixed and not defined by a unified architectural style.

In this context, the demolition of the bungalow is acceptable, subject to an appropriate high-quality replacement dwelling being granted.

The proposed materials for the new dwelling, including the primary use of zinc, timber clad walls in tandem with its asymmetrical roof form, are part of a modern design concept. This concept will clearly differ from the original, traditional characteristics of the townscape.

However, the new dwelling is of a proportionate scale as it will be one of the smaller houses on the street. It will continue along the existing building line and retains adequate spacing with properties each side.

Its footprint is similar to existing properties with large garden spaces retained. In this regard, the proposal respects the low-density characteristics of the site and area.

Removal of the existing bungalow and addition of this modern dwelling will read as a clear, visible change on the street.

The new dwelling will not reflect traditional townscape characteristics regarding its form and materials. However, as a distinguishable, modern design concept there is no requirement to replicate the appearance of more traditional buildings.

Importantly, it responds appropriately to the street scene in term of its proportionate height, scale, spacing and position. In this regard, it will not appear an overly dominant or intrusive addition to the area in terms of its scale and massing.

Innovative, sustainable features have been incorporated in its design including a sedum roof on the projecting canopy and an integrated solar pv system on the zinc upper floor roof.

Overall, the introduction of a high-quality, innovatively designed modern house will add interest to the existing variation of architecture, which is currently evident along the street.

In this context, whilst the modern design does not take cues from some traditional characteristics it will not have a damaging impact on the area's character or appearance.

The proposal therefore complies with the overall objectives of relevant LDP design policies.

A condition has been added for full details of the external materials to be submitted prior to works starting on-site.

Amenity

Neighbouring occupiers

Policy Des 5 (Development Design - Amenity) states planning permission will be granted for development where it is demonstrated the amenity of neighbouring development is not affected.

The Edinburgh Design Guidance states buildings should be spaced out so that reasonable levels of daylight to existing buildings are maintained.

The layout of buildings in an area will be used to assess whether proposed spacing is reasonable.

Sunlight to neighbouring gardens can be tested by checking whether new development rises above a 45 degree line drawn in section from the site boundary. Daylight to gables and side windows are generally not protected.

Furthermore, the pattern of development in an area will help define appropriate distances between buildings and privacy distances.

In regard to sunlight, the dwelling will increase separation distance to each boundary with space retained of approximately 1.3 m to the south-east and 1.6 m to the north-west.

In regard to the former, the proposal complies with the 45 degree sunlight criteria and will result in no material impact on the existing levels of sun to this garden space.

In regard to the latter, whilst the first floor will fail the 45 test, less than 1 square metre of additional shade will be cast onto the adjacent rear garden at number 16. This rear garden is over 180 square metres in total and this degree of impact will not result in an adverse impact on this occupiers' living environment. An infringement of the guidance is therefore acceptable in this context.

In regard to daylight, the increased distance retained to the adjacent properties in tandem with the similar scale of the replacement dwelling will prevent impact on habitable room windows.

Furthermore, the gable openings on either side currently face onto the applicant's side gable and are not protected in this context.

In addition, any light impacts on adjacent solar panels cannot be protected as the guidance seeks to protect main sources of outlook and light to habitable rooms.

The garden room will be single storey and is sufficiently set in from all neighbouring boundaries to prevent any impact on sunlight or daylight.

The footprint of the dwelling will be largely consistent with the existing and similar to the position of dwellings on this side of the street. In this respect it aligns with the existing spatial pattern of the area.

Views of adjacent gardens from ground floor openings at the rear, will be primarily screened by the existing boundary treatment and foliage.

A privacy screen is proposed near the north-west boundary to minimise outlook of the garden beyond from ground floor openings. The full detail of this is required by condition prior to work starting in the interests of neighbouring amenity.

Outlook from the garden room will mainly face the applicant's own garden. Screening from foliage and the boundary walls will prevent any material impact on privacy through overlooking.

At first floor, the extent of glazing has been reduced and centralised to increase distance from the side boundaries.

Clearly, there will be a view from the upper floor rooms onto adjacent gardens. This is not uncommon on the street where openings at this level generally provide some outlook onto adjacent land.

The openings primarily face the applicant's own garden, and the reduced glazing will prevent any material loss of privacy from perceived overlooking.

The street-ward side of properties is visible from the public street and therefore existing privacy levels are to a degree compromised.

The relationship of the new dwelling to neighbours on this side will not materially be altered or create any new privacy issues.

Future occupiers

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

The EDG states dwellings with three bedrooms or more with enhanced storage should have an internal floor space of 91 square metres. The floor space of 259.5 square metres exceeds this standard.

The dwelling will achieve dual aspect and the size of windows will allow good levels of light and outlook internally.

The front and rear gardens are generously sized allowing good levels of sunlight to be received.

The position of the dwelling will be compatible with the spatial pattern of the street. This will allow a level of privacy for future occupiers that is characteristic of the area.

In light of the above, an adequate living environment will be achieved which complies with LDP policy Des 5.

Sustainability

Policy Des 6 (Sustainable Buildings) states permission will be granted for new development where it is demonstrated that:

- a) current carbon dioxide emissions targets have been met
- b) features are incorporated to reduce or minimise environmental resource use.

Supporting paragraph 156 states this policy applies to all development involving one or more new buildings.

Paragraph 158 states that to meet criteria a) proposals for new development must accord with current carbon dioxide emissions reduction target (as set out by Scottish Building Standards).

There is no requirement as part of this policy for information to be submitted on the production of embodied carbon from the demolition of the existing bungalow.

In regard to the new dwelling and criteria a), there are minimum standards in relation to energy and sustainability that have to be met and assessed through submission of any subsequent Building Warrant.

In regard to b), the design of the new dwelling has a focus on sustainability. The supporting statement references the new dwelling's high thermal performance and inclusion of integrated solar PV panels to generate renewable energy. A sedum roof has been included on the projecting flat-roof, cycle storage provision and air source heat pumps. In addition, large glazed openings are included to the rear increasing natural light.

In this regard, the design of the building aims to produce a highly sustainable, modern building which complies with objectives of policy Des 6.

In relation to the demolition, the applicant has submitted justification for why permission is sought to demolish the existing bungalow instead of its alteration and extension. Key objectives for the applicant include upscaling, sustainability and improved accessibility.

The justification states that in order to achieve these aims by retrofitting; effectively a deconstruction of the existing property and rebuilding beyond the current size and footprint would be required. Amongst other considerations, it is stated this would be a costly option for the applicant and would limit the level of sustainability achieved for the altered dwelling.

It is stated that the new design has scope to ensure a greater level of sustainability due to the fabric first approach and material specifications to provide a longer lasting solution.

Transport

Cycle Parking

Policy Tra 3 (Cycle Parking) states permission will be granted where proposed cycle parking and storage complies with standards in Council Guidance.

Policy Tra 4 (Design of Off-Street Car and Cycle Parking) refers to design considerations for cycle parking including its location nearer to building entrances than car parking and considerations of council guidance.

The EDG states new dwellings with four or more habitable rooms should have a minimum cycle provision of three spaces. Long-stay provision will be required in residential development with focus on location, security and weather protection.

The cycle parking factsheet provides further guidance for cycle parking in houses. It states that where a house has a garage this should accommodate a cycle parking area. Otherwise, this may be provided externally in private rear gardens.

The proposal includes a designated cycle storage for four spaces near the building entrance (two at ground floor and two wall mounted spaced) under the covered car port. In addition, a further Sheffield cycle hoop is provided in this space.

This provision complies with Tra 3, the EDG and cycle parking factsheet.

Car Parking

Policy Tra 2 (Private Car Parking) states permission will be granted for development where car parking provision complies with and does not exceed parking levels set out in council guidance. Lower provision will be pursued subject to consideration of various factors.

Policy Tra 4 (Design of Off-Street Car and Cycle Parking) gives design considerations for car parking. These include a preference basement level parking, and not at street level where at the expense of an active frontage onto private open space. In addition, that the design should not compromise pedestrian safety.

The driveway will be repositioned and widened by 1 metre with the existing the integral garage replaced with a car port. As per the current arrangement, this will allow for parking of more than one car parking space on-site which does not comply with Tra 2.

However, these works can be carried out under the provision of householder permitted development rights. In addition, whilst the car parking is at street level the layout allows a proportionate amount of the property frontage to be retained as soft landscape. This greenspace will continue to contribute to the amenity of the street. Driveways of varying scale are evident on the street and the proposed arrangement will not adversely impact on the character of the area.

In these circumstances, non-compliance with these policies is acceptable in this context.

Furthermore, the driveway arrangement will not materially alter the existing vehicular access point to and from the site and does not raise any specific road or pedestrian safety issues.

Limited detail has been provided in regard to the hard surface material and appearance of pedestrian gates. A condition has therefore been recommended for full detail of these aspects prior to works starting.

In addition, provision of cycle storage on-site promotes use of sustainable transport and in turn helps to reduce a reliance on car usage. This is in line with the overarching policy objective of supporting travel by sustainable means.

Ecology

Policy Env 12 (Trees) refers to development not damaging trees worthy of retention and mitigation sought where appropriate.

The proposal will result in loss of low-lying shrubs and hedging to accommodate the garden room at the rear. There is no planning control over loss of these specimens and no trees worthy of retention will be removed.

Policy Env 16 (Species Protection) refers to development not being to the detriment of protected species.

A bat activity survey has been submitted. No evidence of bat roosts were identified therefore bats are not currently a constraint to the development.

Updated surveys would be required should work not commence within 18 months of this survey and the applicant should be mindful of this.

In addition, garden works have the potential to impact on nesting birds. An informative has therefore been recommended for a nesting bird check to be carried out by a suitably qualified ecologist before work is carried out to minimise ecological impacts.

In light of the above, the proposal complies with policy Env 12 and Env 16.

Flooding

Policy Env 21 (Flood Protection) states permission will not be granted for development that would increase flood risk.

As identified in the SEPA online flood maps, the site is located in an area with a high surface water flood risk and no specific river or coastal flood risk.

A flood risk assessment and surface water management plan have been submitted.

It is stated that existing surface water connections to Scottish Water will be maintained and the proposal includes on-site attenuation through the inclusion of a green roof.

Further, the proposal has been designed to mitigate against flood risk to account for the 1 in 200 year and climate change level. The applicant has confirmed the finished floor levels have been determined as per the recommendations of the submitted flood risk assessment.

This information has been reviewed by Flood Planning and no objections have been received.

The proposal has been designed to mitigate against the risk of future flood risk and complies with policy Env 21.

Conclusion in relation to the Development Plan

Overall, the proposal is in accordance with the development plan.

Residential use is established on-site and is compatible with the character of the area.

It will continue to help support local facilities and sustainable transport modes nearby.

Overall, the proposal is in accordance with the development plan.

A satisfactory residential environment will be created and there will be no unreasonable impact on the amenity of neighbouring residents.

Sustainable modes of transport are incorporated through appropriately designed cycle provision and exceedance of the car parking standards is acceptable given the existing parking provision on-site.

No specific road or pedestrian safety issues will occur as a result.

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 a sustainable land use located near to bus services and local facilities.

It supports climate change mitigation through low-carbon technologies, cycle provision and accounts for flood risk.

Over-development is avoided, and it protects the amenity of new and existing development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

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

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

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010.

The design statement refers to the future adaptability of the house being considered in the layout. It is detailed that there is potential for the lounge at ground floor to be converted to a bedroom with an en-suite in the future to provide all living accommodation on one level.

Public representations

Fourteen objections have been received.

A summary of these representations is provided below:

material objections

- Adverse impact on character and appearance of area : Addressed in section a) Design
- Adverse impact on privacy : Addressed in section a) Amenity
- Adverse impact on daylight and sunlight : Addressed in section a) Amenity
- Road and pedestrian safety issues : Addressed in section a) Transport
- Environmental impact of demolition : Addressed in section a) Sustainability
- Flooding concerns : Addressed in section a) Flooding

non-material considerations

- Adverse impacts from construction activities
- Fire risk
- Impact on house prices

Conclusion in relation to identified material considerations

The material considerations support the presumption to grant planning permission.

Overall conclusion

Residential use is established on-site and this use is compatible with the character of the area. The scale, form and design will not have a damaging impact on the character and appearance of the townscape. The proposal will continue to help support local facilities and has near access to sustainable transport modes. A satisfactory residential environment will be created and there will be no adverse impact on the amenity of neighbouring residents. Appropriately designed cycle provision is incorporated and exceedance of the car parking standards is acceptable given the existing parking provision on-site. No specific road or pedestrian safety issues will occur as a result. Sustainable features are incorporated.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

The proposal is in accordance with the development plan. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

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. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. Prior to the commencement of development, full detail of all hard and soft surface and boundary treatments, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
4. Prior to the commencement of development, details of the privacy screen shown on approved plans reference 03 and 04 B, shall be submitted and approved by the Planning Authority.

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. For the planning authority to consider this matter in detail.
4. In the interests of neighbour's 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. Works should be undertaken between October to February outwith the nesting bird season. If this is not possible, a nesting bird check should be undertaken by a suitable qualified ecologist and declared clear of nesting birds before work starts.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 27 April 2022

Drawing Numbers/Scheme

01-03, 04 B - 05 B, 06 A, 07 A, 08-10

Scheme 3

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer
E-mail: lewis.mcwilliam@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

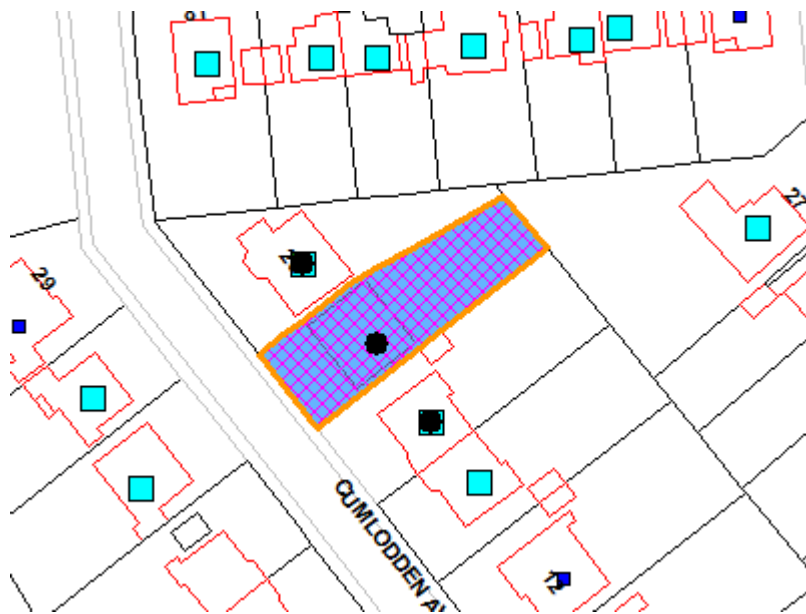
NAME: Flood Planning

COMMENT: No objections.

DATE:

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 26 October 2022

**Application for Planning Permission
35 Kekewich Avenue, Edinburgh, EH7 6TY**

Proposal: To erect new dwelling, adjust location of new house on plot. Additional various minor adjustments to internal floor plan, fenestration etc. previous approval 21/01287/FUL.

**Item – Committee Decision
Application Number – 22/03115/FUL
Ward – B14 - Craigentinny/Duddingston**

Reasons for Referral to Committee

This application has been referred to the Development Management Sub-Committee because 23 letters of objection have been received. 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 proposal complies with the policies contained in the Edinburgh Local Development Plan and associated supplementary guidance. The existing proposed scale, form and design of the scheme are acceptable in the context of the area. The proposal will provide adequate levels of amenity for future occupiers and will not materially harm the amenity of neighbouring residents.

There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site relates to 35 Kekewich Avenue, Edinburgh. It is a detached bungalow property with a large west facing garden. It lies on the corner of Vandeleur Place. There is currently a gated entrance leading off Vandeleur Place which provides access to the property's rear garden and detached garage. The garden grounds are currently screened along Vandeleur Place by a wall and high hedging.

It is noted that the property directly to the south of Vandeleur Place, 33 Kekewich Avenue, has a shorter rear garden than the application site and 8 Vandeleur Place opposite the application site.

The site does not lie within a defined conservation area and none of the trees that surround the site are protected.

Description of the Proposal

The application is for planning permission for the erection of a one and a half storey, 110sqm, 4 bedroom, detached dwelling house in the rear garden of No. 35 Kekewich Avenue. The property will have a maximum ridge height of approximately 7.1 metres, eaves at 2.85 metres, a depth of roughly 10.5 metres and a width of approximately 8.66 metres. The total site area measures 274 sqm.

The proposal will replace an existing garage at this part of the existing garden grounds. The property will be accessed off Vandeleur Place and it will have one off streetcar parking space. The property will have approximately 164 sqm of green space. A new rendered wall with wrought iron gates and rails is proposed along the principal boundary of the dwelling.

Alterations to the existing boundary walls on the east, south and west elevations are permitted development under Class 3E of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). No further assessment of these elements of the scheme is required.

Relevant Site History

21/01287/FUL
35 Kekewich Avenue
Edinburgh
EH7 6TY
To erect new dwelling
Granted
22 June 2021

Other Relevant Site History

No other relevant planning history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 28 June 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 23

Section B - Assessment

Determining Issues

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

- LDP Design Policies Des 1, Des 3, Des 4 and Des 5.
- LDP Housing Policies Hou 1, Hou 2, Hou 3 and Hou 4.
- LDP Transport Policies Tra 2 and Tra 3.
- LDP Environment Policies Env 12 and Env 21.

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

Principle

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

Paragraph 221 of the LDP states that *Edinburgh needs more housing to provide homes for an increasing population and to support economic growth*. The policies objectives are to meet the requirement for additional housing in Edinburgh whilst protecting environmental quality in established housing areas.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposal is compatible with other policies in the plan.

LDP policy Hou 2 (Housing Mix) states that the Council will seek a mix of house types and sizes where practicable to meet a range of housing needs. The surrounding area consists largely of dwelling houses. The proposed dwelling would provide further accommodation within the area for families and complies with LDP policy Hou 2.

Subject to compliance with other policies of the LDP the principle of housing development is acceptable.

Scale, Form and Design

LDP Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. Permission will not be granted for proposals that are inappropriate in design or for proposals that would be damaging to the character or appearance of the area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

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

Paragraph 154 of the LDP states *"Where the built environment is of high quality and has a settled townscape character, new development proposals will be expected to have similar characteristics to the surrounding buildings and urban grain"*

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

Chapter 1.5 of the Edinburgh Design Guidance states that *"The appropriateness of high-density housing to a particular site will depend on site context and on the way in which the development addresses the issues of open space (including impacts on landscape character and trees), unit mix, daylight, sunlight, privacy, outlook, house type, car parking requirements, waste management and the design and site layout of the development itself. Density should be a product of design, rather than a determinant of design"*.

The application site lies within an established residential neighbourhood where there is quite a varied pattern in terms of the size of house plots and layout of the detached dwellings. Whilst the majority of properties in the surrounding area have smaller gardens to the front and elongated gardens to the rear, many nearby garden grounds vary in depth and some corner or cul-de-sac plots (like that on Vandeleur Avenue) have relatively limited garden ground beyond the rear elevation of the dwelling house.

The existing housing within the application site has a long and wide rear garden. It is proposed that the existing rear detached garage be demolished, and a dwelling house be constructed in its place.

The design of buildings in the wider surrounding area is also varied with bungalows, many of which have been extended to a large degree, and one and half storey properties being prevalent. However, there are also some examples of two storey buildings nearby. The design of roof forms in the surrounding area also varies, with the bungalows largely having shallow roof pitches, whilst the one and half storey buildings have much steeper roof pitches with dormers. There are also examples of two storey buildings with flat roofs present on nearby Sydney Place.

The assessment of this element of the scheme remains broadly consistent with the assessment of the previous application. The proposed building will be one and half storey in height, with a pitched slate clad roof, rendered walls and a stone bay window to broadly match that of nearby properties. The building line of the principal and rear elevation of the development shall also closely match that of the directly neighbouring dwellings on Vandeleur Place.

The proposal will retain acceptable spaces between directly neighbouring properties and will not read as overdevelopment of the site. The width of the proposal is also largely comparable to that of nearby dwellings and while the building shall be taller than that of directly neighbouring dwellings it will not be to a significant degree.

It is acknowledged that the main physical difference between the proposal and the directly neighbouring properties is that it will have a flat principal elevation with the roof pitching to the sides and rear. Whilst this is not a design feature within this element of street, there is another building present nearby at 9 Kekewich Avenue which also has a similar principal elevation design. Overall, the design of the proposal is attractive and given the quite varied building designs and roof forms that already exist in the surrounding area it is acceptable. The increase in glazing on the principal elevation of the proposed dwelling will have a limited impact on the appearance of the building and given the varied nature of the street this is acceptable.

The existing property will retain a good-sized rear garden. Whilst the proposal shall not have much of a useable garden area directly to the rear of the building, it will have a generous side garden. It must be noted that there are also other examples nearby of corner plots and that of some cul-de-sac properties which also have garden layouts in which their rear garden grounds are quite limited, but they have sizeable garden grounds directly to the sides of the dwellings.

Even though the proposal will be constructed within approximately 1.1 metres of the mutual boundary to the rear and to the west, the proposal has been designed to angle away and minimise its physical presence. The proposal will also be screened to a degree by a hedge row along the mutual boundary to the north, tree planting and a boundary wall and timber screening to the west.

The footprint of the dwelling and the layout of the garden will not read as overdevelopment of the site and is relatively consistent with the established ratio of plots in this area.

The rear garden of the plot is currently screened from public views by a wall and tall hedging. It does not contribute to a sense of openness along the street whilst the rear garden grounds of the property are largely covered with grass only.

The proposal largely draws on the positive characteristics of the area and respects the development layout of the site and the established spaces between buildings.

There would be a need to remove permitted development rights for this development should it be granted. This is due to the proximity of the development to the neighbouring boundary and the range of permitted development rights available that could result in adverse harm to neighbouring amenity at a later date. A condition is recommended to secure this.

The proposal complies with policies Des 1, Des 3 and Des 4 of the adopted LDP and the Edinburgh Design Guidance.

Amenity

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

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

The proposal includes additional timber fencing to the east and west boundaries and existing planting on the north boundary will also provide privacy screening. Given the level of screening proposed and already in place, ground floor windows of the proposed dwelling will not overlook neighbouring properties. A proposed velux window on the west elevation serves a bathroom and raises no concern in relation to overlooking. On the north elevation a proposed velux window serves a landing space and again will not breach neighbouring privacy. Two velux windows serving a bedroom on the east elevation are over nine metres from the common boundary and comply with guidance. All velux windows proposed are set 1.65 metres from the finished floor level and given the angle of the roof will not afford direct views of any neighbouring property. The proposed dwelling will not breach neighbouring privacy.

The proposed development is set a sufficient distance from neighbouring boundaries to ensure it complies with the 45-degree daylighting criterion set out in Edinburgh Design Guidance. The proposed dwelling will not result in a loss of daylight to the windows of neighbouring properties. Given the height of the proposed dwelling and a distance of 1.1 metres from both the west and north boundaries, the proposed dwelling will not lead to any overshadowing neighbouring garden space.

The proposal complies with all guidance in relation to the protection of neighbouring privacy.

In terms of amenity for future occupiers, the internal floor area exceeds the minimum level recommended in Edinburgh Design Guidance.

The building will have large south facing windows as well as windows to the east and west. Adequate levels of sunlight/daylight should be received. All habitable rooms shall receive an adequate outlook and will have satisfactory privacy.

LDP Policy Hou 3 does not set a minimum garden size for new houses, though Edinburgh Design Guidance does recommend a depth of 9 metres or more. It is typically expected that private garden space is provided to the rear of the property. The proposal does not include extensive space to the rear of the property. However, sufficient garden ground is provided to the side of the proposed development.

Future occupiers will have a suitable level of amenity.

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

Parking

LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) set out the requirement for private car and cycle parking. The Council's Parking Standards for developments are contained in the Edinburgh Design Guidance.

The proposal would accommodate one off-street car parking space and this complies with the Council's car parking standards.

The site is located near to local transport links and has easy access to nearby facilities.

The proposal includes a private garden space in which bikes could be securely stored.

The Roads Authority has raised no concern in relation to road safety.

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

Flooding and Surface Water Management

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

The site does not fall within an area which according to SEPA maps is at defined risk of river, coastal or surface water flooding. A Surface Water Management Plan (SWMP) was conditioned as part of application 21/01287/FUL. The provision of a soakaway to address surface water management has necessitated the relocation of the proposed dwelling. The agent acting on behalf of the applicant has advised that consent is required to determine the final location of the soakaway. Upon confirmation of this, a detailed SWMP will be provided for consideration by the Planning Authority.

Given the extant planning consent relating to this site which includes a condition requiring the provision of a SWMP, it is recommended the provision of a SWMP is also conditioned in this case, if the application is granted.

Trees

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

There are currently a number of trees which lie near to the boundary of the site and are within the neighbour's ownership. The applicant has confirmed that no trees will be harmed in the construction of the proposal and no pruning is anticipated. The trees near the site are not protected by a TPO and the site does not lie within a conservation area. It is acknowledged that any tree branches and roots which are present within the site can be removed at any time without the consent of the planning authority.

Conclusion in relation to the Development Plan

The proposal complies with the policies contained in the Edinburgh Local Development Plan and associated supplementary guidance. The existing proposed scale, form and design of the scheme are acceptable in the context of the area. The proposal will provide adequate levels of amenity for future occupiers and will not materially harm the amenity of neighbouring residents.

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

The following material planning considerations have been identified:

Extant Permission

The principle of a one and a half storey dwelling in this location was established through application 21/01287/FUL. This permission remains live and development could be initiated. This is a strong material consideration in the determination of this application. The current proposal differs from application 21/01287/FUL in that it moves the location of the proposed dwelling three metres further west in order to allow the introduction of a soakaway for surface water management. The current proposal also includes one additional bedroom, changes in the internal layout of the dwelling from the previous scheme and amendments to the proposed fenestration. This includes additional windows on the north elevation and an additional window on the west elevation.

SPP - Sustainable development

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

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

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

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

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

material considerations

- Overlooking; this is addressed in section (a).
- Loss of sunlight/daylight; this is addressed in section (a).
- Impact on existing character; this is addressed in section (a).
- Impact on parking and road safety; this is addressed in section (a).

non-material considerations

- Not in accordance with the title/feu disposition in terms of number of properties in garden ground, building in rear gardens, design, scale; this is a civil matter between interested parties.
- Noise and disturbance arising from the demolition and construction works; this does not preclude assessment of the proposal or prevent developments from happening.
- Precedent; every application is determined on its own individual merits.
- The site is not accessible for development traffic, it is too narrow; this is not a material planning consideration.
- Impact on property prices; this is not a material planning consideration.
- Dwelling to be used as bed sit with individual rooms let out; the proposal is for a four bed residential dwelling, not a bedsit.

Conclusion in relation to identified material considerations

There are no material planning considerations which outweigh the conclusion set out above.

Overall conclusion

The proposal complies with the policies contained in the Edinburgh Local Development Plan and associated supplementary guidance. The existing proposed scale, form and design of the scheme are acceptable in the context of the area. The proposal will provide adequate levels of amenity for future occupiers and will not materially harm the amenity of neighbouring residents.

There are no material considerations that 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. A Surface Water Management Plan shall be submitted for the written approval of the Council as Planning Authority prior to any works commencing on site. This should be prepared in line with the self-certification scheme.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) order 1992 as amended (or any order amending, revoking or re-enacting that order), no extensions or external alterations to the new house as hereby permitted shall be constructed without the submission of a new planning application for the assessment of the Council as Planning Authority.

Reasons:-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In the interests of surface water management.
3. In the interests of neighbouring amenity.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 27 June 2022

Drawing Numbers/Scheme

01-04

Scheme 1

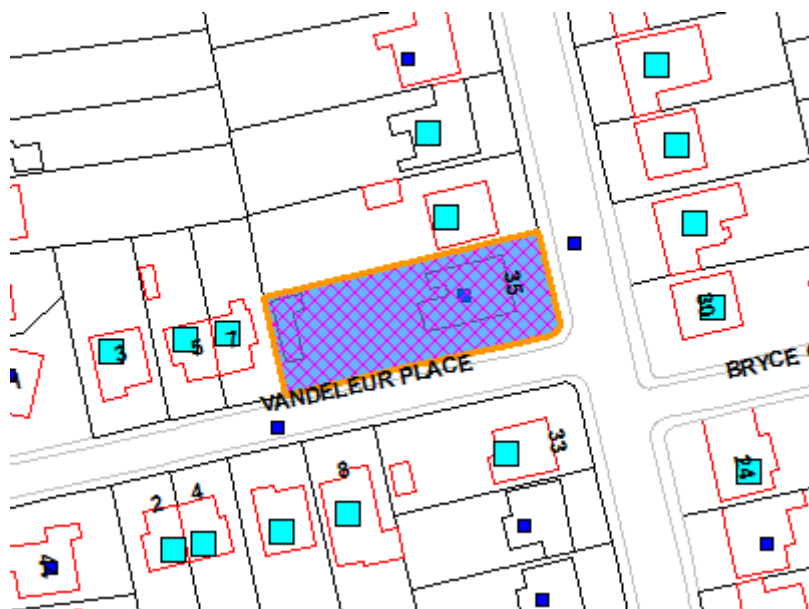
**David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council**

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

Summary of Consultation Responses

No consultations undertaken

Location Plan



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Development Management Sub-Committee Report

Wednesday 26 October 2022

**Application for Planning Permission
8 Roseneath Place, Edinburgh, EH9 1JB**

Proposal: Erect a timber clad garden room in rear garden of ground floor flat (IN PART RETROSPECT).

**Item – Committee Decision
Application Number – 22/02353/FUL
Ward – B10 - Morningside**

Reasons for Referral to Committee

This application has been referred to the Development Management Sub-Committee because it has received 23 objections. 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 retrospective works and proposed works to the dwelling will preserve the setting of the listed building, preserve the character and appearance of the conservation area and are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable.

SECTION A – Application Background

Site Description

The application refers to a ground floor flatted property of 8 Roseneath Place. The flatted property is located within a sub-divided terraced townhouse. The terrace of townhouses is category B listed (ref: LB30452, listed 14/12/1970) and is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

For the purpose of this report, reference to the front garden means the garden facing Meadow Place, and the rear garden faces Roseneath Place. The garden room is located within the front garden, with the front elevation of the building facing Meadow Place and the rear elevation is facing Roseneath Place.

The listing of the terrace in 1970 describes the front elevation as fronting Meadow Place, and the rear elevation on Roseneath Place. This shows the intended design of the townhouses featured views to the Meadows, with long front gardens accessed from Meadow Place, and a small rear garden area with access to Roseneath Place.

Most buildings on the terrace remain as full townhouses, however, the building at 8 - 10 Roseneath Place has been significantly altered through historic development. Firstly, being vertically sub-divided into flats, with the addition of full length box dormers and a two storey communal stairwell on Roseneath Place for access. The front gardens of these buildings have been sub-divided to form four plots with the later addition of a building forming 3 and 4 Meadow Place.

Due to the sub-division of the gardens the ground floor flatted property can only be access via the rear Roseneath Place elevation and the front garden is now inaccessible from Meadow Place. The front elevation is obscured from public view by the buildings and gardens of 3 and 4 Meadow Place.

The front garden of 8 Roseneath Place is primarily soft landscaping with some hardstanding paths. The neighbouring long gardens feature soft landscaping and mature trees; however, the smaller sub-divided gardens utilise minimal soft landscaping and predominately feature hard landscaping.

The rear of the property facing onto Roseneath Place contains the sole access door for the ground floor flat and features a small area of soft landscaping and hardstanding behind a retaining wall. There is communal parking for the flats, however, this is minimal with one space directly south of 8 Roseneath Place and the remaining four spaces to the east of the communal access stairwell for the sub-divided flats.

The surrounding uses are primarily residential, with the Boroughloch Medical Centre located at 1 Meadow Place and some commercial uses in the wider surrounding area.

Description of the Proposal

The application refers to the addition of:

- A single storey, timber clad, garden office within the front garden;
- Soft landscaping and hard standing areas within front garden and
- Electric vehicle (EV) charging point on a rear retaining wall.

The application is in part retrospect, with the following works being completed:

- Removal of the original front garden soft landscaping and
- Addition of the garden room structure (yet to be completed).

A concurrent application for listed building consent has been submitted (ref. 22/03168/LBC) for the internal works and the EV charger. No assessment of internal works will form part of this planning permission application. No assessment of the garden office was required as part of the LBC application as this is a free-standing element with no alteration to any part of the listed building.

Amendments

The drawings have been amended twice to provide further information:

Scheme one:

Detailed the internal works, garden room and EV charger

Scheme two:

Removed the internal works from the drawings;

Revised the red line boundary;

Included contextual photographs; and

Clarified the dimensions.

Scheme three:

Clarified the drawings and photographs;

Clarified garden office area; and

Added notes on garden materials.

No amendment to the proposal took place, therefore there is no requirement to re-notify neighbours on these amended drawings.

Not Development

The works to add an EV charging point to the rear retaining wall would not be readily visible from the public streetscape nor would the works materially or structurally affect the external appearance of the building when considering it as a whole and when considering it within the context of the wider neighbourhood.

The works therefore do not constitute development under Section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended). No assessment of their merits is therefore required as part of this planning application.

Relevant Site History

22/03168/LBC

8 Roseneath Place

Edinburgh

EH9 1JB

Internal alterations removal of non-original partition walls.

Permission is not required

21 July 2022

Other Relevant Site History

Listed Building Consent ref: 22/02352/LBC was withdrawn and resubmitted (ref 22/03168/LBC) with the garden office removed from the plans. As the garden office is a freestanding structure which does not physically alter the any part of the listed building, it cannot be considered as part of the listed building consent application.

There is also an open enforcement case pending the determination of this planning permission application.

22/00250/EOPDEV

8 Roseneath Place

Edinburgh

EH9 1JB

Alleged unauthorised development - outbuilding in rear garden.

26 May 2022

PLNREC - DC Application Submitted

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 17 May 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 27 May 2022;

Site Notices Date(s): 24 May 2022;

Number of Contributors: 24

Section B - Assessment

Determining Issues

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

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

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

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

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change Setting

The intended setting for the listed terrace is for the townhouses to be situated with long front gardens, delineated by high stone boundary walls, running north towards Meadow Place. The outlook from the front elevation of these townhouses should overlook the long gardens and benefit from views to the Meadows nearby. This intended setting can be seen at the neighbouring properties which still feature the long gardens and full townhouses.

For the subdivided properties at 8 - 10 Roseneath Place, this original setting has been changed. The building is sub-divided vertically. The gardens have been sub-divided into four small plots predominately with hardstanding. The later buildings forming 3 and 4 Meadow Place have enclosed the gardens so they can no longer be accessed from Meadow Place. All contrary to the intended design and layout of the listed building.

This sub-division has compromised the setting of the listed building. For 8 Roseneath Place the front garden is no longer recognisable as a front garden. Sub-division and subsequent development at 3 and 4 Meadow Places have curtailed the garden setting and introduced development that obscured the front elevation of the listed building.

While typically development at the front of a listed building would not be acceptable, given the existing context of the setting, the addition of the ancillary building in the front garden at 8 Roseneath Place would not result in any further harm to the setting of the listed building.

While the timber clad materials would be a modern addition in comparison to the traditional stone buildings, it is not untypical to use timber for a garden building. There are several examples of timber garden structures within the neighbouring gardens. Additionally, while the garden originally featured predominant soft landscaping, the use of a hardstanding area would match the other sub-divided gardens.

Conclusion in relation to the listed building

The retrospective works and proposals are acceptable with regards to Sections 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the works will preserve the architectural character, appearance and historic interest of the building and its setting.

b) The retrospective works and proposals harm the character or appearance of the conservation area?

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

While the properties at Meadow Place are single storey, due to their raised ground level, the building is 4.5 metres tall and screens the front elevation of the ground floor flatted property public view. Additionally, the neighbouring high boundary walls, mature trees and soft landscaping create an extensive screen from all angles between the ancillary building and public realm. As a result, the structure of the ancillary building is not readily visible within the wider conservation area.

While the garden predominately featured soft landscaping, the character of the sub-divided gardens is completely hard standing with minimal soft landscaping. Therefore, the addition of a proportion of hardstanding would not be out of character with the immediate vicinity. A large proportion of open garden space is still maintained which will not impact the wider conservation area.

Conclusion in relation to the conservation area

The retrospective works and proposals are acceptable with regards to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the works will preserve the special character and appearance of the conservation area.

c) The retrospective works and proposals comply with the development plan?

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

- LDP Design Policy Des 12
- LDP Environment Policy Env 3
- LDP Environment Policy Env 6

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

Scale, form, design and neighbourhood character

The retrospective works and proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and the surrounding area.

The established character for the sub-divided gardens predominately features hard standing with minimal soft landscaping features. In the immediate and wider area, there are a number of ancillary buildings. Within this context, the inclusion of hardstanding and the ancillary building will be acceptable based on the existing neighbourhood character.

While the garden space is proposed to be mixed soft landscaping and hardstanding, the external footprint of the garden office is 13.44sqm which accounts for 24% of the available garden space. This would retain a large proportion of open garden and would be in keeping with the character of the gardens nearby.

The height of the garden office is approximately 2.55 metres, with surrounding boundary treatments approximately 2.0 - 2.2 metres. Nevertheless, the height of this garden office will be permanently screened by the 4.5 metre height of the building at 3 and 4 Meadow Place. Due to this, the scale of the garden office will not have any additional impact on the character of the surrounding area.

Neighbouring Amenity

With respect to privacy, overshadowing and loss of daylight or sunlight, the retrospective and proposed works have been assessed against requirements set out in the non-statutory 'Guidance for Householders'.

With reference to overshadowing, the neighbouring properties to the east and west of the garden office will not experience any additional overshadowing as a result of the development.

The property located to the north has a sub-divided garden of 56.6sqm and it will experience minor overshadowing of the garden. However, the existing boundary fence primarily contributes to this by creating 1.3sqm overshadowing. While the garden office would create 1.56sqm of overshadowing, when considering the existing level, the inclusion of the garden office would only account for an additional impact of 0.26sqm or 0.5% of increased overshadowing.

The retrospective and proposed works will not result in any unreasonable loss to neighbouring amenity.

Impact on Listed Building

The impact on the setting of the listed building has been assessed in section a). The retrospective works and proposal complies with LDP policy Env 3 and will not be detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

Impact on Conservation Area

The impact on the conservation area has been assessed in section b). The retrospective work and proposal complies with LDP policy Env 6 and will preserve the special character of the conservation area.

Conclusion in relation to the Development Plan

The retrospective works and proposals are compatible with both the existing building and neighbourhood character and do not result in an unreasonable loss of neighbouring amenity. The proposals will not be detrimental to the setting of the listed building and will preserve the special character of the conservation area. Therefore, the proposals comply LDP policy Des 12, Env 3, Env 6, and the overall objectives of the Development Plan.

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

The following material planning considerations have been identified:

Wildlife and Biodiversity

The original garden predominately featured planted soft landscaping; however, this was a private garden with no TPOs or further policy to protect wildlife. While the proposal will result in the loss of some green space and any associated biodiversity, given the extensive soft landscaping features and trees within surrounding neighbouring properties and the nearby Meadows, any adverse impacts as a result of the proposal would be minimal. Moreover, the application also includes the creation of a soft landscaping area within the front garden.

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. In this case, the protection of green infrastructure, landscape, and protecting amenity would be applicable.

Given the context of the garden development in this location with the substantial green infrastructure of the nearby Meadows, the loss of some soft landscaping in this garden space would have a minimal impact.

Therefore, the retrospective works and proposal complies with Paragraph 29 of SPP.

Emerging policy context

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

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

Equalities and human rights

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

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

Public representations

Twenty-three objections have been received from twenty-four submissions, summarised as:

material considerations

Concerns for legal boundaries for parking area - Considered, the red line boundary has been amended, further details in "Amendments" above.

Concerns for the impact on special character - Considered, the garden office is extensively screened, further details in section a) and section b) above.

Concerns for the scale of development - Considered, the proposal is an acceptable scale, further detailed in section c) above.

Concerns for overshadowing - Considered, there is very minimal impact as a result of the garden office, further detailed in section c) above.

Concerns for the removal of soft landscaping and impact on wildlife - Considered, there would be no unreasonable impact, further detailed in section d) above.

Concerns the footprint is larger than guidance permits - Considered, the 4sqm footprint relates solely to permitted development rights. As the garden office is larger, planning permission is required and subsequently is being determined via this application.

non-material considerations

Concerns for private views - This is a non-material planning consideration as private views cannot be protected through planning legislation.

Concerns for residential noise - This is a non-material planning consideration as residential noise cannot be controlled through planning legislation.

Concerns for retrospective status - This is a non-material planning consideration as the application is being considered based on the original condition of the garden.

Concerns for internal structural alterations - This is a non-material planning consideration as the internal alterations are determined through the listed building consent and structural issues through the building warrant.

Concerns for type of use - This is a non-material planning consideration as the opportunity to use a garden room as a home office does not in itself constitute a commercial use. Any concerns for a change of use can be reported to our enforcement team: <https://www.edinburgh.gov.uk/breachplanningcontrolsform>

Concerns for declared cost - This is a non-material planning consideration as this is a matter for Building Standards.

Concerns for future garden development - This is a non-material planning consideration as the application is based on its own merits. Any future development may require further permission.

Concerns for use of communal parking spaces - This is a non-material planning consideration as it would be a civil matter between owners.

Conclusion in relation to identified material considerations

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

Overall conclusion

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Informatives

It should be noted that:

1. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
2. This application relates to a flatted building. This planning permission does not affect the legal rights of any other parties with an interest in the building. In that respect, the permission does not confer the right to carry out the works without appropriate authority.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 13 May 2022

Drawing Numbers/Scheme

01A, 02B

Scheme 3

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

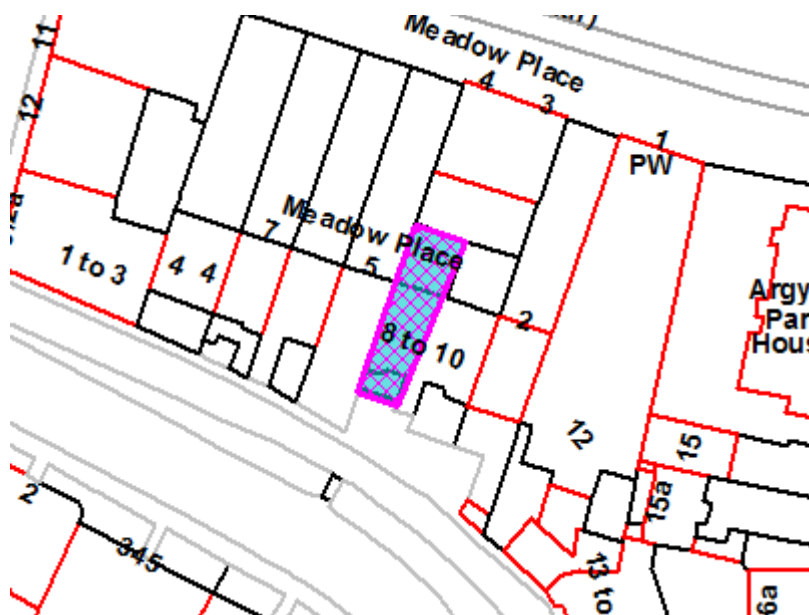
Contact: Blair Burnett, Assistant Planning Officer
E-mail: blair.burnett@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 26 October 2022

**Application for Approval of Matters Specified in Conds
Western Harbour, Western Harbour Drive, Edinburgh.**

Proposal: Approval of matters specified in condition 3 of planning permission 20/03225/PPP for residential and commercial development providing for use classes 1, 2, 3 and 4 and associated infrastructure.

**Item – Other Item at Committee
Application Number – 22/01633/AMC
Ward – B13 - Leith**

Reasons for Referral to Committee

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

Recommendation

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

Summary

The proposals are in accordance with the Development Plan and comply with the approval matters set out in condition 3 and also the more general requirements of condition 1, 2 and 5 of planning permission in principle 20/03225/PPP.

The proposals provide an acceptable perimeter block layout that will link in with the wider area. The design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements and the levels of car and cycle parking is acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposal's accordance with the Development Plan.

SECTION A – Application Background

Site Description

The site covers approximately 4.5 hectares and is located within the wider Western Harbour development area. It sits on reclaimed land, which predominantly contains areas of scrubland and unmanaged vegetation. The site boundary covers a central area of the harbour area stretching from Sandpiper Road at the south towards Western Harbour Drive at the north. The application site covers what are referred to as Plots O, N, K and I.

To the south and the west of the site are further development plots and also the recently completed primary school, further south are existing residential schemes. To the west is an area of land which is proposed to be for park use and further west are the large flatted development blocks located on Western Harbour Drive. To the south-east is the Asda supermarket and associated filling station and parking. Also east of the site is vacant land for future phases of development. Further east of the site are the docks and associated uses including Chancelot Mill. To the north of the site is vacant land.

Description of the Proposal

The proposal seeks to deal with the approval matters specified in condition 3 of Planning Permission in Principle. The proposal also deals with conditions 1 (site boundary), 2 (maximum unit numbers) and 5 (phasing).

The proposal is for a residential-led mixed use development comprising 615 residential units and four commercial units for class 1, 2, 3 or 4 use, with a total floor space area of 336sqm.

The proposed development is split into four perimeter blocks, which are set around communal garden areas. Overall, there are 43 x studio flats, 118 x one bedroom units, 322 x two bedroom units and 132 x three bedroom units. The design, height and elevation treatments of the blocks varies depending on the location within the site.

The configuration of the streets generally follows that of the previous masterplan, Revised Design Framework and previous approvals. Plot O at the south of the site responds to the layout approved for adjacent Plots P1 and P2 and is located to the east of the primary school site.

The northern Plots of N, K and I are formed between the proposed Central Street, which is a continuation of Sandpiper Drive, and the proposed Park Crescent. The Central Street will link through to the existing West Harbour Drive to the north. The blocks are divided by smaller shared streets, which are broken up by interventions such as planting. The proposal contains a cycle path along the western side of the proposed Central Street which will also link into the park to the west.

The site has been broken into three zones; Central Street, Park Crescent and Shared Streets, and these zones have differing designs.

The Central Street - this contains a series of brick blocks that are broken vertically by variations in the brick colours to reference traditional feu plots. The corner sections have a raised parapet and brick soldier coursing to emphasise the corner building. The windows are generally set in uniform manner with a mixture of balconies and Juliet balconies proposed. The height varies from four to six storeys.

The Park Crescent - this takes a uniform approach to the design, with the blocks being five and six storeys high. There is ordered fenestration throughout the blocks. Varying buff/blonde bricks are proposed with rusticated brickwork proposed at the ground level. Pre-cast surrounds are proposed at the second to fourth storeys and a number of balconies are introduced. The top floor generally has areas of brass panelling. Pitched rooflines are proposed at key corner areas.

Shared Streets - as secondary streets the design of buildings is more varied in terms of materials and roof forms. A wider range of brick tones are proposed alongside coloured profiled metal cladding. The heights are also generally lower, consisting of three and four storeys with pitched roofs.

The application contains 115 car parking spaces which are being provided on street, including 11 accessible spaces. One in six of the spaces will have electric vehicle charging provision will be provided on street. The spaces are proposed along the edge of the park and also along the central street. Cycle parking is provided for each of the blocks with a total of 1367 secure cycle spaces proposed.

Supporting Information

- Design and Access Statement;
- Sustainability Statement;
- Daylight and Sunlight Report;
- Transport Statement;
- Ground Gas Assessment and Remediation Reports;
- Flood Risk Assessment;
- Drainage Strategy and
- Air Source Heat Pump Acoustic Information.

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

Relevant Site History

01/03229/OUT
Western Harbour
Leith Docks
Edinburgh
EH6 6NX

Mixed-use development including residential, commercial, retail and public amenity development, public open space provision and associated reclamation, access, service and landscaping arrangements (as amended)

Granted
1 July 2002

09/00165/OUT

Land Adjacent to Western Harbour
Edinburgh

Application to extend the period of time for the approval of reserved matters, applied under condition 1 of the Western Harbour Masterplan (REF, 01/03229/OUT)

Granted

3 March 2009

19/00986/AMC

Western Harbour
Western Harbour Drive
Edinburgh

Approval of matters specified in condition 2 of planning permission 09/00165/OUT for residential and commercial development providing for Use Classes 1, 2, 3 and 4 and associated infrastructure

Approved

22 June 2020

20/03225/PPP

Western Harbour
Western Harbour Drive
Edinburgh

Section 42 application to amend the wording of condition 1 of planning permission ref: 09/00165/OUT to amend the time period within which applications for the approval of matters specified in conditions can be made.

Granted

21 April 2021

21/02203/AMC

Western Harbour
Western Harbour Drive
Edinburgh

Approval of matters specified in condition 3 of planning permission 20/03225/PPP for residential and commercial development providing for use classes 1, 2, 3 and 4 and associated infrastructure.

Approved

10 September 2021

Other Relevant Site History

10 October 2018 - Committee approved a new Revised Design Framework for the land at Western Harbour within Forth Ports Ltd ownership. This replaced the previously approved masterplan and design brief (linked to application reference: 09/00165/OUT).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Transportation Planning

Archaeology Officer

Flood Prevention

Waste Services

Scottish Water

Nature Scot

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

Publicity and Public Engagement

Date of Neighbour Notification: 1 April 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 8 April 2022;

Site Notices Date(s): Not Applicable;

Number of Contributors: 1

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) Compliance with the Development Plan and the Planning Permission in Principle

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

- LDP Strategy policies Del 3.
- LDP Design policies Des 1 - Des 8 and Des 10.
- LDP Environment policies Env 16, Env 21 and Env 22.
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4.
- LDP Shopping and Leisure policies Ret 6 and Ret 11.
- LDP Transport policies Tra 2, Tra 3 and Tra 4.

The non-statutory Edinburgh Design Guidance (EDG) is a material consideration that is relevant when considering the proposals. The Revised Design Framework (RDF) that covers the site is also a material consideration.

The relevant conditions of 20/03225/PPP are listed below:

1. No permission is granted for any development out with the red line boundary area shown on approved plan (02).
2. The maximum number of residential units to be constructed within the site shown in approved plan 02 shall not exceed 938.
3. Before any work on each phase of the site is commenced, details of the undernoted matters being submitted to, and approved by the planning authority, in the form of a detailed layout of that phase of the site (including landscaping and car parking) and detailed plans, sections and elevations of the buildings and all other structures.

Matters:

- (a) Siting, design and height of development, including design of all external features and glazing specifications, (including acoustic capabilities), design and configuration of public and open spaces, all external materials and finishes, including their colour;
 - (b) Car ((including electric vehicle charging points) and Cycle Parking, access, road layouts and alignment, servicing areas;
 - (c) Footpaths and cycle routes;
 - (d) Boundary treatments;
 - (e) Hard and soft landscaping details, which shall include:
 - i) existing and finished ground levels in relation to Ordnance Datum;
 - ii) layout and design, including walls, fences and gates;
 - iii) existing and proposed services;
 - iv) other artefacts and structures such as street furniture, play equipment;
 - v) programme of completion and subsequent maintenance;
 - vi) the location of new trees, shrubs, hedges, grasses and wetland areas;
 - vii) a schedule of plants to comprise species, plant size and proposed number/density;
 - viii) programme of completion and subsequent maintenance;
 - (f) Surface Water arrangements for the attenuation and discharge of surface water.
- Prior to the submission of any reserved matters or detailed application the following actions shall be undertaken:

- a) a site survey, including the formation of a conceptual site model, intrusive site investigation and monitoring programme to enable an assessment of the presence and concentration of landfill gases from the infill.
 - b) A site specific risk assessment.
 - c) A detailed scheme of any required remedial measures and/or gas protective measures, including details of any necessary on-going gas monitoring, shall be submitted to and approved in writing by the head of planning.
- Prior to the commencement of work on site,
- a) a site survey (including bore hole testing where necessary) shall be carried out to establish, to the satisfaction of the Head of Planning, either that the level of contamination of any land within the site is acceptable, or that remedial and/or protective measures could be undertaken to bring the contamination to an acceptable level in relation to the development, and
 - b) a detailed schedule of any required remedial and/or protective measures, including their programming, shall be submitted to and approved in writing by the Head of Planning.

5. Each phase of landscaping will be in place and available for use prior to the occupation of any buildings within that phase of development.

Condition 1 - redline boundary, Condition 2 - unit numbers and the Principle of Development

Condition 1 sets out that no permission is granted for any development out with the red line boundary area shown on approved plan (02). The redline boundary of this AMC submission conforms with condition 1.

Condition 2 states that the maximum number of residential units to be constructed within the site shown in approved plan 02 shall not exceed 938.

The 615 units proposed in this application when added to the 118 units on Plot P1 approved under 19/00986/AMC/VARY linked to 09/00165/PPP and the 205 units on Plot P1 approved under 21/02203/AMC linked to 20/03225/PPP equates to 938 units. The proposal complies with condition 2.

The Edinburgh Local Development Plan (LDP) identifies Western Harbour for a housing-led mixed-use development. It is identified as Proposal EW1a in the LDP. The LDP sets out a number of Development Principles including completing the approved street layout and perimeter block urban form and complete the partly implemented local centre.

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

Housing use on the site is supported by the LDP and has been established by the planning permission in principle.

The four commercial units that have been proposed for class 1, 2, 3 or 4 use, cover a total floor space area of 336sqm.

Three have been located adjacent to the park area and one is along the central street. They are relatively small in size and allow for the opportunity for additional uses to come forward which would add diversity to the proposed housing. This is in line with a housing-led mixed-use development anticipated on the site. The size and location of the units does not impinge on the thrust of Policies Ret 6 (Out-of-Centre Development) and Ret 11 (Food and Drink Establishments) and class 4 uses by their definition are ones that can be carried out without detriment to the amenity of any residential area.

The site is part of a longstanding regeneration area, and the proposed development will deliver housing and other uses on this part of the site. The principle of development accords with the Local Development Plan, the planning permission in principle and the RDF.

Condition 3a - Siting, design and height of development

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.

Layout:

LDP Policies Des 4 (Development Design - Impact on Setting) and Des 7 (Layout Design) set out that developments should have regard to the position of buildings on the site and should include a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths and open spaces.

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

The proposal establishes a perimeter block urban form, as set out in the LDP development principles and then refined further in the Revised Design Framework. Residential developments to the south are either completed or have permissions in place and the layout is dictated by pattern of the roads for the southern part of the site. The proposed development links in with these streets.

The hierarchy of streets allows for primary and secondary frontages to be formed. The proposed Central Street forms the primary route through the site with a secondary route proposed along the Park Crescent. The use of shared streets will allow for a series of pedestrian and cycle friendly connections through the site. Linkages are also established through to the adjacent park and future connections to the waterfront. This complies with LDP Policy Des 7 (Layout Design).

The layout forms part of a co-ordinated regeneration of the site that will allow for other phases of development to dovetail with the proposal. The application complies with LDP Policy Des 2 (Co-ordinated Development).

The proposed layout is acceptable.

Design and Materials:

The proposal has been designed in line with the parameters set out in the Revised Design Framework. It sets out three-character zones and the design of the buildings are dependent on their location.

Central Street - the elevations are simple with ordered fenestration with recycled uPVC windows that are generally grey in colour. A number of brick colours are proposed with a mixture of red, brown, grey and buff tones used to break up the elevations vertically whilst the use of brick detailing, either with recessed bays or the use of soldier courses, provides subtle variation. Corten panels are used at the entrance points as a reference to the port heritage.

Park Crescent - the elevations contain a different pattern of ordered fenestration from the central street. The bricks proposed are buff in colour and create a coherent elevation when viewed across the park. Different brick tones are proposed to create subtle variation along the street and distinguish the blocks from one another. Details such as rusticated brickwork at the ground level, use of pre-cast wind surrounds and pitched rooflines on the corner blocks all add interest and variance to the elevational design.

Shared Streets - along the narrower, secondary shared streets the proposals introduce a greater variety of designs and styles. Alongside the use of brick, the shared streets also use a mix of brick and profiled metal cladding as external materials in various colours. This will give the shared streets their own character and aid in the legibility of the area.

There is a variety of materials within the area, with flatted schemes near to the site using stone cladding and render, whilst the larger flatted blocks on West Harbour Drive use a wide range of materials. The proposed use of brick as the primary material ties the building styles throughout the development together. Brick is reflective of a number of buildings within the dock area and echoes the historical uses.

The materials proposed are to be robust and durable. They are appropriate for a modern development at this location and are reflective of the approach advocated within the RDF. The proposed materials and detailing comply with Policy Des 4 (Development Design - Impact on Setting).

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

The proposal contains a range of house/flat types and sizes. The Edinburgh Design Guidance (EDG) expects that 20% of units should be homes for growing families with at least three bedrooms. The proposal contains 21% three-bedroom units.

The unit sizes meet the minimum internal floorspace requirements as set out in the EDG.

The Edinburgh Design Guidance recommends that no more than 50% of the total units should be single aspect. The proposal contains 338 of the total 615 flats are dual or triple aspect. This equates to 55% dual aspect and meets the Council's guidance.

The design and the proposed materials are suitable for the context and the mix of building forms and elevational treatment provides interest.

Height, Scale and Density:

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

The RDF sets out that the central blocks should have range of between four and six storeys and the more southern block a range between three and six storeys.

The height of the proposed development is largely in line with what was anticipated when the RDF was prepared. The northern three blocks (N, K and I) contain five and six storeys on the outer elevations around the central street and park crescent with the five storey elements at the southern end. The secondary streets are generally four storeys in height which helps break up the massing of the blocks. Block O is also a mixture of heights with the six storey elements fronting the park and central street. In terms of roofscape, there is some variance achieved through the changes in height and inclusion of pitched roof elements. The more visible Park Crescent elevations include a change in the pitched rooflines on key corners to indicated public spaces and routes through the site.

The height of the proposals generally complies with those set out in the RDF.

The RDF considered the potential impact of development on key views within the vicinity of Western Harbour - key views C16b, N12a and N12b. This concluded that the development would not have an impact on these views.

The submitted Design and Access Statement has carried out a review of the proposed heights against those contained within the RDF and shows limited overall change from the local viewpoints from Ocean Terminal and Chancelot Mill.

The height complies with Policy Des 4 (Development Design - Impact on Setting) as the scale and proportion of the building are appropriate for the location and it will not have a negative impact on views.

LDP Policy Hou 4 (Housing Density) states that the Council will seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility and need to encouraging local services. The density of the proposal is 143 dwellings per hectare (dph). This is similar to the density estimated for this phase as part of the RDF, which anticipated 134 dwellings per hectare.

The height, scale and density are acceptable.

Amenity:

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

Privacy:

There are generally good separation distances between the proposed blocks within the development, with a range of 16 to 23 metres provided. The internal shared streets are varied in width and narrow to approximately 12 metres in some sections, which is an acceptable distance and serves to keep the streets at a more human scale. There are some narrower elements where the block design closes in on itself, but these are generally where there are gable ends. For the rear elevations of the blocks the distances across the shared courtyards are generous.

Daylighting:

A Daylight and Sunlight Assessment has been submitted.

Utilising the Vertical Sky Component (VSC) method this indicates that the proposed development blocks will not be an impact on the adjacent already approved residential plots to the south.

The impact on the daylighting to the proposed buildings has been assessed using the No Skyline methodology which relates to skylight penetrating at least halfway into a room. Forty of the 1678 rooms assessed using this methodology failed. This relates to 18 bedrooms on ground and first floor locations spread across the blocks and 22 open plan kitchen/living rooms across the blocks. Overall, 97% of the rooms pass this methodology and across 615 units on a brownfield site this is an acceptable level.

Noise and Odour:

The units proposed for potential class 3 use have been designed to include designated space at rooftop for future plant equipment which may be required following tenant fit out. In addition, all class 3 units are provided with an internally routed flue which discharges at roof level.

There is a general condition that applies to the PPP (condition 4) that will need to be complied with in this regard.

Sustainability:

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

The applicant has submitted the sustainability statement and form. The standards are to be met through the provision of air source heat pumps. The proposal has been assessed against Part B of the standards. The proposal meets the essential criteria with additional desirable measures including waste recycling and the use of sustainable timber.

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

In summary, the proposals provide an acceptable perimeter block layout that will link in with the wider area. The design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. These elements of the proposal comply with the PPP and the RDF.

Condition 3b - Car and cycle parking, access, road layouts and alignment, servicing areas

Access to the site is from the existing road network taken from the A901 Lindsay Road / Sandpiper Drive signalised junction. Access to the development and Central Street will then be gained via the Sandpiper Drive / Asda access crossroads.

The principle of development has already been established on the site. As considered previously, the site layout follows the perimeter block style established in the previous masterplan, LDP and RDF.

The main Central Street forms the primary route through the site and has been designed to be 7.5 metres wide to allow for buses, with raised tables and crossings to manage traffic speeds. It also accommodates areas for bus stops which will allow for buses to loop round Western Harbour. The street also accommodates a cycle path with buffer and pedestrian paths.

Park Crescent is proposed to be six metres wide with end-on parking introduced along its length. Raised tables will be introduced at each junction to manage traffic speeds.

Taking access from the Central Street will be shared use streets which are proposed to have a single flush surface. These streets are to prioritise pedestrian and cyclists and contain planting with rain gardens and street furniture to discourage car usage.

The Roads Authority does not object to the planning application but does raise concern with the proposed road adoption plan which creates private roads (along the shared streets), a private access and also leaves the car parking along the Park Crescent unadopted. The Roads Authority states that these areas should form part of the adoptable road, and this should be pursued through the Road Construction Consent (RCC) process.

The road layout proposed is acceptable in planning terms and meets the requirements of the condition.

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

The parking standards contain no minimum level and allow for a maximum of one car parking space per unit. Within this application a total of 115 parking spaces are proposed.

The area the western side of the Park Crescent contains 59 end-on spaces split into 41 general spaces, 10 electric vehicle charging spaces (two of which are accessible) and eight accessible spaces.

Along the eastern boundary of Central Street and around Plot O and on the north shared use street contains 56 parallel spaces split into 41 general spaces, 12 electric vehicle charging spaces and three accessible spaces

A total of 25 motorcycle spaces will be provided throughout the development.

The parking levels proposed are within the Council's standards and the site is in an accessible location with good access to public transport with the tram line proposed to terminate at Newhaven. Furthermore, there is a separate planning permission in principle for what is referred to as a Go Green Hub with 109 car parking spaces near to the site and the tram line will terminate at Newhaven. The Roads Authority does not object to the application in terms of parking numbers.

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

The 1367 secure cycle parking spaces proposed are spread out across the blocks with a combination of two-tier racks, semi-vertical racks and 29% Sheffield stands to accommodate non-standard bikes. The cycle parking complies with the Council's standards.

Waste:

LDP Policy Des 5 (Development Design - Amenity) sets out that planning permission will be granted for development where it is demonstrated that (amongst other matters) refuse and recycling facilities have been sensitively integrated into the design.

The proposals have been designed in line with the Council's Waste Services guidance and there has been an ongoing dialogue between Waste Services and the applicant. Communal refuse storage is provided within the blocks. Swept path analysis has been provided to demonstrate that adequate refuse vehicle access can be made. The stores have been located on the primary routes meaning that service vehicles will not need to enter the side streets.

Transport associated matters have been adequately dealt with and comply with the RDF and the relevant transport policies.

Condition 3c - Footpath and cycle routes

There are existing cycle paths within the Western Harbour area, along Sandpiper Road, linking through to Newhaven Place and Western Harbour Drive. The application will include an improvement to the cycle path at Sandpiper Drive on the western side.

This will then link through to the segregated cycle way that runs along the western edge of the Central Street. This has been designed in accordance with continuous footways at side street junctions, floating bus stops and cycle friendly crossing points.

The proposal will link to the park through the use of the shared streets. Whilst there will be opportunity for linkages through to future phases of development. The application does not cover part of the site that abuts the water's edge. Therefore, delivery of promenade is not through this AMC, but later phases as shown in the RDF.

This reserved matter is adequately dealt with.

Condition 3d - boundary treatments and Condition 3e - hard and soft landscaping details

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

All the units are flatted with each block having a rear courtyard area. A benefit over the previously approved scheme is that parking decks have been removed meaning that the open space is at the ground floor level.

The level of open space provided, taking into account those units with either access to a private garden or a balcony, meets the Council's minimum open space requirements. The proposal is also in close proximity to the new forthcoming 4.7-hectare park.

The communal courtyard gardens have been designed for a range of uses including recreation, socialising, areas of seating and growing spaces. Trees and plants are proposed to provide structure to the spaces. Patios are proposed for the units with direct access to the communal area, these are divided from the wider space by the use of buffer planting.

Sun path analysis during the 21st of March (Spring Equinox) has been provided. This demonstrates that the existing neighbouring garden spaces will not be detrimentally affected by the proposals. Generally, over 50% of direct sunlight is achieved across the site.

The PPP specifies that hard and soft landscaping details should be provided. Detailed landscape plans and a maintenance schedule have been provided as part of the application.

Tree planning is proposed at regular intervals along the Park Crescent, along the shared streets and also along sections of the Central Street. There is also planting in the public realm area created adjacent to the park. The tree planting consists of a mixture variety such as Field Maples, Swedish Whitebeam, Quaking Aspen, Austrian Pine and Rowans.

Within the development there are small areas described as pocket parks which are created within the breaks between the blocks. These spaces have been designed to break up the streets and provide varied landscaping or seating.

A range of boundary treatments are proposed to separate the private and public realm. These relate to the main street types with pre-cast concrete coping with or without railings generally proposed. This will provide sufficient divisions and by using similar styles it will provide a unified approach.

Information on site levels and servicing has also been provided as part of the application package and it is acceptable.

In relation to potential ecology impacts, Nature Scot has no comments to make on the proposal.

Overall, the design and quantity open space, the landscaping and proposed boundaries adequately deal with the relevant reserved matters and will form a positive aspect of the development.

Condition 3f - Surface Water arrangements

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 a Drainage Strategy Review (supplementing previous studies) has been provided alongside the associated checklists and certificates required for this scale of development.

Flood Prevention has reviewed the information and has confirmed its acceptability.

Scottish Water does not object to the proposals, but has provided advisory notes for the applicant in relation to water and wastewater capacity.

Condition 3 Ground Conditions

Various Ground Gas Assessment and Remediation Reports have been submitted in relation to application site and there has been previous dialogue has taken place with the Contaminated Land Officer with regards to the approach to the site. As per the condition, further remediation verification reports will be required as the development progresses to ensure the work is carried out to a satisfactory standard.

Condition 5 Phasing

Condition 5 of the PPP relates to phasing. A phasing plan has been provided indicating that the site will be developed out from south to north. The surrounding infrastructure and landscaping will be put in place to facilitate this phasing.

Archaeology

The Archaeology Officer raises no concerns with the proposal.

Conclusion in relation to the Development Plan

The proposals are in accordance with the Development Plan and comply with the approval matters set out in condition 3 and also the more general requirements of condition 1,2 and 5 of planning permission in principle 20/03225/PPP.

The proposals provide an acceptable perimeter block layout that will link in with the wider area. The design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements and the levels of car and cycle parking is acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements.

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

The following material planning considerations have been identified:

SPP - Sustainable development

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

The proposal complies with Paragraph 29 of SPP, particularly in terms of supporting good design, making efficient use of land and delivering housing.

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.

Level access is provided to all flats, either via direct street level entrances or via lifts within communal cores. Commercial units have level access direct from the street.

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

Public representations

One representation has been received. The points raised are summarised below:

material considerations

- street alignment along Sandpiper and Windrush Drive and that the view of the bridges should be retained - the proposals aligns with the previously approved street layout.

non-material considerations

- Query regarding proposed park proposals - the park does not form part of this application and has a separate planning approval (ref 19/01040/AMC).

Conclusion in relation to identified material considerations

None of the identified material considerations outweigh the proposals compliance with the Development Plan.

Overall conclusion

The proposals are in accordance with the Development Plan and comply with the approval matters set out in condition 3 and also the more general requirements of condition 1 ,2 and 5 of planning permission in principle 20/03225/PPP.

The proposals provide an acceptable perimeter block layout that will link in with the wider area. The design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements and the levels of car and cycle parking is acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposal's accordance with the Development Plan.

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 approval of matters specified in condition is granted. If development has not begun at the expiration of this period, the approval of matters specified in condition lapses.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

3. Prior to any Class 3 Food and Drink use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, and terminating at roof levels shall be installed.
4. The development shall be carried out in accordance with the approved landscaping scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.

Reasons: -

1. 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.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to protect the amenity of the occupiers of the development.
4. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. A Remediation Verification Report shall be submitted detailing the completion of all approved remedial / gas preclusion measures with respect to land contamination / ground gas for each plot or plots.
2. The applicant is aware that 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 applicant should particularly note that the proposed extent of adoption is not considered acceptable as it potentially constitutes as 'gated' community and is also likely to have unacceptable impacts on drainage, lighting and servicing. The applicant should note in particular:
 - a. the accesses shown on drawings as 'private roads' clearly serve a public purpose and are expected to form part of the adoptable roads;
 - b. the on-end parking areas on the crescent are expected to form part of the adoptable roads. The applicant must note that any such 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.

3. The applicant should note that all proposed roads in this area are expected to be limited to 20mph. An order will be required to introduce a 20pmh speed limit within the development and all necessary signs and markings will be required as part of the road construction consent and at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed.
4. The applicant should be required to provide a minimum of 3 car club vehicles. A contribution of £1,500 per order plus £5,500 per vehicle would be required;
5. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
6. A Quality Audit, as set out in Designing Streets, will be required prior to the grant of Road Construction Consent.
7. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
8. The applicant should note that new road names will be required for the development, and this should be discussed with the Council's Street Naming and Numbering Team.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 30 March 2022

Drawing Numbers/Scheme

01A, 02A, 03A, 05A, 06A, 07A, 08, 09, 10, 11B, 12, 13, 14A, 15 - 20, 21A, 22-27, 28A, 29-34, 35A, 36-55, 56B, 57A, 58A, 59A, 60A, 61A, 62A, 63A, 64A, 65A, 66-69.

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

NAME: Transportation Planning

COMMENT: No objections subject to appropriate conditions and informatives. Note the proposed extent of adoption is not considered acceptable. The proposed 115 car parking spaces for the 615 units (approximately 19% provision) and 1,367 cycle parking spaces are considered acceptable.

DATE: 26 August 2022

NAME: Archaeology Officer

COMMENT: It is concluded that there are no, known, archaeological implications regarding this AMC application.

DATE: 5 April 2022

NAME: Flood Prevention

COMMENT: The updated information and responses to our previous consultation comments is accepted. This application can proceed to determination, with no further comments from CEC Flood Prevention.

DATE: 21 July 2022

NAME: Waste Services

COMMENT: Waste Strategy Agreed.

Confirm that the applicants have provided the information for the waste collections and these are shown to be in line with our instruction for architects guidance and that the developments waste and recycling requirements have been fully considered for the purpose of the planning stage of this development.

DATE: 27 June 2022

NAME: Scottish Water

COMMENT: No objection. The full response contains a number of points for the applicant to be made aware of including information in relation water capacity, waste water capacity, assets within the proximity of the site and surface water connections.

DATE: 3 May 2022

NAME: NatureScot

COMMENT: We have no comments to make on this proposal.

DATE: 20 April 2022

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

Location Plan



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Development Management Sub-Committee Report

Report returning to Committee - Wednesday 26 October 2022

**Application for Planning Permission
49 Mitchell Street, Edinburgh, EH6 7BD**

Proposal: Extension to hotel.

**Item – Committee Decision
Application Number – 21/00880/FUL
Ward – B13 - Leith**

Report Returning to Committee

The application was previously considered by the Development Management Committee on 4 August 2021. The application proposes the extension to an existing hotel. At the committee it was resolved to grant planning permission subject to the conclusion of a legal agreement to secure a Tram contribution.

Recommendations

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

SECTION A – Assessment

LDP Policy DEL 1 requires that proposals will be required to contribute to infrastructure development to mitigate against any negative additional impacts. In particular, it is identified that the tram is a strategic infrastructure network and contributions zones will be applied to address cumulative impacts.

In the assessment of the application, it was identified that the applicant would be required to:

Contribute the sum of £55,643 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

A legal agreement has been sought from the applicant to secure the infrastructure requirements. However, the applicant has disputed the requirements for the legal agreement and no progress has been made in securing the necessary legal agreement. As no legal agreement has been concluded in respect of securing these contributions It is recommended that the application be refused on the basis that the appropriate infrastructure to mitigate the development has not been provided contrary to policy DEL 1 of the Edinburgh Local Development Plan.

Reason for Decision

The applicant has failed to secure an appropriate legal agreement within the specified period. It is recommended that the application be refused on the basis that the appropriate infrastructure to mitigate the development has not been provided, contrary to LDP Policy Del 1 of the Edinburgh Local Development Plan. No material considerations outweigh this conclusion.

A copy of the original Committee report can be found in the list of documents on the [Planning and Building Standards Portal](#)

or [Council Papers online](#)

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lynne McMenemy, Senior Planning Officer
E-mail: lynne.mcmenemy@edinburgh.gov.uk

Development Management Sub-Committee Report

Wednesday 26 October 2022

Application for Planning Permission

Site 117 Metres Southwest of 6, New Market Road, Edinburgh.

Proposal: Mixed-use development including built-to-rent homes and student accommodation with ancillary development including commercial use (Class 1, 2, 3, 4, 10, and 11), demolitions, public realm, landscaping and access.

Item – Committee Decision

Application Number – 22/00670/FUL

Ward – B09 - Fountainbridge/Craiglockhart

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 15 material objections have been received and it is recommended for approval. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving the parts and features of the listed buildings that embody the special architectural and historic interest which the buildings possess.

Overall, the development is in accordance with the development plan. The proposals will deliver a sustainable and well-designed urban residential scheme that draws on the industrial heritage of the site to create a strong sense of place and will support the adjacent mixed uses surrounding the site. Any deviations from Council policy or guidance are relatively minor and balanced by the wider benefits of the development in terms of the provision of housing with an appropriate affordable element on a redundant brownfield site, along with reduced reliance on car usage. Moreover, this is an exceptional situation where opportunities for development on this site are severely restricted by the need to preserve representative parts of important listed buildings.

Alternative uses are limited for the category B listed former cattle sheds in particular, due to the industrial form, extent and condition of these structures.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

Other material considerations support the presumption to grant planning permission.

SECTION A – Application Background

Site Description

The application site measures 1.78 hectares and is located to the south-west of New Market Road, on the south side of New Mart Road.

The site is occupied by a range of buildings that formed part of the historic 'New Markets' built between 1905 and 1918 which include the Corn Exchange to the north of the site. A significant area of the site is occupied by the category B listed former Livestock Sheds dating from 1912 by James A Williamson, Superintendent of Works, comprising a five-aisled, steel-framed cattle shelter with a corrugated asbestos and glass roof (reference LB30283, listed on 16.06.1992). These are in use as five aside football pitches. The associated rendered range of buildings along the south-east edge of the site comprising the former Milch Cow Byres and Sales Ring are listed as part of the curtilage and are in use as a tenpin bowling alley and snooker/pool hall.

The main buildings of the historic market complex are located to the north-east of the site on New Market Road and north of the site on New Mart Road as follows:

- 11 New Market Road, Corn Exchange, category B listed (reference LB30282, listed on 16.06.1992);
- 8-9 New Market Road, Newmarket Pockets, Former Market Refreshment Rooms, category C listed (reference LB30281, listed on 16.06.1992);
- 6 New Market Road, St Cuthbert's Association Cattle Depot, category B listed (reference LB30280, listed on 10.06.1992); and
- New Mart Road, John Swan and Sons Livestock Market including Caretaker's House, gates and gate piers, category B listed (reference LB30317, listed on 01.07.1994).

The site is mainly level with a marked drop in level between the adjacent Asda supermarket car park and range of buildings containing the tenpin bowling alley and snooker/pool hall. The primary access into the site for pedestrians and vehicles is off New Market Road and there is a historic entrance to the west of this access which is now used for servicing and deliveries to the Corn Exchange complex. Another vehicular entrance accesses the south-west corner of the site off New Mart Road through locked gates.

The surrounding area is mixed-use in character, including predominantly three-storey, modern residential flats to the immediate north beyond the former John Swan and Sons Livestock Market, now in use as offices and small-scale business units.

The Corn Exchange buildings, restored in 1999, are in use as a concert and entertainments venue with a bar/bistro occupying the former Market Refreshment Rooms and a meat wholesaler is in the historic St Cuthbert's Association Cattle Depot. An Asda supermarket and associated car park lies to the south-east of the site and a gym with extensive car parking occupies the land to the south-west of the site. The Risk Factory community centre is beyond the gym site beside the Water of Leith.

Description of the Proposal

The proposal includes the partial demolition of the former cattle sheds, cow byres and modern sheds on the site and erection of a mixed-use development comprising 393 built-to-rent (BTR) apartments and student accommodation totalling 406 bed spaces. Ancillary to this the proposed development includes residents' leisure uses - lounges, gyms, wellness spaces, games rooms, etc. and community uses, including a café/restaurant, co-working area and a wellness/yoga studio. Significant public realm, landscaping and access works form part of the application.

Demolitions/Alterations of Existing Buildings

Approximately 12% of the former Livestock Sheds will be retained in the form of four central bays of the frames (two bays wide and two bays deep) along with elements of the roof structure, including the cupola frames and timber lined 'gables. Six additional columns will be retained as freestanding elements within the landscape, including girder trusses to link the two columns immediately behind the retained shed bays. These bays will be moved forward (to the east) by one bay depth to form a central part of the masterplan design. The frames will be dismantled to ascertain which segments are in the best condition and which original/existing cladding materials can be retained. Two new pavilion buildings forming the main entrances to the will be erected below the retained structures.

The proposals seek the retention of three eastmost bays of the Milch Cow Byres and Sales Ring, equating to approximately 38% of the existing range. The section which contained the auction ring is included, along with the former milking byres and one bay of the livestock byres, which has a clock on the front facade. New community uses will be accommodated within these structures.

In addition to the larger structures detailed above, several feature elements of the listed buildings will be retained within the proposed landscaping, including several columns of the Livestock Sheds in their existing locations and stonework detailing from the former cow byres.

Site Masterplan and New Buildings

The proposed layout comprises a formal public square enclosed on two sides by the retained shed frames and auction ring/byre structures and existing buildings/enclosures outwith the development site to the east and north. The new build blocks will sit to the west of the retained historic structures, aligned north-south and with east-west running elements creating street frontages to New Mart Road to the north and the "Asda Road" to the south. A central path between the Livestock Shed frames will lead through to the more private residential areas of the site with a north-south running, tree-lined main thoroughfare.

The proposed BTR element is composed of three, seven-storey flatted blocks (Blocks 1 and 2 and Affordable), stepped down at the north-west edge of the site to four storeys (Block 1 facing New Mart Road). The new student accommodation block has a total of eight storeys and will sit to the west of the affordable block.

The architectural style of the proposed development is a blend of historic industrial inspired forms with contemporary detailing. The materials are a similar blend of traditional and modern, comprising a mix of multi-tone red and buff brick and varieties of fibre cement cladding - grey and buff with a linear texture and smooth white and buff, for the elevations. The roofs will be clad in grey standing-seam cladding. The windows, exterior doors and balustrades will be in metal. Plant will be housed mainly at lower ground and roof level throughout the buildings.

Accommodation Schedule

- BTR market price: three-bedroom x 56, two-bedroom x 82, one-bedroom x 119 and studio x 26 = 293
- BTR affordable: three-bedroom x 22, two-bedroom x 28 and one-bedroom x 50 = 100 (25% of total BTR units)
- student accommodation: shared flats - studio x 100 and ensuite cluster x 306 = 406

Landscaping/Amenity

Significant areas of soft and hard landscaping are proposed throughout the scheme, forming the new public square, main thoroughfares, connecting paths and private gardens.

There are no trees within the site. Two semi-mature Norway maples at the south-east corner of the Nuffield gym car park will be pruned back to the boundary. Semi-mature trees, including Rowan and pear, will be planted along the central avenue, within the public square and on the Asda Road edge of the site and smaller ornamental trees will be planted in the communal gardens. Raingardens will feature throughout the site along with other planted features, including shrubs, hedging, grasses and bulbs. Green roofs will form the majority of roof surfacing for the purpose of water management and biodiversity, rather than accessible green space.

The hardstanding areas will be formed in a mix of non-permeable and permeable concrete pavements in light and dark grey tones and the garden paths will be surfaced in clay paving in warm, green/yellow tones. Tactile paving will be employed on potentially hazardous areas. Private garden boundaries will be demarcated by timber fencing and hedging and gates will be formed in Corten weathered steel. The proposed street furniture comprises mainly timber-topped metal benches and cube seats.

The proposed storytelling wall of the site history located within the communal garden south of the public square will be formed of acid etched/sandblasted concrete panels with metal inserts and measure two metres in height and two and a half metres in length. Opportunities will be taken to include interactive areas of public art throughout the site.

The BTR and student units at ground floor level will have small private, soft landscaped gardens. There are areas of communal garden space for the BTR residents to the east of Blocks 1 & 2 and off the central avenue and, for the student residents, at the east end of the student block.

Lighting

Column lighting will illuminate the public and residential walkways and seating areas and feature areas, structures and trees will be highlighted by ground recessed and surfaced mounted spotlights. Bollard and LED strip lighting will also be used within the scheme.

Access

Currently, public access to the site is from New Market Road only into the north-east side, via a lane between the former Market Refreshment Rooms and St Cuthbert's Association Cattle Depot buildings. The site plan will create new pedestrian access points from the north-west (New Mart Road), south-west (Water of Leith) and south-east (Asda Road).

Within the site, the main accesses to the BTR apartments will be on the east side of Blocks 1 and 2 (through the retained cattle shed frames) and from the proposed central avenue to the east side of Block 1. The main entrance to the student accommodation will be at the south-east corner of the building. All these accesses are level.

The development is proposed as a car parking-free scheme, so vehicle access is only required for change of term (students), accessible parking, car club members, refuse collection, deliveries, maintenance and emergency vehicles. Vehicular access to the site will be from New Mart Road via a shared street (allowing vehicle access at slow speeds while prioritising pedestrians and cyclists).

A new pedestrian crossing point will be formed on Asda Road (south-east boundary) which will connect to new steps and an accessible platform lift, addressing an existing 2.5 metre level difference between the site and road. Stepped access to the site will also be introduced on this road in the form of two flights: one between the former St Cuthbert's cattle depot and retained auction ring building and the other flight running past the east end of the student block. (The new platform lift will sit at the foot of this flight.) Otherwise, the site's terrain is flat.

Bus services to and from the city centre can be accessed within a five-minute walk from New Market Road on Chesser Avenue and Slateford Road. Slateford Rail Station is a five-minute walk from the site.

The site has nearby existing active travel links including the Water of Leith path.

Servicing

Deliveries, maintenance and emergency vehicles will access the site from New Mart Road. Refuse collection will be via the same access road and bin stores have been located adjacent to the street for all new build blocks in line with CEC requirements. The existing O2 (Corn Exchange) servicing arrangement will be maintained which will involve vehicles entering the site from New Mart Road and exiting onto New Market Road via a separate lane on the eastern side.

Car/Cycle Parking

The proposal is for a car parking-free development. Two accessible parking spaces with EV charging points are proposed for tenants or visitors within the residential street. Three car club spaces will be introduced as part of the scheme on the north side of New Mart Road.

The total number of secure cycle spaces proposed is over 1,200, equating to 100% provision for the Buy-to-Rent and student accommodation tenants. These spaces will be accommodated in several cycle stores at ground level within each BTR block (including the affordable block) and at lower ground floor level of the student block via a ramp as follows:

BTR (market rent) 174 (148 sqm)

BTR (affordable) 230 (177 sqm)

BTR (communal store in former auction ring building) 356 (293 sqm + 20 sqm for non-standard spaces)

PBSA 406 (271 sqm)

All stores will be accessed via a lockable security system. There will also be a large communal store on the ground floor of the retained former auction ring building incorporating additional space for a range of cycle parking provisions as well as the potential for workshop/maintenance facilities.

Eighty-eight Sheffield cycle stands are proposed within the landscape design for short stays and visitors.

Scheme 1

The original scheme proposed:

- the retention of only the steel frames of the Livestock Sheds, without key elements of the roof structure and coverings or timber gable infills;
- 434 BTR apartments; and
- a refuse store at ground floor level within the former auction ring building.

An associated application for listed building consent has been submitted for the demolition and alteration of the existing buildings on the site (application number 22/00671/LBC).

Supporting Information

- Pre-application Consultation Report;
- Heritage Statement;
- Condition Survey;
- Planning Statement;
- Social Value Statement;
- Design and Access Statement and visualisations;
- Daylight/Sunlight and Amenity Assessment;
- Phase 1 Site Investigation
- Noise Impact Assessment;
- Air Quality Assessment;
- Sustainability Form S1;
- Sustainability Statement;
- Energy Statement;
- Flood Risk Assessment and Drainage Strategy;
- Surface Water Management Plan;
- Affordable Housing Statement;
- Transport Statement;
- Waste Management information;
- Phase 1 Ecology Assessment;
- Bat Survey; and
- Tree Survey.

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

Relevant Site History

21/04830/PAN
Site 117 Metres Southwest Of 6
New Market Road
Edinburgh

Redevelopment to form build-to-rent housing and purpose-built student accommodation with associated ancillary development, demolitions, public realm, landscaping and access.

Pre-application Consultation approved.
28 September 2021

Other Relevant Site History

97/00474/FUL
Site to rear of
11 New Market Road
Edinburgh
Erection of a leisure and retail development
Planning permission approved on appeal.
28 January 1998

Pre-Application process

Pre-application discussions took place including a review by the Edinburgh Urban Design Panel on 24 November 2021. The Panel's report can be viewed on the Planning and Building Standards Portal.

Consultation Engagement

Archaeologist

Hutchison/Chesser Community Council

Economic Development

Affordable Housing

Communities and Families

Flood Prevention

Scottish Water

SEPA

Edinburgh Airport

Parks and Greenspace

SportScotland

Edinburgh Access Panel

Police Scotland

Lothian and Borders Fire Brigade

Waste Services

Transport Planning

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 1 March 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 4 March 2022;

Site Notices Date(s): Not Applicable;

Number of Contributors: 17

Section B - Assessment

Determining Issues

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

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

Demolition

HES emphasises the importance of retaining listed building and only resorting to demolition if every other option has been explored. Keeping listed buildings in an existing use or finding a new use that has the least possible impact, are the best way to protect them. Alterations to a building, even if extensive, is better than losing the building entirely.

In this case, the approach taken is to retain representative, characteristic parts of the former cattle sheds along with a section of the curtilage buildings, including the part that contained the auction ring and use these elements to inspire positive change within the area. The historic architecture has been used to influence the design of the new development and this, along with a "heritage journey" through the site will retain the essence of the site's historic industrial past and physical evidence of how it once appeared.

The assessment of this proposal falls between the first two HES Managing Change publications listed above. Under the "Use and Adaptation of Listed Buildings" the section on 'selective demolition' is most applicable, although the extent of removal in this case is substantial. However, HES defines selective demolition as involving the removal, or demolition, of parts of a listed building to enable the significant parts of a listed building to be retained. In this sense, the proposed level of demolition falls into this category, given that elements of the structures to be demolished include less important component parts of the original buildings and later additions of little interest.

The final option in the "Use and Adaptation" document is 'enabling development' which in this case would mean using new build development to enable retention of more of the listed asset. However, this site is constrained in area and there is no prospect of obtaining adjacent land, so the enabling development option is not available. Even then, a fine balance has had to be reached in terms of new build development to allow meaningful retention of key elements of the listed buildings without compromising planning policy and guidance to an unacceptable extent.

HES's publication, "Demolition of Listed Buildings" applies even if part of a building is to be retained, but the proposed works would result in the loss of most of the listed building. The proposed scheme involves minority retention, even if the most representative parts, so has been assessed against the four situations described by HES. If one of the following situations applies, then the loss of a listed building is likely to be acceptable if this is clearly demonstrated and justified.

Is the building no longer of special interest?

The category B listed Livestock Sheds are of special historic interest forming part of a surviving range of buildings that formed part of the historic 'New Markets' complex, dating from the early 20th century. These markets were intended to replace and consolidate the various outmoded market facilities in central Edinburgh and were associated with two major new railway sidings providing the principal transport infrastructure serving the site. The layout for the site was set out in a master plan devised by the Public Works Office under the direction of James Williamson.

Whilst the former cattle sheds are relatively functional, backland structures, in contrast to the more former and decorative, sandstone frontage buildings, which include the Corn Exchange, they have intrinsic historic and architectural interest as a fine example of this building type and construction. This is derived from the structural scale and repetitive rhythms of the functional engineering required at this time to form five large clear span enclosures for sheltering livestock. In addition, the design is high quality with intricately detailed steel framing and glazed roof sections providing natural daylight.

The former Milch Cow Byres, although listed only as curtilage buildings, are part of this agricultural market range and form the south-east edge of the site, although facing into the site. This relatively modest, mainly rendered structure has historic interest as the site of the former auction ring and architectural interest in terms of the rhythm of its gable-on bays and stone wallhead feature panels and glazed cupolas in two of the bays.

Unsympathetic alterations over the years, notably those undertaken to form the current football, bowling and snooker complexes, have had a detrimental impact on the character of both listed structures. In particular, the widening of the westernmost structural bay of the former cattle sheds involved the replacement of original columns with functional steel supports which has upset the internal structural rhythm and authenticity of this bay. Also, partial-height concrete masonry walls, netting and metal cladding were erected to enclose open areas around the perimeter of the sheds detracting from the relatively open nature of the structures. The authenticity of the roof coverings of the sheds has been affected by functional localised repairs and the original interior of the former milch byres was lost in the conversion to the current use, including the installation of suspended ceilings throughout.

However, despite these alterations, the Livestock Sheds and Milch Cow Byres remain listed structures of significant interest.

Is the building incapable of meaningful repair?

This issue is separate to that of the economic viability of any repairs, which is considered below. Most traditionally constructed buildings, even those in an advanced state of decay, can be repaired. A summary of the condition surveys carried out on these listed structures is detailed below.

Livestock Sheds

The former cattle sheds comprise five main bays of steel framed structures, covered with a series of pitched and flat roofs, with a rendered changing room block on the north side. The frames consist of cushion capital columns carrying segmental-arched lattice beams which support segmental-arched roof trusses. The external elevations are formed in a mix of masonry walls with part roughcast finish, timber boarding and corrugated metal cladding and netting.

The condition survey concludes that the metal pitched roofs covering most of the football complex are in a very poor condition and need to be replaced in full, along with the existing roof light formations. Whilst the adjoining and detached pitched roofs are in a serviceable condition, these would require remedial work.

The structural steel columns and beams appear to be fair condition, with surface corrosion to the steelwork in some areas and especially at the junction of the steel beams and segmental-arched lattices. However, the structural integrity of these areas has not been established. The various types of external walling are in poor condition and require repairs/replacement.

Milch Cow Byres

The associated milch byres have masonry external walls clad in concrete roughcast with exposed sandstone features and the north elevation is painted. Overall, the structures appear to be in fair condition, with repairs required to the external elevations, although the external structure was not visible during the condition survey due to the extent of the external and internal coverings and numerous cracks in the render finish and areas of bossing were noted. The roof structure and slated pitches are in fair condition, with slates failing in localised areas. The windows which are single glazed, painted Crittal are in reasonable condition with spot corrosion.

In summary, neither of these buildings are incapable of meaningful repair, although the repairs required are extensive and costly, these would not diminish the buildings' special interest.

Is the demolition of the building essential to delivering significant benefits to economic growth or the wider community?

The proposed development will deliver benefits to the wider community in terms of housing and associated economic growth in the area. However, these benefits are not of public significance to the extent that they could be seen to outweigh the strong presumption in favour of retaining listed buildings.

Economic viability?

The final question is whether the repair and reuse of these listed buildings is not economically viable, that is the cost of retaining the structures would be higher than their end value. In such cases, the difference in repair cost to end value is known as the 'conservation deficit'. The principle of demolition should only be accepted where it has been demonstrated that all reasonable efforts have been made to retain the listed building.

In terms of use, the applicant's current operations at New Market Road are no longer sustainable due to the need to modernise the present facilities across the complex to meet and compete with modern requirements along with high ongoing costs of repair and maintenance of the structures across the complex. In particular, the cost of the repair and/or replacement of the roofs and glazed structures of the former cattle sheds and byres is unsustainable and cannot be avoided as some sections are now hazardous. This existing situation was compounded by a period of continuous shut down during the pandemic.

The economic viability of retaining all or parts of the listed fabric has been assessed by the applicant through a series of detailed speculative development appraisals based on condition surveys of the existing buildings and cost estimates, along with a marketing exercise.

A substantial "conservation deficit" has been identified across the site which would render the redevelopment of the site with full retention of the existing listed fabric, through minimum intervention, adaptation or extension, not economically viable. Also, the redevelopment of less sensitive parts of the site alone would be insufficient to cross fund the full retention of the existing listed structures. On this basis, the applicant has explored which alternative options would enable the viable retention of the most important representative elements of the listing buildings, within a relevant context. These options included alternative uses along with varying degrees of selective demolition and new build.

In assessing the associated application for listed building consent, Historic Environment Scotland (HES) accepts that there is a substantial conservation deficit, especially if listed buildings on the site are retained, but has noted concerns with the marketing process undertaken in terms of price, which should be the current market value of the site with its existing buildings, reflecting location and condition, and including a guide price on the marketing information. HES has also stated concern that the marketing was over prescriptive by way of considering interest for the retention and refurbishment of the existing premises only, excluding alternative uses. That acknowledged, these listed buildings, in particular the former cattle sheds, are difficult to re-use and adapt due to their form and scale, so the normal marketing guidance is less applicable for this site.

Economic Development has studied the applicant's calculations and found these to be generally acceptable with a reasonable, if below normal, profit margin. The proposal preferred by HES would not have been economically viable.

Retained Heritage Assets

The elements of the listed structures to be retained encapsulate the functional and historic use of these buildings, illustrating where the livestock were housed, milked and auctioned. These remnants also capture many key historic architectural features, including roof vents, stone banding, access doors, rainwater outlets, a hayloft door and trolley point. The original construction materials of sandstone, harling, slate, timber, metal and glass will also be evident in the retained structures.

Livestock Sheds

The significance of the main listed structures will be acknowledged in the proposed use as covered areas of the proposed "Heritage Square" leading to the entrance lobbies of the new BTR apartments.

The original ornate columns, primary trusses and finer, main-span secondary trusses of the cast iron frames will be fully refurbished and exposed to allow viewing of the original detailing. These are impressive, essential components of the sheds' construction.

Due to structural wind loadings and maintenance concerns, it is not proposed to retain the glazed elements of the roofs. However, the corrugated iron sheeting will be retained to the front two bays of the sheds. Some of this sheeting is understood to be original, but some parts have been replaced and altered for the existing use.

The space below the retained frames will form part of the main public realm space of the new development and two pavilion buildings will be sited below the second bays of the historic frames, connecting with the proposed BTR buildings. The omission of roof coverings over these second two bays (to the west) is acceptable to provide sufficient daylight to the new build structures.

The retention of the cast iron cupola structure over all four retained bays will keep an important record of the most visually decorative element of the roof and how daylight and ventilation, through the side louvered vents, was provided. The sheds were constructed with open sides and high-level timber-boarded infills on their end 'gables'. This cladding will be retained, along with the overhanging eaves, bargeboards and decorative plaque on the existing central bay. These are key elements of the historic roof structures which will give the retained bays visual and physical presence when viewed from the "Heritage Square" when entering the site from New Market Road and Asda Road. The decorative plaque will be placed on the first bay seen (to the south) to showcase the detailing of the historic architecture.

This showcasing of essential components of the Livestock Sheds will be continued through the retention of several original columns in their existing locations as part of the landscape design. These columns, in particular the linked columns immediately behind the retained shed bays will indicate the original extent of the livestock sheds.

Conditions have been applied to ensure that all the historic structures on the site are officially recorded and that a robust methodology statement is submitted for approval before any historic structures or features are demolished, relocated or removed from the site.

Milch Cow Byres and Sales Ring

The three bays of this range to be retained will be restored externally using original and matching materials and there are no surviving historic internal features of significance. The proposed uses, including a café/restaurant and wellness/yoga studio acknowledges the historic purpose of the auction area where people would gather to buy and sell livestock and a gives a humorous nod to where the cows were milked and fed in terms of the new food and drink use. Retained stonework and other significant architectural details from the livestock byres will be included in the new landscaping scheme to bring the site's industrial past to life.

A condition has been applied to ensure that the detailing of any alterations to the main façade to form new openings for the commercial uses will be of appropriate scale and detailing.

The industrial heritage of the site will be encapsulated in physical and narrative form. Apart from the retained elements of the actual structures, elements of the forms, detailing and materials of the proposed new build development will reflect those of the former cattle sheds and byres and this consideration of the history of the site will continue in the proposed landscaping through surface patterns and materials in the landscaping and street furniture. A new storytelling wall within the public square will provide a written and pictorial narrative.

Demolition Summary

In this case, based on a combination of the current condition of the main B listed structures and prohibitive repair costs, combined with the viability of the existing use without essential repairs being carried out, the only realistic way to save any key parts of the buildings is through radical intervention. Whilst the level of demolition is substantial, this is the minimum action necessary to preserve key elements of the special interest of these listed buildings which is also economically viable.

Whilst the extent of retention in terms of percentages of the listed structures on site is low at 12% of the Livestock Sheds and 37% the former Milch Cow Byres, the refined proposals include a level of retention in terms of representative parts and detailing which is sufficient to support the extent of demolition. A level of impact is unavoidable with this amount of demolition, although this is mitigated by the retention of key elements that contribute most to the buildings' respective special characters.

Setting

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The proposed redevelopment of this site will have an impact on the setting of the adjacent listed buildings which formed the public face of the historic 'New Markets' complex and define the street frontages of New Market Road. These buildings include the category B listed Corn Exchange and St Cuthbert's Association Cattle Depot and category C listed Market Refreshment Rooms to the east of the site. The street presence of these buildings as viewed from Hutchison Terrace is emphasised by the extensive area of fenced grass in front.

The category B listed retained façade of John Swan and Sons Livestock Market on the north side of New Mart Road and flanking façade of the Corn Exchange opposite presented the main secondary frontage to the complex. The southeast facade of St Cuthbert's Association Cattle Depot is prominent in views from the east.

Currently, the gables of the Livestock Sheds are just visible in the longer views from Chesser Avenue and in glimpsed views between the buildings fronting New Market and New Mart Road. Due to a change in site levels, only the roofs of the Milch Byres and Sales Ring and Livestock Sheds are visible from the east.

Whilst the proposed new build development will alter these views, most significantly when viewed from the junctions of Hutchison Terrace and New Mart Road and Asda Road and New Market Road, the scale, massing and design of the new structures will maintain an appropriate setting for the historic frontage buildings. Given the projection above the height of the listed buildings on New Market Road, the fragmentation and variation of the roofscape is a well-considered aspect of the new build design and the choice of materials in type and tone will create an appropriate and complementary backdrop to the listed frontage buildings. Importantly, the physical presence of the "New Markets" in the wider local area will be preserved.

In terms of the setting of the retained elements of the former livestock sheds and cow byres and auction ring, the proposed "Heritage Square" will maintain the openness, public nature and hardstanding character of the historic yard, whilst introducing an appropriate level of soft landscaping to provide visual and physical amenity for the new uses whilst improving water attenuation. The re-purposing of the former auction ring building as a community space will help reaffirm the building's importance as a key historical node on the site and emphasise the significance of the retained frames of the former cattle sheds. The proposed storytelling wall, retained heritage features and new landscaping elements influenced by the site's historic function and architecture will enrich the setting of the retained listed structures on the site, as well as the historic frontage buildings.

Conclusion in relation to the listed building

Overall, the proposed development will result in a degree of impact to the listed buildings in terms of the substantial loss of original fabric. However, this is justified as being the minimum level of intervention necessary to preserve key elements of the special interest of these listed buildings due to the current condition of the buildings, constraints of the site and need to devise an economically viable scheme which will bring wider public benefits. The treatment of the retained elements of the listed cattle sheds and significant curtilage buildings will preserve their historic and architectural character.

The proposed new buildings are of appropriate scale, massing, detailing and materials and along with new complementary landscaping, will have no detrimental impact on the setting of the retained listed structures on the site and other listed buildings in the immediate vicinity.

Conditions have been applied to ensure that the specifications for all proposed external materials for repairs and alterations to the retained historic assets on the site and proposed new buildings and landscaping are appropriate.

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance as the proposals preserve the features of these listed buildings that embody the special architectural and historic interest which the buildings possess.

b) The proposals comply with the development plan?

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

- LDP Environment Policies Env 2, Env 3, Env 4, Env 9, Env 12, Env 16, Env 20 and Env 21
- LDP Shopping and Leisure Policies Ret 5 and Ret 11
- LDP Des 1, Des 3, Des 4, Des 5, Des 6, Des 7 and Des 8
- LDP Housing Policies Hou 2, Hou 3 and Hou 4
- LDP Transport Policies Tra 1, Tra 2, Tra 3 and Tra 4
- LDP Delivery Policy Del 1

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 2, Env 3 and Env 4.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of the Housing, Design and Transport policies and other Environment policies listed above.

Principle of Development

The site lies within an urban area and Local Centre as defined in the Edinburgh Local Development Plan (LDP).

Policy Hou 1 gives priority to the delivery of the housing land supply on suitable sites within the urban area provided proposals are compatible with other policies in the plan. Given the surrounding residential character, this is a suitable site for housing and the proposals will contribute to a mix of uses in the local area. The site benefits from good public and active travel links and is located nearby to education and health facilities and local green spaces. Compatibility with other policies is assessed elsewhere in this report.

Policy Hou 8 presumes in favour of proposals for purpose-built student accommodation if the proposal meets both criteria a) and b). This site is on regular bus route which serves the city centre and campuses on the west side of the city, and there is scope for active travel to some campuses, such as the Edinburgh Napier Craiglockhart Campus (approximately 16 minutes on foot or 5 minutes by bike). Examples of the available bus routes include the no. 4 Lothian Bus from Slateford Road to Edinburgh Napier Craiglockhart Campus (a totally journey of around 11 minutes) and the no. 35 and 34 buses from Chesser Avenue and Slateford Road respectively to Napier's Sighthill Campus in a total journey time of approximately 14-19 minutes.

In terms of concentration of students living in the area the 406 rooms proposed will result in a substantial increase. However, the 393 build-to-rent apartments will dilute this student concentration, as a high number of non-students will also reside on the site. The latest available accurate data, from the 2011 Census, shows that there was a low concentration of students living in this area as defined by the Fountainbridge/Craiglockhart Ward (between 11.73% and 16.31%). Including the 2,603 approved student beds since the 2011 Census, this percentage increases to between 22.65% and 28.87% and the proposed development would result in a further increase of between 1.5% and 1.69%. Whilst the proposed level of student accommodation will increase the student population living in this area, the resulting concentration will not be excessive or to an extent that would be detrimental to the existing community.

In terms the existing uses on the site, which comprise covered, astro-turf five-a-side football pitches, a bowling alley, snooker/pool hall and sports bar, there is no LDP plan policy that seeks to prevent the loss of such leisure uses. However, the loss of these facilities is detrimental to the local community and this issue must be given weight. Alternative facilities and green spaces providing similar activities are available in the local area, including Meggetland, Craiglockhart and Saughton sports centres and Saughton public park. Whilst these facilities are around a ten- to fifteen-minute walk away from the site, they will provide some mitigation for the loss of the existing leisure uses. SportScotland has no objection to the proposals and considers the issue outwith its remit.

There is no prospect of this site being used for similar leisure purposes, given the condition of the existing buildings on site and need to redevelopment the site in an economically viable way. Also, the loss of the existing leisure use has to be balanced against the significant benefits of using this brownfield site for housing of a significant scale.

Policy Ret 5 presumes against proposals for non-retail development in a local centre which would have a detrimental impact on the function of the centre. The site is located within Chesser local centre and the proposal does not involve any loss of retail units.

Whilst the proposals are for a non-retail development, comprising build-to-rent homes, student accommodation and ancillary community facilities, these uses are unlikely to have a detrimental effect on the function of local centre. The increased footfall generated by a substantial increase in the number of people living in the local area should be of significant benefit to the function of the local centre, especially as the development will be car free, except for a few accessible spaces. The transport and shopping habits of new residents will have a positive impact on the surrounding area, whilst the new amenity facilities on the site are likely to encourage people to stay more in their local area. The promotion of the historic interest of the site, along with these new amenities could attract other people to visit the area.

Policy Ret 11 presumes against the change of use to Class 3 if likely to lead to an unacceptable increase in noise, disturbance, on-street activity or anti-social behaviour to the detriment of living conditions for nearby residents. The proposed cafe/restaurant is part of the new community facilities and ancillary to the main residential use and of a scale and location that would not cause any significant disruption for residents, both on and outwith the site.

The development is therefore acceptable in principle and complies with LDP policies Hou 1, Hou 8, Ret 5 and Ret 11.

Character and Setting of Listed Buildings

This has been assessed in section a) and the proposals comply with LDP Policies Env 2, Env 3 and Env 4.

Sustainability, Design and Sense of Place

The redevelopment of the key listed buildings into appropriate and sustainable uses, will regenerate New Mart Road into a thriving mix development area, delivering an increase in housing, mobility and accessibility. The proposed uses are compatible with the surrounding area. The sites' location being close to a mix of public transport routes and active travel networks, gives quick access to the city centre and encourages sustainable travel. This development will positively rejuvenate and improve the character of the immediate area, improving a sense of community, mobility and opportunity for active travel.

Sustainability

The proposed development will provide sustainable, high-quality housing, whilst increasing pedestrian permeability through the development via a new publicly accessible "Heritage Square" and improving access to the Water of Leith walkway and the national cycling network (route NCR 75). There will be increased inter-connectivity between New Mart Road and the Asda supermarket to the immediate south of the site.

The design strategy incorporates the principles of sustainable design and construction. Accessibility, connectivity and passive efficiency are also significant elements of the design. The strategy has taken proficient consideration of the retention of heritage elements, including the most representative parts of the existing structural elements and use of some of the material from demolition in the development. The proposed design incorporates passive measures to reduce energy demand for heating, cooling, ventilation and lighting. The installation of photovoltaic (PV) panels, heat pumps and low energy lighting will contribute to carbon reduction.

In terms of sustainable transport, the site is located on multiple bus routes and within easy walking distance of Slateford Rail Station. Proficient and secure off-street cycle parking will be provided for the BTR and student residents and the site has good access to existing active travel networks. No car parking is proposed, except for a limited number of accessible spaces.

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision of low and zero carbon air source heat pump technology and PV panels for heating and hot water and no fossil fuel use is proposed on site.

This is major development and has been assessed against Part B of the standards. The proposals meet the essential criteria with additional desirable measures including green roofs, rainwater harvesting and communal recycling.

Design

Architecture and Materials

The design concept draws upon the positive characteristics of the site and surrounding area, clearly taking consideration of the roof line and facades of surrounding listed buildings. The result is a coherent and integrated design from a variety of views and perspectives.

In terms of form and detailing, the proposed architecture is a modern re-interpretation of the historic industrial structures on the site, reflecting the level of architectural consistency evident in the utilitarian, but rhythmic forms of the former livestock sheds and cow byres. The proposed buildings incorporate key characteristic of the original forms and proportions with high density, sustainable construction and contemporary design details which results in distinctive, but complementary architecture. Though the development is of a larger scale than the original massing, the overall composition is sympathetic to the industrial feel of the site and forms an appropriate backdrop for the retained heritage assets and new setting for the adjacent listed buildings. The height of the new development will have no impact on any of Edinburgh's Protected Skyline Views.

The proposed materials palette is appropriate in this mixed-construction context, using a blend of contemporary and traditional industrial to complement the retained historic structures and evoke the architectural character of what was formerly on the site. The retention and reuse of original heritage fabric and use of traditional materials within the site will situate the development contextually, while the selected materials and tones for the new build elements will ensure that these structures sit unobtrusively behind the listed frontage buildings on New Market Road and New Mart Road. The inclusion of two different tones of brickwork, a variety of cement cladding in terms of detailing and colour and grey standing-seam roof cladding will make the new buildings fit in with the mixed materials palette of the surrounding area. The positioning and variation of materials will also differentiate blocks of accommodation and key nodal points within the development, whilst adding visual interest.

The pavilion buildings which sit below the historic cattle shed frames will be clad in dark grey fibre cement cladding with a linear texture to provide a definite contrast in material between the old and new structures, whilst signposting the central entrances to the BTR blocks.

A condition has been applied to ensure that the materials specifications are acceptable in terms of finer detailing, precise finish/tone and sustainability.

Views

Verified views of the proposed development have been produced from five important vantage points: Market Square (the new public square within the development), Hutchinson Terrace (junction with New Market Road), Chesser Avenue (where it meets Hutchinson Terrace), New Mart Road and the Asda car park. These demonstrate that the new buildings will affect the existing views, but in a positive, rather than negative, way.

From Market Square, the proposed image illustrates how the new build elements will sit positively with the retained heritage structures within a new, enhanced landscaped setting. In the view from Chesser Avenue, the roofscape and gable facades are clearly visible due to the height of the new development compared to that of Corn Exchange and adjacent frontage buildings on New Market Road. However, this added height is acceptable as it adds visual interest to the current scene without visually dominating these listed buildings. The latter's prominence is maintained through respectful and carefully positioned roof forms and materials.

The four-storey section of the BTR block and parts of the higher sections behind are conspicuous from New Mart Road. However, these elements sit in a non-domineering and complementary way across from the retained façade of the former John Swan and Sons Livestock Market and new-build office block alongside. Views of part of the gable and rear section of the Corn Exchange will also be impacted by the development but not in a negative way.

The Asda development has taken prominence in the view of St Cuthbert's Association Cattle Depot from Hutchinson Terrace. The new Affordable BTR and student accommodation blocks will sit below the height of the historic corner tower from this viewpoint and will not be highly conspicuous.

The height of these particular blocks is most apparent in the view from the Asda car park. However, the current view comprises mainly the side elevation of the existing modern shed on the site and the listed curtilage buildings and former St Cuthbert's cattle depot are not prominent from this viewpoint. The proposed buildings will provide an attractive new street frontage to Asda Road, as well as an improved sense of place and community, and increased security.

Density

The proposed 393 BTR units and 406 student bed spaces arranged within three- to eight-storey blocks is higher in density in comparison to the typical flatted developments within this area. However, this higher density is acceptable on this site which is relatively close to the city centre and with a good level of public transport accessibility. There is a rationale in this case for higher density development in terms of making efficient use of a brownfield site, helping to maintain the vitality and viability of the local businesses and services and encouraging the effective provision of public transport and active travel routes.

Also, the number of units proposed is linked to the viability of the scheme, given the heritage issues involved and on-site affordable housing provision, so a higher density than that of the surrounding area is acceptable in this context. The development will not be detrimental to the local character, environmental quality or residential amenity of the area.

The proposals therefore comply with LDP Policy Hou 4.

Housing Mix and Size

The BTR development will provide a mix of housing types from studios to three-bedroom family units. The latter apartments constitute 20% of the total BTR provision, which meets the requirements of the Edinburgh Design Guidance. Several of the larger units (including the two-bedroom) have direct access to private gardens and all have access to the communal gardens and shared car-free spaces which are generally safe areas for children to play.

The number of smaller units proposed reflects current market demand for BTR housing amongst a relatively young professional and well-educated workforce, particularly in the city centre of Edinburgh and along arterial routes. This location is particularly suitable being close to Slateford rail station and bus and active travel routes.

The Edinburgh Design Guidance includes minimal internal floor areas for flats and the proposed BTR units, including the affordable element, meet on average with the recommended minimum sizes, ranging from 36-43sqm (studio), 51-59 sqm (one-bedroom), 62-78 sqm for two-bedroom and 89-101sqm (three-bedroom). Any deviation is minor and affects open-plan flats only. The guidance allows flexibility in minimum floor areas where flats are open plan.

Criterion d) of the Student Housing Guidance requires student housing to comprise a mix of type of accommodation. The proposed mix of studio and cluster rooms each with en-suite shower rooms will meet the varying needs of students.

The proposals are in compliance with LDP Policy Hou 2.

Landscaping

Significant areas of soft and hard landscaping are proposed throughout the project, drawing heavily on the historic industrial use of the site as cattle sheds, in particular the retention of significant areas of hardstanding in the new public square which was a central yard when the sheds, auction ring and cow byres were in operation.

The project introduces an extensive amount of planting throughout, introducing trees, shrubs, hedging and ground cover planting appropriate to the localised site conditions. The size and species proposed are appropriate and will provide shelter, rainwater attenuation and visual interest within the site.

Greenery will be used to enhance the sense of space and hierarchy of spaces throughout the development and trees will create an avenue along the active travel route as a way of signposting.

The proposed hardstanding and street furniture materials are appropriate to the site's former industrial character. The siting and specifications have been selected to reflect the historic materials of the site whilst working for the proposed uses and water management, as well as adding visual interest and softness and demarcating distinct spaces.

Accessibility/Public Realm

As the development will be car free development, the opportunity has been taken to provide new active travel routes through the site and improve proposal permeability by introducing access nodes on all sides of the site. This includes the provision of platform lift and two flights of steps on the south side of the site where it meets Asda Road, to make the site accessible from the one edge where there is a distinct change of level.

The proposed development will open the site to the public, with the creation of a central square and throughways, delivering opportunities for the new and existing communities to grow. Pedestrians and cyclists will be attracted to enter and use the site as a secure amenity area and a connecting route from New Mart Road to the Asda store and the business and services within the Chesser Area, as well as to the Water of Leith and beyond.

The form of the new public realm is governed by the practical functions of hard-landscaped spaces, drainage, levels, light and access. The proposed hard materials palette is simple and high quality to reinforce the site's industrial past character and these materials are arranged to emphasise the hierarchy of public spaces and key routes across the site. Appropriately located and specified soft landscaping will provide an appropriate balance between respecting the historic setting of the retained listed structures, whilst providing amenity for residents and visitors in terms of shelter and visual softness and colour, increased biodiversity and improved natural drainage.

Sense of Place

The proposed development will create a new, distinguishable place which is rooted in the historic physical and operational characteristics of the site. This will be achieved through the interrelationship between the remaining parts of the original market buildings and new build elements and landscaping, along with a permanent on-site exhibition in the form of a story-telling wall explaining the processes that took place across the site. The use of the retained former auction ring/cow byre building as a community facility facing onto the main public space will further enforce a sense of place and encourage this area to become a hub for leisure and living activities.

Summary

In conclusion, the design of the development is based on a strong sustainable concept which draws upon the positive characteristics of the site and surrounding area and will create a new sense of place, in compliance with LDP Policy Des 1, Des 3, Des 4, Des 6, Des 7 and Des 8.

Archaeological Remains

The site is within an area of archaeological significance as it contains historic structures that formed part of Edinburgh's 'new markets' complex constructed by the Public Works Office in the early 20th century. A significant area of the site is occupied by the category B listed Livestock Sheds dating from 1912.

Whilst the scale of retention and re-use of the historic structures on site is limited, in this case there are valid grounds for permitting the extent of demolition proposed. However, it is important that the details of these buildings in their existing form are recorded prior to demolition and any significant archaeological remains revealed

Accordingly, a condition has been applied to ensure that a comprehensive programme of archaeological work is undertaken. This programme will include detailed historic building surveys prior to and during demolition/strip out works affecting the listed buildings on the site, a programme of public/community engagement during development and incorporation of the history of the site in the final design.

The development will therefore conserve any significant archaeological features, in compliance with LDP Policy Env 9.

Residential Amenity

Use

The proposed residential and student accommodation uses, along with the ancillary commercial uses, are compatible with the mixed, but predominantly residential, character of this area and will not lead to an unacceptable loss of amenity for any residential properties in the vicinity.

Communal/Private Outdoor Space

The total site area measures 16,892 sqm, 3631 sqm (21.5%) of which will be provided as usable green space, meeting the 20% target set out in LDP Policy Hou 3. To clarify, the definition of green useable space in the applicant's calculations is that where there is no mass planting (which would prevent useable access) or large areas of hard paved surfacing.

Further broken down, the proposed 392 BTR units, excluding the 39 units with private external spaces (1136 sqm in total), will have 2,544 sqm of useable external green space which equates to 7.2 sqm per unit. Policy Hou 3 requires that flatted developments provide 10 sqm of green communal space per flat (excluding any units with private gardens), so the proposed provision falls short under this measure.

The private gardens are not large but meet the minimum 3-metre depth as specified in the Edinburgh Design Guidance.

New Public Square

The shortfall in the normal standard for usable green open space will be mitigated to an extent by the communal open space provided within the proposed public square (2,472 sqm). This space includes appropriate green landscaping which will create an attractive amenity space with sheltered areas.

In terms of the Council's Open Space Strategy regarding play space, the nearest space of at least good play value is Saughton Park which is just within 800m of the site (around a 10- to 15-minute walk) and there are other smaller green spaces, such as Redhall Park (with play equipment) within this range. Craiglockhart Hills East and West and Dovecot Park are within a mile of the site on foot. In addition, the Water of Leith walkway is within a short walking distance and forms a green link to local green infrastructure.

The overall level of external amenity provided will be appropriate, given the heritage constraints of this site. The retained historic structures will provide an attractive backdrop and in part, functional element, of the communal amenity spaces created. The proposed spaces are varied in terms of type and appearance and there are sheltered seating areas with furniture and lighting designed to enhance the experience for users. The specified path surfaces, including within the greenspaces, will allow the use of these outdoor areas for, including people using wheelchairs and pushchairs.

Whilst several green roofs are proposed, these will only function for water management and biodiversity purposes and not as accessible green spaces. However, there are a couple of external communal terraces in BTR Block 1 and a number of units in the affordable block have small balconies.

Policy Hou 3 does not apply to housing built for occupation by particular groups such as students. However, an appropriate level of external green space is proposed amounting to 1183 sqm of communal space (3.4 sqm per unit) and 195 sqm of private space.

Internal Amenity Space

The BTR housing will have a good range of dedicated internal amenity spaces, including lounges, exercise facilities, working from home and study spaces and large shared kitchens.

An appropriate level of internal amenity space will be provided for the student accommodation, comprising 430 sqm of a range of communal amenity spaces, with direct access to private external terraces.

Aspect

The Edinburgh Design Guidance (EDG) requires a minimum of 50% dual aspect flats. In this case, the proposed BTR development achieves 33% dual aspect flats (29% dual aspect in the private BTR blocks and 44% in the affordable block). When the studio flats are excluded from the total number of private BTR flats, these blocks achieve 33% dual aspect, and no studios are proposed in the affordable block.

The EDG allows for a flexible approach to be taken for BTR housing where open-plan layouts are proposed (75% of flats in this development), given that such layouts allow light to penetrate more deeply into the units. Whilst the percentage of dual aspect dwellings does not meet the normal EDG standards, the proposed ratio of dual to single aspect flats is due to the significant site constraints and the built costs which will be relatively high. Only 4.5% of all the rooms of the single aspect analysed will not meet the daylighting standards.

All flats will have full-length windows with small Juliette balconies and those living on the upper floors will enjoy views across the city and beyond, so this will compensate for lack of dual aspect.

Daylighting and Sunlight

A Daylight and Sunlight Report has been submitted which tests the effect of the proposed development on daylighting levels for the neighbouring residential properties and future occupants of the new flats. The daylighting levels will meet the requirement as set out in the EDG within this urban context.

Daylight

The nearest residential properties in New Mart Square are too away far from the proposed development to be affected in terms of loss of daylight, so no calculations have been undertaken in relation to the impact on the surrounding residences.

As regards future occupiers of the development, the report demonstrates that 1,367 of the 1,436 rooms analysed (93%) will fully satisfy the EDG daylight distribution target. The majority of the remaining 96 rooms which will not meet the target level are bedrooms and a significant number will only fail marginally. These results are comparable with other mixed use BTR and student accommodation developments of this scale and density in Edinburgh and appropriate in this context where full compliance with the standards is challenging due to the heritage constraints of the site need to make the scheme viable.

Sunlight

A solar study has been carried out to the specifications set out in the EDG. The study shows that the minimum standard for sunlight hours will not be met within all the open space areas, although the level of failure overall is marginal (4%). The proposed Market Square accounts for 28% of the open space on the site and achieves two hours of sunlight over 50% of its area by this standard.

The proximity of the buildings has been driven by the creation of this public space to preserve the setting of the retained listed structures in central and eastern locations on the site, so a degree of overshadowing is inevitable. This level of sunlight for the new amenity areas is acceptable, given the proximity of the site to the Water of Leith and public parks. Also, the retained heritage assets will provide a level of amenity in terms of visual character and sense of place.

Privacy/Overlooking

The site is immediately adjacent to a performance venue, offices, a supermarket and fitness centre, including the associated car parks of the latter two and no residential properties overlook the site. Only the performance venue and fitness centre have mutual boundaries with the site and the maximum distances from the proposed buildings to these boundaries are met.

Almost all facing windows in the new apartments will be separated by 18 metres and those on either side of the throughway from the public square to BTR Block 2 which are only separated by 9.2 metres will be canted to protect privacy.

Noise

As noted above, the nearest residential properties to the proposed development are in New Mart Square which is a sufficient distance away from the commercial operations on the site, so there are no concerns regarding the impact of noise on surrounding residents.

In terms of noise levels from commercial premises affecting future occupiers of the development, Environmental Protection is particularly concerned that if justified complaints are received about commercial and or leisure noise from the adjacent performance venue (the O2 Academy) then action could be taken against the relevant businesses. The O2 Academy operates many large entertainment events, including music gigs, comedy shows and other live events throughout the year that can cause significant levels of noise. There may also be significant levels of noise from plant serving these uses and from people congregating outside the venue. Environmental Protection also has concerns about the deliveries and collections area for the music venue being adjacent to the proposed residential properties.

The Agent of Change Principle clearly places the responsibility for mitigating any detrimental impact from noise on neighbours with those carrying out the new development or operations. The Planning Advice Note on Noise (PAN 1/2011) advocates a pragmatic approach to the location of new development within the vicinity of existing noise generating uses.

The Agent of Change Principle is now enshrined in section 41A of the 1997 Act where:

"a development that is the subject of an application for planning permission is a noise sensitive development if residents or occupiers of the development are likely to be affected by significant noise from existing activity in the vicinity of the development and requires that the planning authority must, when considering under section 37 whether to grant planning permission for a noise sensitive development subject to conditions, take proper account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues or facilities including in particular, but not limited to live music venues or dwellings or businesses in the vicinity of the development, and may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise".

The applicant has submitted a revised Noise Impact Assessment (NIA) which assesses the impacts of the key noise generators affecting the site, that is, amplified music noise breakout from the O2 Academy and noise from its loading area and external smoking area. The other potential sources of noise generation have been assessed in the NIA, namely road traffic from the surrounding roads and building services and plant noise from the adjoining fitness centre (Nuffield Health). However, these are secondary factors in terms of degree of potential impact.

The O2 venue is operating under planning permission granted in 1998 (reference A 00474 97) to which conditions were attached to ensure that noise levels emitting from the venue from events and plant, machinery or equipment were acceptable in terms of the impacts on nearby living apartments. The scheme implemented includes a sound proofing "box" around the main noise generating part of the building.

The NIA concludes that secondary glazing will be required to control amplified music noise ingress into the affected residences facing the O2 Academy and some flats not directly facing the venue would also require upgraded glazing due to sound reflections from other buildings. The noise report identifies the areas where upgraded windows and facade build-ups will be required. Ventilation of these dwellings would need to be via mechanical units to avoid reliance on opening windows.

Environmental Protection states that these dwellings should achieve good standards in terms of noise levels allowing for windows to be open in habitable rooms (a closed window standard is only acceptable for transport noise) and that noise generated from the performance venue should be inaudible within the new development. However, this standard is unachievable on this site.

Environmental Protection accepts that the site may be suitable for residential development, subject to suitable mitigation measures alongside management of the development and its residents and that liaison between the development and music venue will be of critical importance in ensuring the protection of future residents and to protect the continued use of the venue.

Whilst the development will expose an increased number of residents to the noise from the O2 Academy, the required retention of key elements of the listed structures, significantly limits the opportunity for positioning residential blocks of the necessary density to make the scheme economically viable whilst maintaining a satisfactory level of amenity. In this case, the wider benefits of providing housing, including a 25% affordable element, outweighs any risk to the operation of the performance venue, given that adequate mitigation measures can be put in place to attenuate noise to an acceptable level within the nearest living apartments, albeit using a closed window standard. Also, noise from the performance venue is not constant. The applicant has highlighted that the acoustic assessment is based on the worst-case noise levels as observed over the two concerts attended, including with all the venue doors opened.

A range of conditions have been applied in order to mitigate any negative impacts on the amenity of future occupiers of the development from noise from the entertainment venue, including that generated externally by customers, servicing and transport activities, plant and road traffic. These conditions reference the standards specified in the NIA which identifies those dwellings which will be most affected. The proposed scheme includes a two-metre high imperforate acoustic barrier around the external amenity area adjacent to the external loading bay and glazing standards for properties most susceptible to road traffic noise on Asda Road and New Mart Road.

As regards any noise generation from the associated commercial uses proposed, the applicant confirmed that only certain Class 11 uses are proposed, i.e. a yoga/wellness studio. The commercial uses will comprise a small community café, co-working area and multi-functional community space which could be used for wellness, meetings or other activities and the limited scale of the areas available will restrict the numbers of people attending. These facilities will be housed within the retained parts of the historic auction ring and cattle byres range and no residences will be formed in this block. The measures proposed to protect future residents from unacceptable noise levels from the O2 Academy and road traffic noise will adequately mitigate any noise generated by these proposed commercial uses. For this reason, the restrictions on the type of cooking operations recommended by Environmental Protection are not required. However, a further condition has been applied to ensure that odours generated by any cooking operations associated with the approved Class 3, 10 or 11 uses are controlled by an appropriately specified ventilation system.

Air Quality

The application is supported by an Air Quality Impact Assessment there are no air quality issues arising from the proposals. Environmental Protection welcomes the proposed zero parking provision on the site (apart from two accessible spaces with electric vehicle charging points) and priority given to energy reduction and efficiency.

Ground Contamination

Due to the previous industrial use of the site, a condition has been applied requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place in the interests of future occupiers of the development, as recommended by Environmental Protection.

Summary

Whilst the level of residential amenity that can be provided on this site as required by policies Hou 3 and the Edinburgh Design Guidance will not be fully achieved on this site, there are mitigating circumstances why this is the case, primarily the required retention of representative parts of category B listed buildings. However, the level of non-compliance with the normal standards will not have a significant detrimental impact on overall amenity levels for future residents, particularly as the retained historic assets will be provide an attractive and meaningful social core to the development and the public realm be virtually car-free.

The development will therefore have no unacceptable detrimental impact on residential amenity, in accordance with LDP Policy Des 5.

Affordable Housing

An onsite affordable housing provision of 100 units (25% of the total number of BTR units) is proposed.

The applicant has submitted an Affordable Housing Statement which confirms ongoing engagement with potential affordable housing providers and a commitment to meet the Council's aspiration for a 70% social rent element to be met in conjunction with other tenure options. At this stage and due to ongoing commercial discussions, the applicant is unable to confirm the detailed tenure mix.

There will be a mix of 22 three-bedroom flats, 29 two-bedroom flats and 49 one-bedroom flats within a tenure blind block, well integrated with the wider development and occupying one of the most prominent areas of the site.

The provision of 100 on-site affordable housing units complies with LPD Policy Hou 6 and will be secured by a Section 75 legal agreement, including the final tenure mix.

Parking, road safety and infrastructure

Policy Tra 1 encourages major travel generating development to be located close to sustainable modes of transport.

This site is located within 400 metres of local bus stops on Chesser Avenue and Slateford Road, providing regular services to the city centre and other significant areas of Edinburgh. Lothian Bus services nos. 4, 34, 35 and 44 are frequent and night bus no. N44 runs two to three times per night. The site is also located within 400 metres of Slateford station (within a five-minute walk) which provides hourly rail services to Edinburgh Waverley and Glasgow Central Station. There is existing active travel infrastructure in proximity to the site, including the Water of Leith walkway and National Cycle Route 75.

The site is within easy walking distance of a wide range of amenities including open spaces, schools, retail, leisure facilities and health services. The development would therefore contribute to an existing 20-minute neighbourhood. The BTR and student accommodation units are likely to be occupied by younger adults who would most benefit from walkable access to local services and public transport links.

Currently, public access to the site can only be made from New Market Road, along the north-east side. The site plan seeks to create new pedestrian access points to the north-west (New Mart Road), south-west (to the Water of Leith) and south-east (to the supermarket). The proposal will therefore significantly improve permeability throughout the site, creating new north-south and east-west active travel corridors.

Car parking-free development

The scheme has been assessed against policies Tra 2 on private car parking, Tra 3 on private cycle parking and the standards set out in the Edinburgh Design Guidance.

The development is proposed as a car parking-free scheme therefore access is only required for change of term (students), accessible parking, car club members, refuse collection, deliveries, maintenance and emergency vehicles.

In terms of suitability for car parking-free status, the proposed development is in a sustainable location and in proximity to a range of sustainable and active means of travel. The applicant has submitted a detailed Transport Statement, rather than Assessment, on the basis that traffic generation will be low. Whilst current Scottish Government guidance, set out in Transport Assessments Guidance (dated 2012), makes it clear that a Transport Assessment is expected for developments in excess of 100 units, in this case the level of car ownership is likely to be low given the BTR and PBSA types of accommodation proposed and typical demographic of the occupants who fall into groups that tend to have lower car ownership.

The Transport Statement and subsequent information submitted provides evidence from recent examples of approved developments across Edinburgh with zero and very low parking provision, e.g. the residential flats, including affordable units and PBSA in Iona Street (reference 20/00972/FUL) and the PBSA development at Pentland House on Chesser Crescent. Whilst this site is not within an existing or proposed controlled parking area in contrast to many of the sites quoted, there is the possibility of parking overspill into the neighbouring streets in which there is substantial unrestricted on-street parking available. However, the applicant has provided data relating to car parking provision and uptake at other BTR sites that they manage which demonstrates that car parking uptake at these sites is generally quite low.

This, in addition to the general trend of reduced car ownership and gradual increase in car parking-free housing, along with an increased focus on sustainable transport and travel is sufficient justification to approve the proposed car parking-free development, despite the potential risk of a level of overspill, albeit likely to be insignificant. Moreover, the emerging City Plan seeks to reduce car travel and numbers and places a significant emphasis on the delivery of 20 Minute Neighbourhoods. An informative has been added recommending that the applicant develops a Travel Plan as a further way to promote journeys by public transport and active means. The scheme also proposes three car club spaces to reduce the need for private car ownership.

The restriction of car ownership through tenancy agreements has not been taken into account in terms of justification for approving a car parking-free development in this location, as stipulations of letting agreements are outwith planning legislation.

In terms of the possibility of the future conversion of the BTR or PBSA units to mainstream housing, this would be some time in the future when less car use/ownership should be in place along with improved public transport, if the aims of the emerging City Plan are met.

Cycle parking

The development is proposed as a car parking-free although access is required for accessible DDA parking (two spaces with EV chargers), refuse collection, deliveries, maintenance and emergency vehicles and vehicles associated with students' change of term.

The proposal is line with the guidance set out in the Edinburgh Design Guidance, providing 100% secure cycle parking for the proposed BTR and PBSA accommodation and exceeding the required number of visitor spaces. All are at ground level, except the stores for the student flats which are at lower ground level. However, this is acceptable as these stores will be accessible via a cycle-friendly lift and ramp. The short stay/visitor parking within the site landscape will be well-overlooked by the flats.

The cycle stands will be a mostly two-tier and parking spaces for a range of non-standard bicycles will be provided within a dedicated store. This storage area will have the potential for the inclusion of workshop/maintenance facilities. Whilst this level of two-tier provision does not comply with the Council's cycle parking Factsheet which requires 50% single tier, 54% of the total cycle parking provision will be at ground level. This is an acceptable compromise in order to accommodate 100% parking provision on this constrained site along with a viable level of living space.

A condition has been applied to ensure that proposed specifications for secure cycle parking are in accordance with the design standards as set out in the Edinburgh Design Guidance and the Council's cycle parking Factsheet and that access into the site caters for cyclists of varying needs.

Road Safety

Vehicular access will be available to the site from New Mart Road via a shared street, allow vehicle movement at slow speeds while prioritising pedestrians and cyclists. Servicing vehicles for the O2 Academy will enter the site from New Mart Road and exit onto New Market Road via a separate lane on the east side of the site, which will improve road safety. A condition has been applied to secure pedestrian-priority signage and a 5-mph speed limit on the shared street which will improve road safety.

A new crossing point will be formed on Asda Road which will connect to new steps and an accessible platform lift, addressing an existing 2.5 metre level difference between the site and road. This will improve pedestrian safety between the new development and supermarket. A condition has been applied to ensure that the new pedestrian crossing is designed in accordance with the Council's road standards and implemented before any part of the site is occupied.

If approaching the site from Slateford train station, there are controlled crossings on Slateford Road which will ensure that pedestrians are able to safely cross this busy main road to access the development. Dropped kerbs will be installed at the existing and new accesses to the site. Visibility is good on Asda Road, New Market Road and New Mart Road in the vicinity of potential crossing points.

Waste/Serviceing

Delivery and maintenance vehicles will access the site from New Mart Road and turn at the end of the shared street. Detailed drawings have been submitted showing the locations and capacities of bin stores within the development, all of which will be located adjacent to the street in line with the Council's requirements and the type and capacity of bins, including recycling bins for different materials, has been agreed with Waste Planning.

Roads Infrastructure

The Roads Authority has requested a financial contribution of £18,000 for the provision of the three car club spaces on New Mart Road (£1,500 for the order plus £5,500 per vehicle).

An informative has been added to secure this contribution through a legal agreement.

Education Infrastructure

This site falls within Sub-Area T-2 of the Tynecastle Education Contribution Zone.

The proposed development is required to make financial contributions of £658,759 and £80,411 towards the delivery of primary and secondary education infrastructure respectively within this zone (an additional class at Balgreen Primary School and additional places at St Augustine's RC High School). This sum is calculated on the basis of the 'per flat' rate for 191 proposed flats within the development (excluding the one-bedroom and studio flats).

An informative has been added to secure these contributions through a legal agreement.

Summary

The proposed development will therefore have no detrimental impact on road safety or infrastructure. The scheme includes an appropriate level and type of cycle parking, as well as a few accessible car parking spaces, to cater for the various transport needs of future residents of this car-free development. The proposal complies with LDP Policies Tra 1, Tra 2, Tra 3 and Tra 4.

Flooding and Drainage

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposal includes green roofs, rain gardens and permeable paving.

As regards surface water management, there is an existing connection from the site to the local public sewer network. However, the proposed surface water drainage measures will attenuate flows from the proposed development to achieve a discharge rate of 7.5 litres per second for the whole site in line with the Council's requirements. No underground attenuation tanks are proposed.

A condition has been applied requiring the applicant to confirm that Scottish Water accepts the proposed surface water discharge to the surface water network prior to construction.

The proposals satisfy the Council's Flood Prevention requirements.

Biodiversity

The accompanying public realm scheme proposes a blend of hard landscape with softer green corridors connecting through the development to the Water of Leith, which will encourage local biodiversity.

The proposed soft landscaping contains a variety of low-level planting to suit the local environment and support biodiversity and the brown self-seeding roofs will further enhance local biodiversity by creating a natural habitat that supports various plants, invertebrates and birds. A condition has been applied to ensure that swift bricks are included on the elevations of the new accommodation blocks.

The Preliminary Ecological Appraisal concludes that the site had limited potential to support bats and none were observed during the emergent survey. However, as a precaution, an informative has been added recommending a Tool Box Talk regarding bats prior to the commencement of works on site.

The development will encourage local biodiversity and complies with LDP Policy Env 16.

Conclusion in relation to the Development Plan

Overall, the proposals comply with the Local Development Plan and with particular respect to the provision of housing, including affordable, sustainability, active travel and creating a sense of place.

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, particularly in terms of making efficient use of existing land for accessible housing, supporting climate change mitigation and promoting industrial heritage.

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.

Lift access will be provided throughout all the proposed residential blocks and there is level or ramped access to the associated commercial uses and community facilities. Two accessible car parking spaces are proposed off the shared street and a variety of cycle parking spaces will be provided for people with various needs.

The site will be accessible throughout with various level routes through and an accessible platform lift is proposed where there is a change in level between the site and Asda Road. Beyond the site there are two level access points to the Water of Leith walkway leading from New Mart Road: one near the Asda petrol station and the other beside New Mart Gardens.

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

Public representations

A summary of the representations is provided below:

material considerations

- loss of the listed buildings on the site, therefore contrary to Policy Env 2;
- no sufficient case has been made that all alternative local centre uses for the historic buildings have been explored;
- the merits of the proposed development and any perceived public benefits
- do not outweigh the loss of the existing listed buildings;
- the development will harm the setting of the adjacent listed buildings, contrary to Policy Env 3; and
- the existing historic structures on the site would be irreversibly damaged, contrary to Policy Env 4.

The impact on the existing listed buildings on site and the adjacent listed buildings, including the setting of both and case for substantial demolition, is assessed in section a) of the assessment. The relevant determining issue is whether the proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance. In this case, the level of demolition proposed is necessary to prevent the total loss of the heritage assets.

Principle

- loss of the existing covered football pitches, bowling alley and car boot sale without any comparable football facility near the local community;
- there is a need for more homes for rent rather than student accommodation;
- there will be an over-supply of student accommodation in the area, contrary to Policy Hou 8 and there is no university close-by;
- student accommodation may be used for short-term lets outwith term time;
- the local centre will be detrimentally affected by the proposed uses, which is contrary to Policy Ret 5.

The proposed uses on the site are assessed in section b) of the assessment and are judged to comply with the relevant LDP policies. The part-time car boot sale on the site is not an authorised use in planning terms, so the loss of this use has not been assessed. Whilst this special football facility is not available at the nearest sports centres which are around a ten- to fifteen-minute walk away from the site, these centres do provide alternative sporting activities.

Design

- the development will fail to meet the principles of Scottish Planning Policy in terms of efficient use of existing capacities of land and buildings, improving health and well-being, enhancing or promoting access to cultural heritage, reducing waste and
- avoiding over-development;
- there will be a lack of sense of place, which is contrary to Policy Des 1;
- the design concept takes no reference from the characteristics of the site or surrounding area in terms of scale, height, massing and density, contrary to Policy Des 3;
- the development will not have a positive impact on its surroundings, including the wider townscape and landscape and existing views, contrary to Policy Des 4 and Des 11; and
- the development will lack green space and landscaping.

The design of the proposals, including sustainability, is assessed in section b) of the assessment and are judged to comply with the relevant LDP policies and development principles of Scottish Planning Policy.

Residential Amenity

- too many people will be living in the area causing over-crowding and noise;
- this site is not appropriate for students due to noise and air pollution issues; and
- the new buildings will block views from flats in New Mart Square.

The impact of the proposed development on the amenity of existing and future residents of the area is assessed in section b) of the assessment. Loss of private views are not protected in planning policy.

Access, Parking and Infrastructure

- there are insufficient through routes, linkages to active travel routes;
- a car-free zone is too optimistic and there will be parking over-spill in the neighbouring residential streets;
- the provision of cycling parking is unclear in terms of the layout of stores and types of stands;
- increased traffic will cause congestion, create a hazard for pedestrians at two busy crossroads and ruin a quiet residential area;
- the local infrastructure is inadequate; and
- further development will cause strain on the drainage system.

The impact of the proposed development in terms of access, parking and infrastructure is assessed in section b) of the assessment and the proposals are judged to comply with the relevant LDP policies and guidance. Further details of the proposed cycle parking provision have been submitted since the relevant comments were received.

general comments

- the proposed build to rent residential flats are in close proximity to the O2 Academy and the information contained in the submitted noise application is insufficient in terms of ensuring that the proposed noise sensitive development is equipped with sufficient measures to mitigate, minimise or manage the effect of noise from the entertainment venue;
- bullet need restrictions on car ownership to avoid parking over-spill;
- the number 300 bus is omitted from the Transport Statement;
- could the developer assist with the diversion of buses to re-use the former stops on New Market Road and Asda Road?
- there is insufficient information to assess whether the cycle parking provision will meet Council guidance;
- a Travel Plan welcome pack is required for the residents and students;
- swift bricks should be incorporated in the elevations;
- the plans are too numerous and small-scale to assess the proposals;

Robust, suspensive planning conditions have been applied to ensure that detailed noise mitigation measures are devised to the satisfaction of the planning authority and implemented on site before any of the new residential accommodation is occupied. Detailed information on bus routes serving the site is in in section b) of the assessment and the issue of additional bus stops is a matter for the bus companies to address. An informative has been added requiring a Travel Plan and a condition has been added to ensure that swift bricks are incorporated in the elevations of the new accommodation blocks. The plans submitted are adequate in terms of planning requirements.

Conclusion in relation to identified material considerations

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

Overall conclusion

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving the parts and features of the listed buildings that embody the special architectural and historic interest which the buildings possess.

Overall, the development is in accordance with the development plan. The proposals will deliver a sustainable and well-designed urban residential scheme that draws on the industrial heritage of the site to create a strong sense of place and will support the adjacent mixed uses surrounding the site. Any deviations from Council policy or guidance are relatively minor and balanced by the wider benefits of the development in terms of the provision of housing with an appropriate affordable element on a redundant brownfield site, along with reduced reliance on car usage. Moreover, this is an exceptional situation where opportunities for development on this site are severely restricted by the need to preserve representative parts of important listed buildings. Alternative uses are limited for the category B listed former cattle sheds in particular, due to the industrial form, extent and condition of these structures.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

Other material considerations support the presumption to grant planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. 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. A detailed methodology statement for the dismantling, storage and re-erection of the elements of the Livestock Sheds hereby approved for retention shall be submitted and approved in writing by the Planning Authority before any demolition works commence on these structures. The materials used for re-installation shall comprise original elements only, with the exception of any sections/areas where there is insufficient original materials to form the entire architectural element/feature. In such cases, details of the proposed repair/replacement materials shall be provided in the methodology statement.

No part of the development hereby approved shall be occupied until the elements of the Livestock Sheds approved for retention have been re-erected in a manner satisfactory to the Planning Authority and before written approval has been obtained from the Planning Authority.

3.
 - i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
4. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, public engagement, interpretation analysis and reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
This shall include detailed historic building surveys undertaken prior to and during demolition/strip out works of both the former listed Livestock Sheds and Milch Cow Byres and Sales Area Ring. These surveys will include surveyed elevations, phased plans, combined with photographic and written surveys and archival research to provide an accurate and permanent record of these historic buildings.
5. Details of the proposed new openings for the commercial uses within the retained parts of the Sales Ring/Milch Byres building shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
6. A detailed specification, including trade names (where appropriate) and sources, of all the proposed external materials (including recycled materials from the demolished structures) for repairs and alterations to the retained historic assets on the site and proposed new buildings and landscaping shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. Note: samples of the materials may be required.

7. Prior to the commencement of construction on the residential and student accommodation blocks hereby approved, details of the proposed acoustic glazing and trickle vents specified within the Noise Impact Assessment (NIA) by Sandy Deans consultants, dated 3 July 2022, in Table 5 on page 16, Figure 15 on page 28 and the proposed standard double glazing and trickle vents for all the remaining flats shall be submitted and approved in writing by the Planning Authority. The approved glazing and trickle vents will then be fitted on all respective habitable room windows before any of these rooms are occupied.
8. Prior to the commencement of construction on the residential and student accommodation blocks hereby approved, details of the proposed masonry facades specified in paragraph 4.7.2 on page 17 of the above NIA and the proposed roof construction and mechanical ventilation specified in paragraphs 4.7.3 and 4.7.4 on page 18 of the NIA shall be submitted and approved in writing by the Planning Authority. The approved construction and mechanical ventilation details will be incorporated in the respective areas of the buildings before any of the residences within these areas are occupied.
9. Prior to the occupation of the BTR blocks hereby approved, details of the proposed noise barrier shown in plan in Figure 16 on page 31 of the NIA shall be submitted and approved in writing by the Planning Authority. The approved barrier will be erected in the location specified before any of the BTR residences as are occupied.
10. Details of the proposed ventilation system for any cooking operations associated with the approved Class 3, 10 or 11 uses shall be submitted and approved in writing by the Planning Authority and installed and no odours shall be exhausted into any neighbouring premises. Confirmation from a suitably qualified ventilation specialist will be required to confirm that the system will be able to attain a minimum of 30 air changes per hour. The approved system shall be installed and operational prior to start of the respective commercial operation on site.
11. The Class 11 use hereby approved shall be restricted to a yoga/wellness studio use
12. The detailed specifications for the secure cycle parking hereby proposed shall be in accordance with the design standards as set out in the Edinburgh Design Guidance and the Council's cycle parking Factsheet. The platform lift into the site shall be specified to allow access for cargo bikes and adapted cycles and all new steps shall include a gutter to improve access for cyclists.
13. The proposed new pedestrian crossing shall be designed in accordance with the Council's road standards and implemented before any part of the site is occupied.
14. The applicant shall confirm that Scottish Water accepts the proposed surface water discharge to the surface water network prior to construction.

15. 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 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) location and timing of sensitive works to avoid harm to biodiversity features;
 - e) times during construction when specialist ecologist need to be present on site to oversee works;
 - f) responsible persons and lines of communication;
 - g) role and responsibilities on site of ecological clerk of works (ECoW) or similar competent person; and
 - h) use of protective fences, exclusion barriers and warning signs.
 16. Swift bricks shall be installed in the elevations of the new build residential blocks hereby approved. The proposed specification and locations shall be submitted to and approved in writing by the Planning Authority prior to construction works commencing on site.
 17. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
 - management of any flat/shallow pitched/green roofs on buildings or solar panel structures within the development site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards.'
- The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.
18. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the character of the statutorily listed building.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
4. In order to safeguard the interests of archaeological heritage.
5. In order to safeguard the character of the statutorily listed building.
6. In order to enable the planning authority to consider this/these matter/s in detail.

7. In order to protect the amenity of the occupiers of the development.
8. In order to protect the amenity of the occupiers of the development.
9. In order to protect the amenity of the occupiers of the development.
10. In order to protect the amenity of the occupiers of the development.
11. In order to protect the amenity of the occupiers of the development as there are a number of potential uses within Class 11 that would not be suitable within this predominantly residential development.
12. In order to ensure that the level of off-street cycle parking and access is adequate.
13. In order to safeguard the interests of road safety.
14. In order to ensure that the level of drainage infrastructure is adequate.
15. In order to safeguard the interests of nature conservation.
16. In order to safeguard the interests of nature conservation.
17. In order to minimise the attractiveness of the development to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
18. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been concluded to secure the following:

Affordable Housing

- 25% of the residential units to be of an agreed affordable tenure, delivered in accordance with the Council's affordable housing policy and guidance, including a social rent element of at least 70%;

Transport

- the sum of £18,000 for the provision of the three car club spaces on New Mart Road (£1,500 for the order plus £5,500 per vehicle) in the area in line with the Council's LTS Cars1 policy;
- the provision of a pedestrian crossing on Asda Road opposite the accessible access to the site, to the satisfaction of and at no cost to the Council.

Education Infrastructure

- the sums of £658,759 and £80,411 towards the delivery of primary and secondary education infrastructure respectively within Sub-Area T-2 of the Tynecastle Education Contribution Zone (an additional class at Balgreen Primary School and additional places at St Augustine's RC High School), calculated on the basis of the 'per flat' rate for 191 proposed flats within the development (excluding the one-bedroom and studio flats).

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4.
 - a) The applicant shall submit and follow a Construction Environment Management Plan to the satisfaction of the Planning Authority.
 - b) Any car parking spaces shall have provision for electric vehicle charging points and installed in accordance with The Institution of Engineering and Technology's Code of Practice for Electric Vehicle Charging Equipment Installation 2nd Edition (2015),
 - c) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
 - d) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

e) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

f) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

g) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

h) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

i) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.

j) No bonfires shall be permitted.

5. In accordance with the Council's LTS Travplan3 policy, the applicant should develop a Travel Plan including provision for public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.
6. The Bird Hazard Management Plan must ensure that flat/ shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access ladders or similar. The owner/ occupier must not allow gulls, to nest roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/ occupier when detected or when requested by BAA Airfield Operations staff. The owner/ occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/ occupier must obtain the appropriate licences from the Scottish Executive Environment and Rural affairs Department (SEERAD) before the removal of nests and eggs.

7. A Toolbox Talk regarding bats should be carried out prior to the commencement of works on site.
8. The final agreement letter for this development will be subject to a site visit by CEC Waste Services prior to collections being agreed to confirm all aspects of our guidance had been adhered to. The developer should contact the relevant office a minimum of 12 weeks prior to occupation (individual and communal) to allow time to purchase the bins and set up the site visit for the final checks/agreement on collections.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 1 March 2022

Drawing Numbers/Scheme

01A-4A,05B-26B,27A-36A,37B-43B,45A-56A+57

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

NAME: Archaeologist

COMMENT: It is recommended that the designs are re-submitted showing greater retention and reuse of historic fabric either by adding at least a further framed section. If permission is granted it is essential that detailed historic building surveys are undertaken prior to and during demolition/strip out works of both the former listed Livestock Sheds and historic Milch Cow Byres and Sales Ring.

It is further recommended that as part of any agreed programme of archaeological works that a programme of public/community engagement is undertaken during development and that the history of the site is incorporated with the final design.

DATE: 2 May 2022

NAME: Hutchison/Chesser Community Council

COMMENT: No comments received.

DATE:

NAME: Economic Development

COMMENT: It is estimated that the proposed development would support approximately 162 FTE jobs and £6.347 million of GVA per annum (2019 prices). When the impact of the existing buildings is accounted for, the projected net impact is an increase of 19 FTE jobs and £1.183 million of GVA per annum (2019 prices).

DATE: 17 March 2022

NAME: Affordable Housing

COMMENT: The Housing service cannot currently support this application as the applicant has not provided justification for intermediate rent as the affordable tenure. The applicant has not committed to the highest priority affordable housing tenure, social rented homes, nor provided sufficient justification why social rent may not be delivered. We would invite the applicant to explore social rent delivery with a registered social landlord and further engage with the Housing Service.

DATE: 3 October 2022

NAME: Communities and Families

COMMENT: The site falls within Sub-Area T-2 of the Tynecastle Education Contribution Zone.

The proposed development is required to make financial contributions of £658,759 and £80,411 towards the delivery of primary and secondary education infrastructure respectively within this zone (an additional class at Balgreen Primary School and additional places at St Augustine's RC High School). This sum is calculated on the basis of the 'per flat' rate for 191 proposed flats within the development (excluding the one-bedroom and studio flats).

DATE: 26 July 2022

NAME: Flood Prevention

COMMENT: This application can proceed to determination with no further comments from CEC Flood Prevention, although we would recommend the following is added as a condition:

Prior to construction, the applicant should confirm that Scottish Water accept the proposed surface water discharge to the surface water network.

DATE: 13 June 2022

NAME: Scottish Water

COMMENT: 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.

DATE: 29 March 2022

NAME: SEPA

COMMENT: No comments received. There is no risk of river or coastal flooding at the site, so the development falls below the threshold for site specific comments.

DATE:

NAME: Edinburgh Airport

COMMENT: The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria, unless any planning permission granted is subject to a condition requiring the submission of a Bird Hazard Management Plan.

DATE: 4 April 2022

NAME: Parks and Greenspace

COMMENT: No comments received.

DATE:

NAME: SportScotland

COMMENT: The requirement for consultation to sportscotland is set out in The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (Schedule 5). The facilities which would be affected do not fall within the uses in respect of which there is a requirement for consultation to us.

That said, we are aware that these are spaces used by the sporting community and would suggest that the Council in their wider role as planning authority give consideration to this aspect.

DATE: 1 April 2022

NAME: Edinburgh Access Panel

COMMENT: No comments received.

DATE:

NAME: Police Scotland

COMMENT: No comments received.

DATE:

NAME: Lothian and Borders Fire Brigade

COMMENT: No comments received.

DATE:

NAME: Waste Services

COMMENT: This development would be accepted for waste and recycling collections at the planning stage with the waste strategy plan provided in the PDF, 2435 New Mart Road - Waste Management REV B.

DATE: 5 October 2022

NAME: Transport Planning

COMMENT: Whilst there are no objections in principle to the proposed application, issues regarding parking overspill, cycle parking and wheelchair access are not considered to have been adequately addressed

If minded to grant permission, the following conditions or informatives should be included as appropriate:

- a contribution of £18,000 for three car club spaces;
- a minimum requirements of 50% single tier cycle parking; and
- a Travel Plan,

DATE: 3 October 2022

NAME: Environmental Protection

COMMENT: Environmental Protection cannot support this application for several reasons in relation to the effects of noise on future residents. We require this type of noise to be inaudible in new developments and to be assessed with an open window. The applicants noise impact assessments have modelled that noise levels at the nearest proposed units on the site will require acoustic attenuation measures to reduce the exposure of future residential occupants to the potentially harmful effects of music noise in the immediate proximity of the site boundaries, but no specific details on the required glazing units or on the proposed ventilation strategy have been provided. The music venue building is well acoustically insulated but there is still noise breakout from the roof, doors and walls. It is possible that elevated noise levels were incurred during the most recent noise survey as the music venue opened doors which would enable more music noise to escape. As such the impact of the music venue has been assessed based on best available survey data and information known to the applicant and Environmental Protection. There are planning conditions on the music venue which should ensure that these doors are kept closed. Regardless, the music noise escaping the venue even with doors closed would still be problematic.

Liaison between the development and the music venue site will be of critical importance in ensuring the protection of future residents and to protect the continued use of the music venue.

There are no conditions that can be applied to ensure amenity of future tenants is protected.

If planning permission is granted, conditions should be applied on site contamination, noise from the proposed commercial/ entertainment uses (including plant noise), noise during construction and the restriction of cooking operations for the proposed Class 3, 10 and 11 uses.

DATE: 7 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 26 October 2022

Application for Listed Building Consent

Site 117 Metres Southwest of 6, New Market Road, Edinburgh.

Proposal: Part demolition and alterations of listed buildings in association with proposed mixed-use development

Item – Other Item at Committee

Application Number – 22/00671/LBC

Ward – B09 - Fountainbridge/Craiglockhart

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the proposed works affect category B listed buildings and involve a significant degree of demolition.

Recommendation

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

Summary

The proposal is acceptable with regard to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving the parts and features of the listed buildings that embody the special architectural and historic interest which the buildings possess and there will be no detrimental impact on the setting of any listed buildings.

Overall, the proposals comply with Historic Environment Scotland policy and guidance, with particular regard to securing a sustainable and long-term use of the remaining parts of these category B listed buildings. Whilst the level of demolition will result in a degree of impact, this is justified as being the minimum level of intervention necessary to preserve key elements of the special interest of these listed buildings due to the current condition of the buildings, constraints of the site and need to devise an economically viable scheme which will bring wider public benefits. The treatment of the retained elements of the listed cattle sheds and significant curtilage buildings will preserve their historic and architectural character.

SECTION A – Application Background

Site Description

The application site measures 1.78 hectares and is located to the south-west of New Market Road, on the south side of New Mart Road.

The site is occupied by a range of buildings that formed part of the historic 'New Markets' built between 1905 and 1918 which include the Corn Exchange to the north of the site. A significant area of the site is occupied by the category B listed former Livestock Sheds dating from 1912 by James A Williamson, Superintendent of Works, comprising a five-aisled, steel-framed cattle shelter with a corrugated asbestos and glass roof (reference LB30283, listed on 16.06.1992). These are in use as five aside football pitches. The associated rendered range of buildings along the south-east edge of the site comprising the former Milch Cow Byres and Sales Ring are listed as part of the curtilage and are in use as a tenpin bowling alley and snooker/pool hall.

The main buildings of the historic market complex are located to the north-east of the site on New Market Road and north of the site on New Mart Road as follows:

- 11 New Market Road, Corn Exchange, category B listed (reference LB30282, listed on 16.06.1992);
- 8-9 New Market Road, Newmarket Pockets, Former Market Refreshment Rooms, category C listed (reference LB30281, listed on 16.06.1992);
- 6 New Market Road, St Cuthbert's Association Cattle Depot, category B listed (reference LB30280, listed on 10.06.1992); and
- New Mart Road, John Swan and Sons Livestock Market including Caretaker's House, gates and gate piers, category B listed (reference LB30317, listed on 01.07.1994).

The site is mainly level with a marked drop in level between the adjacent Asda supermarket car park and range of buildings containing the tenpin bowling alley and snooker/pool hall. The primary access into the site for pedestrians and vehicles is off New Market Road and there is a historic entrance to the west of this access which is now used for servicing and deliveries to the Corn Exchange complex. Another vehicular entrance accesses the south-west corner of the site off New Mart Road through locked gates.

The surrounding area is mixed-use in character, including predominantly three-storey, modern residential flats to the immediate north beyond the former John Swan and Sons Livestock Market, now in use as offices and small-scale business units. The Corn Exchange buildings, restored in 1999, are in use as a concert and entertainments venue with a bar/bistro occupying the former Market Refreshment Rooms and a meat wholesaler is in the historic St Cuthbert's Association Cattle Depot. An Asda supermarket and associated car park lies to the south-east of the site and a gym with extensive car parking occupies the land to the south-west of the site. The Risk Factory community centre is beyond the gym site beside the Water of Leith.

Description of the Proposal

The proposal includes the partial demolition of the former cattle sheds, cow byres and modern sheds on the site associated with the erection of a mixed-use development comprising built-to-rent (BTR) apartments and student accommodation and alteration of the remaining sections of these buildings to form associated features and facilities.

Approximately 12% of the former Livestock Sheds will be retained in the form of four central bays of the frames (two bays wide and two bays deep) along with elements of the roof structure, including the cupola frames and timber lined gables. Six additional columns will be retained as freestanding elements within the landscape, including girder trusses to link the two columns immediately behind the retained shed bays. These bays will be moved forward (to the east) by one bay depth to form a central part of the masterplan design. The frames will be dismantled to ascertain which segments are in the best condition and which original/existing cladding materials can be retained. Two new pavilion buildings forming the main entrances to the will be erected below the retained structures.

The proposals seek the retention of three eastmost bays of the Milch Cow Byres and Sales Ring, equating to approximately 38% of the existing range. The section which contained the auction ring is included, along with the former milking byres and one bay of the livestock byres, which has a clock on the front facade. New community uses will be accommodated within these structures involving the removal of existing partition walls and erection of new partitions.

In addition to the larger structures detailed above, several feature elements of the listed buildings will be retained within the proposed landscaping, including several columns of the Livestock Sheds in their existing locations and stonework detailing from the former cow byres.

Scheme 1

The original scheme proposed the retention of only the steel frames of the Livestock Sheds, without key elements of the roof structure and coverings or timber gable infills.

An associated application for planning permission has been submitted for the demolition and alteration of the existing buildings on the site and erection of a mixed-use development comprising 393 built-to-rent (BTR) apartments and student accommodation totalling 406 bed spaces, with ancillary facilities, landscaping and access works (application number 22/00670/FUL).

Supporting Information

- Heritage Statement;
- Condition Survey;
- Planning Statement; and
- Design and Access Statement and visualisations.

Relevant Site History

21/04830/PAN
Site 117 Metres Southwest Of 6
New Market Road
Edinburgh

Redevelopment to form build-to-rent housing and purpose-built student accommodation with associated ancillary development, demolitions, public realm, landscaping and access.

Pre-application Consultation approved.
28 September 2021

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeologist

Historic Environment Scotland

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 4 March 2022;

Site Notices Date(s): 1 March 2022;

Number of Contributors: 1

Section B - Assessment

Determining Issues

This application for listed building consent is required to be assessed against Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals harm a listed building or its setting?
- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

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

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

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

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

Demolition

HES emphasises the importance of retaining listed building and only resorting to demolition if every other option has been explored. Keeping listed buildings in an existing use or finding a new use that has the least possible impact, is the best way to protect them. Alterations to a building, even if extensive, is better than losing the building entirely.

In this case, the approach taken is to retain representative, characteristic parts of the former cattle sheds along with a section of the curtilage buildings, including the part that contained the auction ring and use these elements to inspire positive change within the area. The historic architecture has been used to influence the design of the new development and this, along with a "heritage journey" through the site will retain the essence of the site's historic industrial past and physical evidence of how it once appeared.

The assessment of this proposal falls between the first two HES Managing Change publications listed above. Under the "Use and Adaptation of Listed Buildings" the section on 'selective demolition' is most applicable, although the extent of removal in this case is substantial. However, HES defines selective demolition as involving the removal, or demolition, of parts of a listed building to enable the significant parts of a listed building to be retained. In this sense, the proposed level of demolition falls into this category, given that elements of the structures to be demolished include less important component parts of the original buildings and later additions of little interest.

The final option in the "Use and Adaptation" document is 'enabling development' which in this case would mean using new build development to enable retention of more of the listed asset. However, this site is constrained in area and there is no prospect of obtaining adjacent land, so the enabling development option is not available. Even then, a fine balance has had to be reached in terms of new build development to allow meaningful retention of key elements of the listed buildings without compromising planning policy and guidance to an unacceptable extent.

HES's publication, "Demolition of Listed Buildings" applies even if part of a building is to be retained, but the proposed works would result in the loss of most of the listed building. The proposed scheme involves minority retention, even if the most representative parts, so has been assessed against the four situations described by HES. If one of the following situations applies, then the loss of a listed building is likely to be acceptable if this is clearly demonstrated and justified.

Is the building no longer of special interest?

The category B listed Livestock Sheds are of special historic interest forming part of a surviving range of buildings that formed part of the historic 'New Markets' complex, dating from the early 20th century. These markets were intended to replace and consolidate the various outmoded market facilities in central Edinburgh and were associated with two major new railway sidings providing the principal transport infrastructure serving the site. The layout for the site was set out in a master plan devised by the Public Works Office under the direction of James Williamson.

Whilst the former cattle sheds are relatively functional, backland structures, in contrast to the more former and decorative, sandstone frontage buildings, which include the Corn Exchange, they have intrinsic historic and architectural interest as a fine example of this building type and construction. This is derived from the structural scale and repetitive rhythms of the functional engineering required at this time to form five large clear span enclosures for sheltering livestock. In addition, the design is high quality with intricately detailed steel framing and glazed roof sections providing natural daylight.

The former Milch Cow Byres, although listed only as curtilage buildings, are part of this agricultural market range and form the south-east edge of the site, although facing into the site. This relatively modest, mainly rendered structure has historic interest as the site of the former auction ring and architectural interest in terms of the rhythm of its gable-on bays and stone wallhead feature panels and glazed cupolas in two of the bays.

Unsympathetic alterations over the years, notably those undertaken to form the current football, bowling and snooker complexes, have had a detrimental impact on the character of both listed structures. In particular, the widening of the westernmost structural bay of the former cattle sheds involved the replacement of original columns with functional steel supports which has upset the internal structural rhythm and authenticity of this bay. Also, partial-height concrete masonry walls, netting and metal cladding were erected to enclose open areas around the perimeter of the sheds detracting from the relatively open nature of the structures. The authenticity of the roof coverings of the sheds has been affected by functional localised repairs and the original interior of the former milch byres was lost in the conversion to the current use, including the installation of suspended ceilings throughout.

However, despite these alterations, the Livestock Sheds and Milch Cow Byres remain listed structures of significant interest.

Is the building incapable of meaningful repair?

This issue is separate to that of the economic viability of any repairs, which is considered below. Most traditionally constructed buildings, even those in an advanced state of decay, can be repaired. A summary of the condition surveys carried out on these listed structures is detailed below.

Livestock Sheds

The former cattle sheds comprise five main bays of steel framed structures, covered with a series of pitched and flat roofs, with a rendered changing room block on the north side. The frames consist of cushion capital columns carrying segmental-arched lattice beams which support segmental-arched roof trusses. The external elevations are formed in a mix of masonry walls with part roughcast finish, timber boarding and corrugated metal cladding and netting.

The condition survey concludes that the metal pitched roofs covering most of the football complex are in a very poor condition and need to be replaced in full, along with the existing roof light formations. Whilst the adjoining and detached pitched roofs are in a serviceable condition, these would require remedial work. The structural steel columns and beams appear to be fair condition, with surface corrosion to the steelwork in some areas and especially at the junction of the steel beams and segmental-arched lattices. However, the structural integrity of these areas has not been established. The various types of external walling are in poor condition and require repairs/replacement.

Milch Cow Byres

The associated milch byres have masonry external walls clad in concrete roughcast with exposed sandstone features and the north elevation is painted. Overall, the structures appear to be in fair condition, with repairs required to the external elevations, although the external structure was not visible during the condition survey due to the extent of the external and internal coverings and numerous cracks in the render finish and areas of bossing were noted. The roof structure and slated pitches are in fair condition, with slates failing in localised areas. The windows which are single glazed, painted Crittal are in reasonable condition with spot corrosion.

In summary, neither of these buildings are incapable of meaningful repair, although the repairs required are extensive and costly, these would not diminish the buildings' special interest.

Is the demolition of the building essential to delivering significant benefits to economic growth or the wider community?

The proposed development will deliver benefits to the wider community in terms of housing and associated economic growth in the area. However, these benefits are not of public significance to the extent that they could be seen to outweigh the strong presumption in favour of retaining listed buildings.

Economic viability?

The final question is whether the repair and reuse of these listed buildings is not economically viable, that is the cost of retaining the structures would be higher than their end value. In such cases, the difference in repair cost to end value is known as the 'conservation deficit'. The principle of demolition should only be accepted where it has been demonstrated that all reasonable efforts have been made to retain the listed building.

In terms of use, the applicant's current operations at New Market Road are no longer sustainable due to the need to modernise the present facilities across the complex to meet and compete with modern requirements along with high ongoing costs of repair and maintenance of the structures across the complex. In particular, the cost of the repair and/or replacement of the roofs and glazed structures of the former cattle sheds and byres is unsustainable and cannot be avoided as some sections are now hazardous. This existing situation was compounded by a period of continuous shut down during the pandemic.

The economic viability of retaining all or parts of the listed fabric has been assessed by the applicant through a series of detailed speculative development appraisals based on condition surveys of the existing buildings and cost estimates, along with a marketing exercise. A substantial "conservation deficit" has been identified across the site which would render the redevelopment of the site with full retention of the existing listed fabric, through minimum intervention, adaptation or extension, not economically viable. Also, the redevelopment of less sensitive parts of the site alone would be insufficient to cross fund the full retention of the existing listed structures. On this basis, the applicant has explored which alternative options would enable the viable retention of the most important representative elements of the listing buildings, within a relevant context. These options included alternative uses along with varying degrees of selective demolition and new build.

In assessing the associated application for listed building consent, Historic Environment Scotland (HES) accepts that there is a substantial conservation deficit, especially if listed buildings on the site are retained, but has noted concerns with the marketing process undertaken in terms of price, which should be the current market value of the site with its existing buildings, reflecting location and condition, and including a guide price on the marketing information.

HES has also stated concern that the marketing was over prescriptive by way of considering interest for the retention and refurbishment of the existing premises only, excluding alternative uses. . That acknowledged, these listed buildings, in particular the former cattle sheds, are difficult to re-use and adapt due to their form and scale, so the normal marketing guidance is less applicable for this site.

Economic Development has studied the applicant's calculations and found these to be generally acceptable with a reasonable, if below normal, profit margin. The proposal preferred by HES would not have been economically viable.

Retained Heritage Assets

The elements of the listed structures to be retained encapsulate the functional and historic use of these buildings, illustrating where the livestock were housed, milked and auctioned. These remnants also capture many key historic architectural features, including roof vents, stone banding, access doors, rainwater outlets, a hayloft door and trolley point. The original construction materials of sandstone, harling, slate, timber, metal and glass will also be evident in the retained structures.

Livestock Sheds

The significance of the main listed structures will be acknowledged in the proposed use as covered areas of the proposed "Heritage Square" leading to the entrance lobbies of the new BTR apartments.

The original ornate columns, primary trusses and finer, main-span secondary trusses of the cast iron frames will be fully refurbished and exposed to allow viewing of the original detailing. These are impressive, essential components of the sheds' construction.

Due to structural wind loadings and maintenance concerns, it is not proposed to retain the glazed elements of the roofs. However, the corrugated iron sheeting will be retained to the front two bays of the sheds. Some of this sheeting is understood to be original, but some parts have been replaced and altered for the existing use. The space below the retained frames will form part of the main public realm space of the new development and two pavilion buildings will be sited below the second bays of the historic frames, connecting with the proposed BTR buildings. The omission of roof coverings over these second two bays (to the west) is acceptable to provide sufficient daylight to the new build structures.

The retention of the cast iron cupola structure over all four retained bays will keep an important record of the most visually decorative element of the roof and how daylight and ventilation, through the side louvered vents, was provided. The sheds were constructed with open sides and high-level timber-boarded infills on their end 'gables'. This cladding will be retained, along with the overhanging eaves, bargeboards and decorative plaque on the existing central bay. These are key elements of the historic roof structures which will give the retained bays visual and physical presence when viewed from the "Heritage Square" when entering the site from New Market Road and Asda Road. The decorative plaque will be placed on the first bay seen (to the south) to showcase the detailing of the historic architecture.

This showcasing of essential components of the Livestock Sheds will be continued through the retention of several original columns in their existing locations as part of the landscape design. These columns, in particular the linked columns immediately behind the retained shed bays will indicate the original extent of the livestock sheds.

Conditions have been applied to ensure that all the historic structures on the site are officially recorded and that a robust methodology statement is submitted for approval before any historic structures or features are demolished, relocated or removed from the site.

Milch Cow Byres and Sales Ring

The three bays of this range to be retained will be restored externally using original and matching materials and there are no surviving historic internal features of significance. The proposed uses, including a café/restaurant and wellness/yoga studio acknowledges the historic purpose of the auction area where people would gather to buy and sell livestock and a gives a humorous nod to where the cows were milked and fed in terms of the new food and drink use. Retained stonework and other significant architectural details from the livestock byres will be included in the new landscaping scheme to bring the site's industrial past to life.

There are no significant internal features within the former auction ring/cattle byres range, so the proposed internal alterations will have no detrimental impact on historic or architectural character.

A condition has been applied to ensure that the detailing of any alterations to the main façade to form new openings for the commercial uses will be of appropriate scale and detailing.

The industrial heritage of the site will be encapsulated in physical and narrative form. Apart from the retained elements of the actual structures, elements of the forms, detailing and materials of the proposed new build development will reflect those of the former cattle sheds and byres and this consideration of the history of the site will continue in the proposed landscaping through surface patterns and materials in the landscaping and street furniture. A new storytelling wall within the public square will provide a written and pictorial narrative.

Demolition Summary

In this case, based on a combination of the current condition of the main B listed structures and prohibitive repair costs, combined with the viability of the existing use without essential repairs being carried out, the only realistic way to save any key parts of the buildings is through radical intervention. Whilst the level of demolition is substantial, this is the minimum action necessary to preserve key elements of the special interest of these listed buildings which is also economically viable.

Whilst the extent of retention in terms of percentages of the listed structures on site is low at 12% of the Livestock Sheds and 37% the former Milch Cow Byres, the refined proposals include a level of retention in terms of representative parts and detailing which is sufficient to support the extent of demolition. A level of impact is unavoidable with this amount of demolition, although this is mitigated by the retention of key elements that contribute most to the buildings' respective special characters.

Setting

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The proposed redevelopment of this site will have an impact on the setting of the adjacent listed buildings which formed the public face of the historic 'New Markets' complex and define the street frontages of New Market Road. These buildings include the category B listed Corn Exchange and St Cuthbert's Association Cattle Depot and category C listed Market Refreshment Rooms to the east of the site. The street presence of these buildings as viewed from Hutchison Terrace is emphasised by the extensive area of fenced grass in front.

The category B listed retained façade of John Swan and Sons Livestock Market on the north side of New Mart Road and flanking façade of the Corn Exchange opposite presented the main secondary frontage to the complex. The southeast facade of St Cuthbert's Association Cattle Depot is prominent in views from the east.

Currently, the gables of the Livestock Sheds are just visible in the longer views from Chesser Avenue and in glimpsed views between the buildings fronting New Market and New Mart Road. Due to a change in site levels, only the roofs of the Milch Byres and Sales Ring and Livestock Sheds are visible from the east.

Whilst the proposed new build development will alter these views, most significantly when viewed from the junctions of Hutchison Terrace and New Mart Road and Asda Road and New Market Road, the scale, massing and design of the new structures will maintain an appropriate setting for the historic frontage buildings. Given the projection above the height of the listed buildings on New Market Road, the fragmentation and variation of the roofscape is a well-considered aspect of the new build design and the choice of materials in type and tone will create an appropriate and complementary backdrop to the listed frontage buildings. Importantly, the physical presence of the "New Markets" in the wider local area will be preserved.

In terms of the setting of the retained elements of the former livestock sheds and cow byres and auction ring, the proposed "Heritage Square" will maintain the openness, public nature and hardstanding character of the historic yard, whilst introducing an appropriate level of soft landscaping to provide visual and physical amenity for the new uses whilst improving water attenuation. The re-purposing of the former auction ring building as a community space will help reaffirm the building's importance as a key historical node on the site and emphasise the significance of the retained frames of the former cattle sheds. The proposed storytelling wall, retained heritage features and new landscaping elements influenced by the site's historic function and architecture will enrich the setting of the retained listed structures on the site, as well as the historic frontage buildings.

Conclusion in relation to the listed building

Overall, the proposed development will result in a degree of impact to the listed buildings in terms of the substantial loss of original fabric. However, this is justified as being the minimum level of intervention necessary to preserve key elements of the special interest of these listed buildings due to the current condition of the buildings, constraints of the site and need to devise an economically viable scheme which will bring wider public benefits. The treatment of the retained elements of the listed cattle sheds and significant curtilage buildings will preserve their historic and architectural character.

The proposed new buildings are of appropriate scale, massing, detailing and materials and along with new complementary landscaping, will have no detrimental impact on the setting of the retained listed structures on the site and other listed buildings in the immediate vicinity.

Conditions have been applied to ensure that the specifications for all proposed external materials for repairs and alterations to the retained historic assets on the site and proposed new buildings and landscaping are appropriate.

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance as the proposals preserve the features of these listed buildings that embody the special architectural and historic interest which the buildings possess.

b) There are any other matters to consider?

The following matters have been identified for consideration:

Archaeological Remains

The site is within an area of archaeological significance as it contains historic structures that formed part of Edinburgh's 'new markets' complex constructed by the Public Works Office in the early 20th century. A significant area of the site is occupied by the category B listed Livestock Sheds dating from 1912.

Whilst the scale of retention and re-use of the historic structures on site is limited, in this case there are valid grounds for permitting the extent of demolition proposed. However, it is important that the details of these buildings in their existing form are recorded prior to demolition and any significant archaeological remains revealed

Accordingly, a condition has been applied to ensure that a comprehensive programme of archaeological work is undertaken. This programme will include detailed historic building surveys prior to and during demolition/strip out works affecting the listed buildings on the site, a programme of public/community engagement during development and incorporation of the history of the site in the final design.

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

No material objections have been received.

non-material considerations

The comments submitted relate to the associated application for planning permission.

Conclusion in relation to other matters considered

The proposals are acceptable with regard to the other material considerations that have been identified above.

Overall conclusion

The proposal is acceptable with regard to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving the parts and features of the listed buildings that embody the special architectural and historic interest which the buildings possess and there will be no detrimental impact on the setting of any listed buildings.

Overall, the proposals comply with Historic Environment Scotland policy and guidance, with particular regard to securing a sustainable and long-term use of the remaining parts of these category B listed buildings. Whilst the level of demolition will result in a degree of impact, this is justified as being the minimum level of intervention necessary to preserve key elements of the special interest of these listed buildings due to the current condition of the buildings, constraints of the site and need to devise an economically viable scheme which will bring wider public benefits. The treatment of the retained elements of the listed cattle sheds and significant curtilage buildings will preserve their historic and architectural character.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions :-

1. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation for planning application reference 22/00670/FUL.
2. A detailed methodology statement for the dismantling, storage and re-erection of the elements of the Livestock Sheds hereby approved for retention shall be submitted and approved in writing by the Planning Authority before any demolition works commence on these structures. The materials used for re-installation shall comprise original elements only, with the exception of any sections/areas where there is insufficient original materials to form the entire architectural element/feature. In such cases, details of the proposed repair/replacement materials shall be provided in the methodology statement. No part of the development hereby approved shall be occupied until the elements of the Livestock Sheds approved for retention have been re-erected in a manner satisfactory to the Planning Authority and before written approval has been obtained from the Planning Authority.
3. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, public engagement, interpretation analysis and reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. This shall include detailed historic building surveys undertaken prior to and during demolition/strip out works of both the former listed Livestock Sheds and Milch Cow Byres and Sales Area Ring. These surveys will include surveyed elevations, phased plans, combined with photographic and written surveys and archival research to provide an accurate and permanent record of these historic buildings.
4. A detailed specification, including trade names (where appropriate) and sources, of all the proposed external materials (including recycled materials from the demolished structures) for repairs and alterations to the retained historic assets on the site shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. Note: samples of the materials may be required.
5. Details of the proposed new openings for the commercial uses within the retained parts of the Sales Ring/Milch Byres building shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to retain and/or protect important elements of the existing character and amenity of the site.
2. In order to safeguard the character of the statutorily listed building.
3. In order to safeguard the interests of archaeological heritage.
4. In order to safeguard the character of the statutorily listed building.
5. In order to safeguard the character of the statutorily listed building.

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 1 March 2022

Drawing Numbers/Scheme

01A-04A, 05B-26B,27A-36A,37B-43B+45A

Scheme 2

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

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

Summary of Consultation Responses

NAME: Archaeologist

COMMENT: It is recommended that the designs are re-submitted showing greater retention and reuse of historic fabric either by adding at least a further framed section. If permission is granted it is essential that detailed historic building surveys are undertaken prior to and during demolition/strip out works of both the former listed Livestock Sheds and historic Milch Cow Byres and Sales Ring.

It is further recommended that as part of any agreed programme of archaeological works that a programme of public/community engagement is undertaken during development and that the history of the site is incorporated with the final design.

DATE: 2 October 2022

NAME: Historic Environment Scotland

COMMENT: Scheme 1

We have no concerns with the redevelopment and reuse of the site, and could support the partial demolition of listed buildings, but object to the current application because the total demolition of a category B listed building has not been justified, and we consider a less harmful scheme may be possible. We note the retention of the southern boundary buildings overlooking the 'square' but would prefer more than three buildings to be kept - even keeping a fourth bay would retain the offices, auction ring and one shed of each specific design.

The application proposes the loss of the entirety of the livestock sheds, with the re-erection of only the bare frame of a two double-bay section. As above, the interest of the sheds goes beyond the engineering structure and includes the roof and timber gables.

We consider that the loss of the entirety of the structure would be demolition rather than alteration. This approach would lose the authenticity of the structure and the re-siting of frames could not retain the special interest of the building, leading inevitably to its delisting.

We consider the loss of several of the buildings listed by curtilage is regrettable, but their treatment would not result in an objection. Our main concern is the proposed demolition of the listed sheds. We could support a scheme for partial demolition, provided it retains a meaningful portion of the existing complex in-situ, including the roofing/boarding. This would help retain its special interest as a listed building.

DATE: 11 April 2022

NAME: Historic Environment Scotland

COMMENT: Scheme 2

We have now received these draft conditions and consequently are able to withdraw our objection to the listed building consent application.

Having said the above, we do not consider that the historic environment has been well served in the planning and development of the scheme. We are particularly disappointed

with the extent of demolition, although it is now far less than originally envisaged by the applicants. The planning of the new build within the constrained site, has necessitated a great deal of demolition with seemingly little thought given to the reuse of the sheds for other uses.

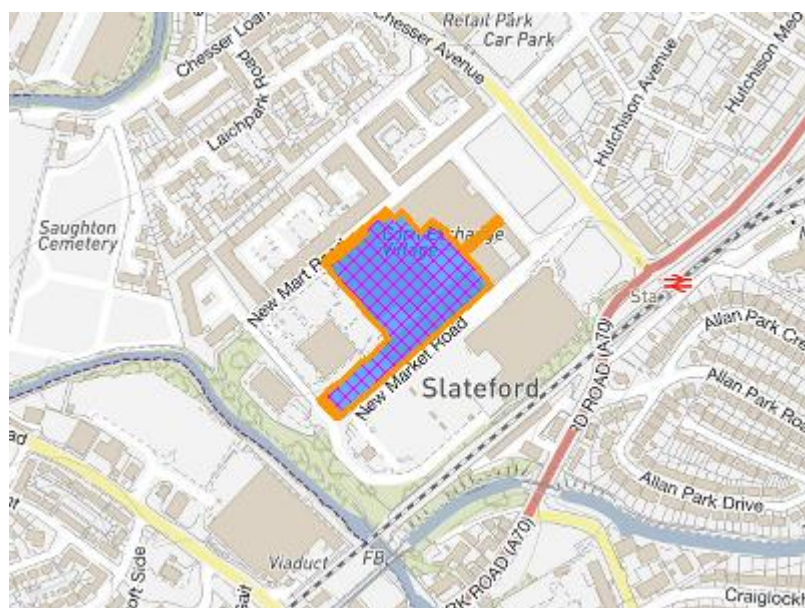
Ideally, therefore, we would still recommend that the further retention of the historic livestock sheds is considered, and also the reuse of an additional bay of the masonry buildings which are listed by curtilage.

Should consent be given, if helpful, our HES conservation engineers would be willing to assist with the fulfilment of your Council's conditions.

DATE: 6 October 2022

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

Location Plan



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