

Notice of meeting and agenda

Development Management Sub-Committee

10.00am, Wednesday, 23rd November 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 21 November 2022** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

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

3. Minutes

- 3.1 None.

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

The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved

without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1.

Pre-Applications

9 - 16

4.1 Report for forthcoming application by Artisan Real Estate. for Proposal of Application Notice at 525 Ferry Road, Edinburgh - Proposed demolition of office building and development of residential development with associated commercial and ancillary uses, landscaping and parking - application no. 22/05019/PAN – Report by the Chief Planning Officer

4.2 Report for forthcoming application by Dundas Estates and Development Company Limited for Proposal of Application Notice at 499 Gorgie Road, Edinburgh - Demolition of yard buildings and 16 no. garages serving existing tenement properties, construction of replacement parking court comprising 12 no. garages and 4 no. parking spaces to serve existing tenement properties and erection of 63 new homes with associated access, landscaping, parking and services - application no. 22/04983/PAN – Report by the Chief Planning Officer

17 - 24

Applications

25 - 32

4.3 143 Buccleuch Street, Edinburgh - Retrospective change of use from residential to short-term let visitor accommodation (Sui Generis) - application no. 22/03026/FUL – Report by the Chief Planning Officer

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

4.4 1 & 4 Gilmerton Station Road, Edinburgh - Approval of Matters specified in Conditions (amsc) Application for the Discharge of Conditions 1 a, b, c, d, e, f, g, h, i, and j, condition 3, condition 4, condition 6, condition 7, condition 9, condition 10 and condition 11 associated with Planning Consent: 19/02122/PPP (phase 1) (as amended) - application no. 21/05498/AMC – Report by the Chief Planning Officer

33 - 56

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

4.5 18 Grindlay Street, Edinburgh - Retrospective change of use from residential to short-term let visitor accommodation (Sui Generis) -

57 - 66

application no. 22/03025/FUL – Report by the Chief Planning Officer

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

- 4.6** 1 Linksvie House, 26 Tolbooth Wynd, Edinburgh - 25 garage lock ups and plinth area with under croft parking. The construction of 35 new build residential units and amenity space, communal external space with associated roads, footpaths and landscaping which includes updated public space/landscaping in the surrounding area. Alterations to be made to the base of the Grade A listed Links View House (as amended) - application no. 18.08051/FUL – Report by the Chief Planning Officer 67 - 90

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

5. Returning Applications

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

- 5.1** None.

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** Land South of 26 Cleikiminrig, Edinburgh - Residential development with associated landscaping, SUDS, infrastructure, engineering works including removal of on-site material, and other ancillary works - application no. 22/03291/PPP – Report by the Chief Planning Officer 91 - 120

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

8. Returning Applications Following Site Visit

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

- 8.1** None.

Nick Smith

Service Director – Legal and Assurance

Committee Members

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

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. This meeting of the Development Management Sub-Committee is being held in the Dean 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, Tel 0131 553 8242, email jamie.macrae@edinburgh.gov.uk / taylor.ward@edinburgh.gov.uk.

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

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Development Management Sub Committee

Wednesday 23 November 2022

Report for forthcoming application by

Artisan Real Estate. for Proposal of Application Notice

22/05019/PAN

at 525 Ferry Road, Edinburgh, EH5 2DW.

Proposed demolition of office building and development of residential development with associated commercial and ancillary uses, landscaping and parking.

Item number

Report number

Wards

B05 - Inverleith

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for the demolition of an office building and the development of a residential development with associated commercial and ancillary uses, landscaping and parking.at 525 Ferry Road, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 22/05019/PAN on 4th October 2022.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The site lies on the south side of Ferry Road and has an area of approximately 1.4 hectares.

There is an existing freestanding building on the site which is set back from the road and has planting and car parking to the front. There is an access road running along the front of the building and to the rear. This links through to a hotel to the west. The building is of a modern design with glazed outer walls and varying building height.

Directly opposite the site to the north are commercial premises, with the Morrisons food store further to the east. To the south is a residential development. To the east are playing fields, and directly to the west is the Village Hotel, with a car park fronting the site.

The boundary of the Inverleith Conservation Area lies to the east of the site.

2.2 Site History

24 February 2000 Office development granted planning permission, with associated car parking and landscaping (as amended) (application reference 99/03373/FUL)

History of neighbouring sites

Site to west:

04 July 2013 Demolition of existing office building and construction of five storey hotel (Class 7) with associated facilities, car parking, hard and soft landscaping. (Application reference 12/04235/FUL)

Site to north:

28 October 1999 Demolition of offices, upgrade and cladding of production building and construction of new offices (application reference 99/02047/FUL).

05 May 2004 Permission granted for a three storey testing facility and new offices in the north east part of the site (application reference 02/01321/FUL)

Main report

3.1 Description of the Proposal

An application for planning permission will be submitted for the demolition of the existing building, and a new residential development, with commercial and ancillary uses, landscaping and parking.

No details have been submitted regarding number of units, commercial or other uses, access, design or any other aspect of the proposal.

3.2 Key Issues

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

a) The proposal will preserve or enhance the setting of the Inverleith Conservation Area;

The impact of development on the setting of the conservation area will be considered within the context of Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which states: "In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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

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

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

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

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

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

d) The proposal will have a detrimental impact on the amenity of neighbours and future occupiers of the development;

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

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

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

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

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

f) The proposal has acceptable impacts on infrastructure;

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

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

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

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Townscape and Visual Impact Assessment;
- Daylight, Privacy and Overshadowing Analysis;
- Noise Impact Assessment;
- Air Quality Assessment;
- Sustainability Form S1;
- Sustainability Statement;
- Affordable Housing Statement;
- Transport Statement;
- Waste Management information;
- Flood Risk Assessment and drainage information;

- Surface Water Management Plan;
- Bat Survey and
- Tree Survey.

The proposal will need to be screened under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, to determine whether an Environmental Impact Assessment is required.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference: 22/05019/PAN) outlined the following pre-application consultation:

- Leaflet drop in the local area;
- Publication in the Edinburgh evening News dated 21st October 2022; and
- three consultation events at the site. The first took place on Saturday 29th October from 1pm to 4pm at FetLor Youth Club, 122 Crewe Road South.

The applicant notes in the PAN application that Stockbridge and Inverleith Community Council, Granton and District Community Council and Craigleith/Blackhall Community Council received notification of the PAN on 3rd October 2022.

The applicant further advises that the following councillors were notified of the PAN on 3rd October 2022: Councillor Jule Bandel, Councillor Max Mitchell, Councillor Vicky Nicolson and Councillor Hal Osler. The following Councillors were notified on 7th October 2022: Councillor Kayleigh O'Neill, Councillor Cammy Day, Councillor Sanne Dijkstra-Downie, and Councillor Stuart Dobbin.

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

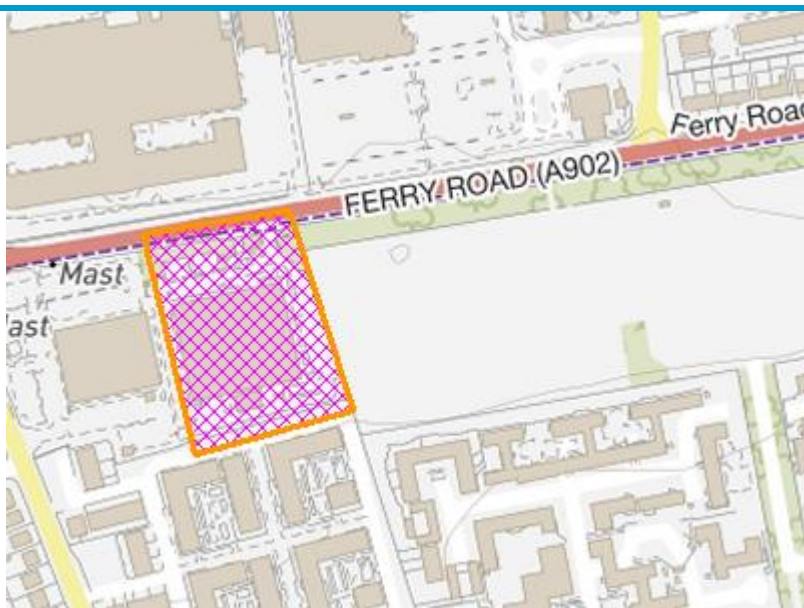
Background reading/external references

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

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Karen Robertson, Senior planning officer
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Location Plan



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Development Management Sub Committee

Wednesday 23 November 2022

Report for forthcoming application by

**Dundas Estates & Development Company Limited for
Proposal of Application Notice.**

22/04983/PAN

at 499 Gorgie Road, Gorgie, Edinburgh.

**Demolition of yard buildings and 16 no. garages serving
existing tenement properties, construction of replacement
parking court comprising 12 no. garages and 4 no. parking
spaces to serve existing tenement properties and erection of
63 new homes with associated access, landscaping, parking
and services.**

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for the demolition of yard buildings and 16 no. garages construction of replacement parking court and erect 63 new homes with associated access, landscaping, parking and services at 499 Gorgie Road, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 22/04983/PAN on 27 September 2022.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The site is approximately 0.77 hectares in area and includes an existing row of residential tenement flats known as Delhaig which front Gorgie Road with access taken into the site from Gorgie Road via an existing access between the existing tenement flats.

Behind the tenement row a section of the site comprises partly vacant brownfield ground, 16 domestic garages associated with the neighbouring Delhaig tenement block, and several yard buildings with associated car parking areas located within the site off of Gorgie Road.

The northern site boundary follows the building line of the residential properties which form the Delhaig tenement flats. There is an existing stone wall which forms the southern boundary of the site, with a mature tree belt also present along the southern boundary running along Chesser Gardens. The site boundary to the east is formed by existing warehousing sheds and the site boundary to the west is formed by both the existing stone boundary wall associated with 499 Gorgie Road and the garden boundary of the residential properties at 499a and 501 Gorgie Road.

The surrounding area is mixed use in nature, with business, industrial and residential uses present.

2.2 Site History

Development site:

12 September 2012 - Planning permission granted for a change of use from building supplies depot (as amended from Class 1 retail) to centre for life coaching seminars, counselling, career seminars and training, musical and choir practice (class 10) at unit 3, 499 Gorgie Road, Edinburgh (application reference 12/02470/FUL).

Adjacent sites:

9 August 2018 - Planning permission granted for a change of use from existing office building (Class 4) to flat residential development (Sui Generis) with ground floor commercial uses (Class 1, 2 and 11) at 500 Gorgie Road, Edinburgh (application reference 17/00422/FUL).

26 February 2020 - Planning permission granted for material variation to application ref: 17/00422/FUL to reduce commercial floor space and create 2 additional flats (plot no. 164 and 165) at 500 Gorgie Road, Edinburgh (application reference 19/01297/FUL).

Main report

3.1 Description of the Proposal

An application for detailed planning permission will be submitted for the demolition of yard buildings and 16 no. garages serving existing tenement properties; construction of replacement parking court comprising 12 no. garages and 4 no. parking spaces to serve existing tenement properties and, erection of 63 new homes with associated access, landscaping, parking and services.

No further details have been submitted regarding the proposed design of the residential retail or leisure units as well as access and landscaping.

3.2 Key Issues

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

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

The site is within the urban area where residential development is considered acceptable in principle.

The specific site proposals will be assessed against the relevant policies of the LDP. This includes policy Hou 1 Housing Development, which sets out criteria for considering the suitability of sites for housing. Policy Hou 6 - Affordable Housing requires consideration given the number of residential units proposed, and requirement for onsite delivery of affordable homes. Given the presence of existing employment uses located on site, LDP policy Emp 9 Employment Sites and Premises, will need to be considered in relation to the redevelopment of employment sites or premises in the urban area for uses other than business, industry or storage.

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

The application will be for detailed planning permission. A design and access statement will be required to accompany the application. The layout and design of the proposal will be assessed against the requirements of the Edinburgh Design Guidance.

c) the proposal is acceptable in terms of residential amenity

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

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

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

e) there are any other environmental factors that require consideration

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having an unacceptable impact on the environment. In order to support the application, the following documents are likely to be expected (this list is not exhaustive):

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Daylighting, Sunlight and Privacy analysis;
- Townscape and Visual Impact Assessment;
- Transport Information;
- Archaeology Assessment;
- Flood Risk Assessment and Surface Water Management Plan;
- Contaminated land survey;
- Noise Impact Assessment;
- Air Quality Impact Assessment and
- Sustainability Statement.

The proposal will need to be screened under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, to determine whether an Environmental Impact Assessment is required.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference: 22/04983/PAN) and subsequent information from the agent outlined an outlined:

Pre-event publicity including emails to key stakeholders, press releases in Edinburgh Evening News and flyer distribution in the local community a statutory advert.

Two public exhibitions on Wednesday 16th November 2pm - 6pm and Wednesday 30th November.

An online exhibition on Tuesday 4th October 3pm to 7pm, with reminders posted on social media.

Direct consultation with all relevant parties including local ward councillors, constituency MP and MSP, community organisations and immediate neighbours to the site, including existing tenants.

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

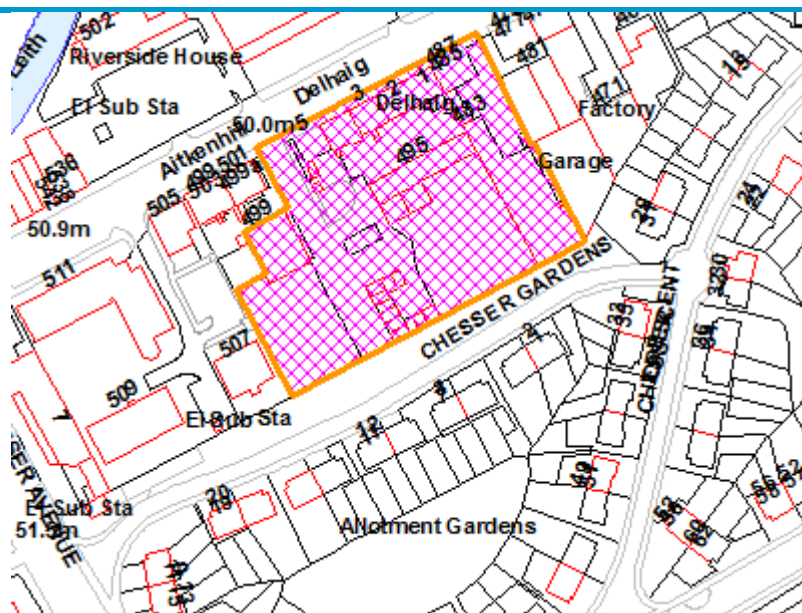
Background reading/external references

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

David Givan
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Location Plan



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Development Management Sub-Committee Report

Wednesday 23 November 2022

**Application for Planning Permission
143 Buccleuch Street, Edinburgh, EH8 9NE**

Proposal: Retrospective change of use from residential to short-term let visitor accommodation (Sui Generis).

**Item – Committee Decision
Application Number – 22/03026/FUL
Ward – B15 - Southside/Newington**

Reasons for Referral to Committee

Given the significance of the issue of short term lets to the public interest at present, the Chief Planning Officer considers this application should be decided by Committee.

Recommendation

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

Summary

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

The change of use of this property to a short-term let will not harm neighbouring amenity and it will not impact on the character or the appearance of the conservation area. The proposal complies with the relevant policies within the Development Plan. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application property is a one-bedroom, ground floor flat, with a main door access from Buccleuch Street. The property forms part of a five-storey building and was formerly a commercial unit before its conversion to residential. A number of other shop to residential conversions have been carried out on Buccleuch Street.

Buccleuch Street is a busy thoroughfare for both pedestrians and vehicles. It is within a short walking distance to Clerk Street, a designated town centre and The Meadows.

The site lies within the South Side Conservation Area.

Description Of The Proposal

The application is for a change of use from residential to short term let (sui-generis). No internal or external physical changes are proposed. The applicant has advised that the property has been used as a short term let (STL) since autumn 2019. Therefore, the application is retrospective.

Supporting Information

- Planning Statement

Relevant Site History

13/02323/FUL
143 Buccleuch Street
Edinburgh
EH8 9NE
Change of use from hairdresser to main door one bed flat.
Granted
8 August 2013

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 21 June 2022
Date of Renotification of Neighbour Notification: Not Applicable
Press Publication Date(s): 1 July 2022;
Site Notices Date(s): 28 June 2022;
Number of Contributors: 1

Section B - Assessment

Determining Issues

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

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

The South Side character appraisal emphasises the following:

The mixed residential, commercial and institutional buildings of the South Side consist mainly of four to six storeys constructed of stone with pitched, slated roofs. A characteristic in parts of the South Side is the use of wallhead gables in the early vernacular tenements. The general uniformity of building heights provides a background against which important features of the City stand out. Each period of the South Side's history has left buildings of significant interest.

There are no external or internal alterations proposed. Therefore, the impact on the character and appearance of the conservation area is acceptable.

Conclusion in relation to the conservation area

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

b) The proposals comply with the development plan?

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

- LDP Environment policies Env 1 and Env 6;
- LDP Housing policy Hou 7; and
- LDP Transport policies Tra 2, Tra 3 and Tra 4.

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

The non-statutory guidance for Business is a material consideration when considering LDP Policy Hou 7.

Conservation Area

The impact on the character and appearance of the conservation area has been considered above in a). It was concluded that the change of use would not have any material impact on the character of the conservation area and would preserve the appearance of the conservation area.

The proposal complies with LDP Policy Env 6.

Principle of development

The application site is situated in the Urban Area as defined in the LDP.

The main policy that is applicable to the assessment of short term lets is LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), which seeks to protect residential amenity. It must be noted that at present, there are no policies that create a presumption against the loss of residential properties.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

The footprint of the property is approximately 36 sqm which is the minimum floorspace standard for a studio dwelling contained in the Edinburgh Design Guidance. The size of the property would allow around two short stay visitors to reside in the property.

Given the size of the property, it would discourage large groups from renting it, and its main door access from the street would avoid conflict with residents within the communal stair. In addition, the character of Buccleuch Street is considerably influenced by the relatively high pedestrian and vehicular traffic numbers, which create a high ambient background noise level during the day and into the late evening. Due to the characteristics of the property and the character of the area, the change of use will not have a materially detrimental effect on the living conditions of nearby residents.

Although there are residential properties in the immediate vicinity, due to the characteristics of the property and the character of the area, as set out above, the change of use will not have a materially detrimental effect on the living conditions of nearby residents.

It is recognised that the spend from the guests would support jobs in the local businesses such as shops and cafes/restaurants. Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of STL properties, the economic benefits are a material planning consideration.

The proposal complies with LDP Policy Hou 7 (Inappropriate Uses in Residential Areas).

Parking standards

There is no vehicle parking and no cycle parking. Zero parking is acceptable as there is no requirement for cycle parking for short term lets. Bicycles could be parked inside the property.

The proposals comply with LDP Policies Tra 2 and Tra 3

Conclusion in relation to the Development Plan

The change of use of this property to a short-term let will not harm neighbouring amenity and it will not impact on the character or the appearance of the conservation area. The proposal complies with the relevant policies within the Development Plan.

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

The following material planning considerations have been identified:

SPP - Sustainable development

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

The proposal complies with the thirteen principles outlined within paragraph 29 of the SPP. The proposal therefore will contribute to sustainable development.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited 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

- Loss of housing to short stay lets exacerbates the housing crisis situation in terms of affordability and availability - Addressed in section (b) above.

Conclusion in relation to identified material considerations

The other material considerations have been identified and addressed. There are no outstanding material issues to resolve.

Overall conclusion

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

The change of use of this property to a short-term let will not harm neighbouring amenity and it will not impact on the character or the appearance of the conservation area. The proposal complies with the relevant policies within the LDP. There are no material considerations that outweigh this conclusion. It is recommended that the application be approved.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 8 June 2022

Drawing Numbers/Scheme

01.

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

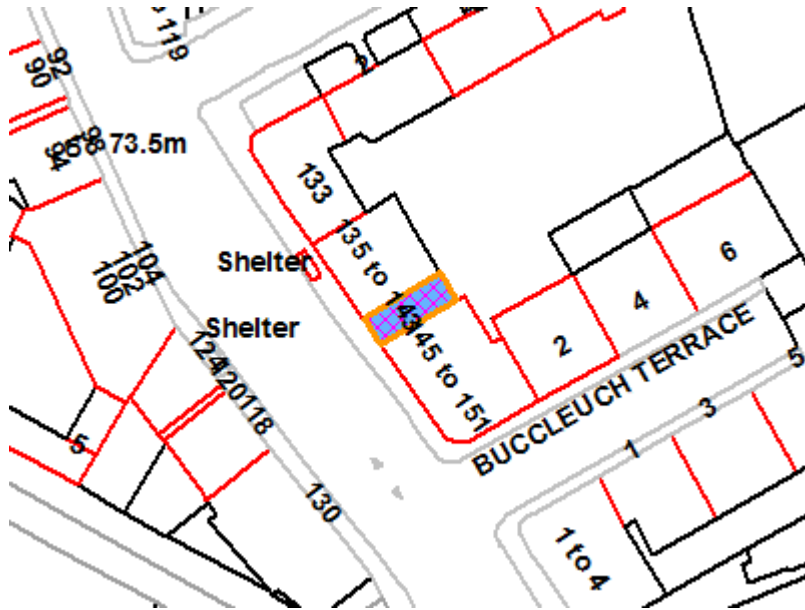
Contact: Laura Marshall, Planning Officer
E-mail:laura.marshall@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 23 November 2022

**Application for Approval of Matters Specified in Conds
1 & 4 Gilmerton Station Road, Edinburgh, EH17 8RZ**

**Proposal: Approval of Matters specified in Conditions (amsc)
Application for the Discharge of Conditions 1 a, b, c, d, e, f, g, h, i,
and j, condition 3, condition 4, condition 6, condition 7, condition 9,
condition 10 and condition 11 associated with Planning Consent:
19/02122/PPP (phase 1) (as amended).**

**Item – Committee Decision
Application Number – 21/05498/AMC
Ward – B16 - Liberton/Gilmerton**

Reasons for Referral to Committee

This application is referred to Development Management Sub-Committee as the conditions attached to planning permission 19/02122/PPP were attached by Committee. In approving these AMC proposals, this would conflict with the wording of Condition 8 as the food store area proposed is above the level stated in condition 8 of 1858 square metres.

Recommendation

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

Summary

The proposals design, scale, layout and mix of uses is acceptable and compatible with the LDP and conditions. The built form height, scale and massing, and arrangement of the buildings fronting onto both Gilmerton Station Road and Gilmerton Road is appropriate. The design of the pedestrian and cycle connections, public open space and parking areas are of an appropriate scale, appearance and subject to the landscaping details being implemented and maintained agreed, quality. Vehicular and non-vehicular access arrangements to and within the site and the levels of car and cycle parking including electric vehicle charging and disabled spaces is acceptable as are the proposed surface water drainage, sustainability and biodiversity arrangements. There are no material considerations which outweigh the proposals accordance with the Development Plan.

SECTION A – Application Background

Site Description

The development site, covering an area of 5.08 hectares, lies to the southeast of Edinburgh and is currently occupied by industrial (Bernard Hunter, part of site) and agricultural uses. The site is bound by Gilmerton Road (A772) to the north and Gilmerton Station Road to the west. Beyond Gilmerton Road is agricultural land that is designated as green belt in the Local Development Plan (LDP). Part of this land is also designated as a Special Landscape Area associated with the wider Drum Estate. To the south are existing industrial uses and to the east is open countryside in agricultural use which also forms part of the green belt. A bus terminus with drivers' facilities is located at the north-west corner of the site on Gilmerton Road. There are no buildings or structures of significant interest on the site.

The site is intersected by a former railway line that has recently been laid out as a cycle path linking Lasswade and Shawfair. The site is designated as urban area in the LDP. The site was identified in the Gilmerton and Southeast Site Brief as a long-term redevelopment opportunity.

Description of the Proposal

The proposal is for approval of matters specified in the following conditions under planning permission in principle 19/02122/PPP (Phase 1):

- 1(a) layout and phasing
- (b) siting, design and height
- (c) public open spaces
- (d) cycle and car parking and access
- (e) footpaths and cycle routes
- (f) waste management and recycling facilities
- (g) surface water and drainage
- (h) existing and finished ground levels)
- (i) sustainable buildings
- (j) (i) landscaping details
- (ii) plants schedule
- (iii) programme of completion and maintenance of SUDs (iv) servicing and cables (vi) play equipment and
- (vii) phasing.
- 3 (contamination)
- 4 (archaeology)
- 6 (surface water drainage scheme),
- 7 (coal mine workings)
- 8 (food store size)
- 9 (preliminary ecological survey)
- 10 (noise measures) and
- 11 (Toucan crossing).

It is noted that some of these conditions include a pre-site start clause as well as a further clause related to later stages in the development process, and they are added here for context although the condition in its entirety cannot be discharged at this time. In addition, phase 2 would be the subject of a further AMC application in due course.

The information provided in support of the application includes a masterplan and masterplan movement and layout plans, a phase 1 location plan, food store site plan, the start-up site plan, drainage layout plans, bin store, bridge design, landscape layout plans and visualisations.

Phase 1 consists of the southwest and southeast parts of the development site.

The southwest corner of the site contains a food store (unit 8) which fronts onto Gilmerton Station Road and is accessed from this road with an area of public open space in front of the buildings entrance as well as 60 car parking spaces including accessible and electric vehicle charging spaces and a turning circle area and delivery vehicle access.

Units 10-17 and 18-28 are two rows of terraced start-up business units with 48 car parking spaces. These are in the south-east corner of the site separated from units 1-8 by the cycleway bisecting the site. These units use the same access road from Gilmerton Road as units 31-37.

Later phases would cover the north-west and northeast parts of the site. At this time, it is envisaged that the north-west part would contain unit 1 (Health and Leisure) units 2-5 (no use class identified), and units 6 and 7 (cafe/hot food). These are all to be accessed from Gilmerton Station Road fronting onto the pedestrian and cycle route, with 55 car parking spaces separating them from Gilmerton Road.

The northeast corner of the site is a Unit 9 is a 60-bed hotel accessed from Gilmerton Road and fronting a landscaping area separating it from units 31 (nursery) units 32-37 (offices) which are in the 'u' shape focused around the car parking area with 55 spaces. The vehicle access is from Gilmerton Road.

In addition to the masterplan, detailed permission is sought for landscaping and roads layout.

There are three main areas of landscaping: fronting onto Gilmerton Road; along the access from Gilmerton Station Road; and in front of the hotel.

There is a pedestrian link from Gilmerton Station Road through the site to the existing pedestrian and cycle walkway. There is a separate cycle route through the site with ramp access to the pedestrian and cycle walkway and then continuing to serve the hotel and office units.

Scheme1

Scheme 1 was based on the indicative masterplan submitted with the Planning permission in Principle 19/02122/PPP. However, condition 1 explicitly stated that this indicative masterplan was not approved.

Supporting Information

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Air Quality Assessment;
- Archaeology assessment;
- Design and Access Statement;
- Geotechnical environmental assessment;
- Drainage strategy;
- Lighting Strategy;
- Transport statement;
- Sustainability statement and information;
- Ecology survey;
- Noise impact assessment;
- Planning statement and
- Visualisations.

Relevant Site History

19/02122/PPP

1 And 4 Gilmerton Station Road

Edinburgh

EH17 8RZ

Mixed Use Development comprising - Class 1 retail, class 2 professional services, class 3 (inc Sui Generis) Food and Drink, class

4 to 6 Business/ Industrial, class 7 Hotel, class 11 Assembly and Leisure, Access, Car Parking, Servicing, Bridge, Demolition and Associated Works.

Granted

5 February 2020

17/04330/PAN

1 And 4 Gilmerton Station Road

Edinburgh

EH17 8RZ

Mixed Use Development Comprising: Class 1 Retail, Class 2 Professional Services, Class 3 (inc Sui Generis) Food and Drink, Class 4-6 Business/Light Industrial, Class 7 Hotel, Class 11 Assembly and Leisure, access, car parking, servicing, bridge, demolition of building and associated works.

Pre-application Consultation approved.

2 October 2017

Other Relevant Site History

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport

Environmental Protection

Flooding

Scottish Water

Archaeology

Environmental Protection

Waste Services

The Coal Authority

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

Publicity and Public Engagement

Date of Neighbour Notification: 23 August 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 3

Section B - Assessment

Determining Issues

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?

- a) the development complies with the planning permission in principle;
- b) the details of the development are acceptable;
- c) there are any other material issues:

Assessment

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

a) The proposals comply with the Development Plan and the conditions 1,3, 4, 6, 7, 8, 9, 10 and 11 of 19/02122/PPP.

The Development Plan comprises the Strategic Development Plan and the LDP. The relevant LDP policies to be considered are:

- LDP Design policies - Des 1 - Des9;
- LDP Environment policies - Env 8-9, Env 12 - 16, Env 20 - 22;
- LDP Employment policies - Emp 8-9;
- LDP Retail policies - Ret 5-6;
- LDP Transport policies - Tra 1-4, Tra 7-9
- LDP Resource and Services policy - RS6

The Gilmerton and Southeast Site Brief (Development Principles) and non-statutory Edinburgh Design Guidance are material considerations that is relevant when considering the Design, Environment, and Transport policies.

The relevant conditions of 19/02122/PPP are listed below:

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the planning authority has been given, and the development shall be carried out in accordance with that approval. For the avoidance of doubt, no approval is hereby given to the layout shown in the illustrative masterplan which forms part of the application for planning permission in principle.

Approval of Matters:

- (a) a site development layout and phasing plan showing a phased implementation programme for including the location/position of all uses within the site; the proposed built form (including orientation of buildings); movement around and through the site, including pedestrian and cycle links and landscape provision;*
- (b) for each phase of the development, a plan detailing the siting, design and height of development, including the design of all external features;*
- (c) design and configuration of public and open spaces, all external materials and finishes;*
- (d) car and cycle parking, access, road layouts and alignment, including a Stage 2 Quality Audit, classification of streets, and servicing areas;*
- (e) footpaths and cycle routes, including proposed multi-use paths;*
- (f) waste management and recycling facilities;*
- (g) surface water and drainage arrangements;*
- (h) existing and finished ground levels in relation to Ordnance Datum;*
- (i) full details of sustainability measures in accordance with Edinburgh Standards for Sustainable Building;*
- (j) hard and soft landscaping details, including:*

- i. *the type and location of new trees, shrubs and hedges;*
 - ii. *a schedule of plants to comprise species, plant size and proposed number/density;*
 - iii. *programme of completion and subsequent maintenance including a separate maintenance plan for the SuDS areas;*
 - iv. *existing and proposed services such as cables, pipelines, substations;*
 - v. *other artefacts and structures including street furniture, lighting columns and fittings*
 - vi. *play equipment and*
 - vii. *details of phasing of these works in relation to implementation and phasing of the development.*
3. *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 development/remediation/demolition shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting and analysis, publication, interpretation, conservation & public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.*
6. *The site development layout and phasing plan to be submitted as part of the application required under condition 1 above shall include full details of the location and design of the surface water drainage scheme to be installed within the application site and shall be submitted for the approval of the planning authority; and for the avoidance of doubt, the scheme shall comply with the Scottish Environment Protection Agency's (SEPA) principles and contain a surface water management plan.*
7. *No development shall take place until a detailed Report on Site Investigations, including a scheme of remedial works for the shallow coal workings, has been submitted to and approved by the planning authority. Documentary evidence to certify that the approved measures have been carried out shall be submitted to and approved in writing by the planning authority, in consultation with the Coal Authority, before construction work begins on site.*

8. *The food-store shall be restricted to the floor area as identified in the application, namely 1,858 square metres, and any proposals to insert mezzanine for any purpose whatsoever that would exceed that level, shall not be installed without the prior consent of the Council, as the Planning Authority.*
9. *Before work begins, a preliminary ecological survey shall be carried out and any subsequent reports as identified in the findings of the survey. No work shall begin until the written approval of the planning authority has been given to the details of any remedial and/or protective measures required, and the measures shall be implemented in accordance with the approved details.*
10. *Prior to the occupation of any part of the development a scheme for protecting the occupiers of the committed and existing residential units from operational noise shall be submitted to and approved in writing by the planning authority; all works which form part of the approved scheme shall be completed in full to the satisfaction of the planning authority, before any part of the development is occupied.*
11. *Prior to the occupation of any part of the development the developer will introduce a Toucan (signalised cycle) crossing on Gilmerton Station Road. The details and location of which to be agreed in advance by the planning authority.*

This report will now assess the submitted information against each condition and part, local plan policies and guidance outlined above to determine whether the condition can be fully discharged at this time. As shown above, a number of these conditions are staged in relation to the development process, and therefore whilst what has been submitted, can be acceptable, the whole condition cannot be discharged until further within the development process.

Condition 1 a - site layout and phasing plan

A masterplan has been submitted showing the site development layout and a phasing plan with Phase 1. The Plan shows the location and position of all uses within the site and needs to be assessed against Des 7- Layout Design. Phase 1 consists of a food-store and parking accessed from Gilmerton Station Road and started up business units accessed by vehicle from Gilmerton Road. There is a new bridge link allowing pedestrian and cycle access between the two areas bisected by the cycleway and a ramp and steps to the cycleway prioritising pedestrian and cycle movement within the site. Phase 2 contains a mix of uses fronting Gilmerton Road which will be the subject of a further AMC application in due course.

As condition 1a requires, the masterplan layout is an improvement over the previous PPP indicative layout. This is a gateway site to the city and the proposals represent a more comprehensive and integrated approach to the layout of buildings and movement of people. The townscape and design has improved with buildings fronting the main routes into the city emphasising this gateway location with active frontages to the main routes and easily accessible for pedestrians, cyclists and public transport users. There is now more connectivity across the site for pedestrian and cyclists. Environmental Protection agree that this revised layout locates delivery bays, bin stores etc away from sensitive noise receptors. This complies with policy Des 7 and is acceptable.

A Landscape and Visual context was submitted as part of the Design and Access Statement. This notes that the cumulative landscape and visual effects will occur where the proposed development is read in conjunction with the various new housing developments on the land west of Gilmerton Station Road which is at a higher elevation than the application site. This would result in localised views, particularly due to the relatively low heights of the buildings from 4.5m to a maximum of 12.5m in height. The wider views across the landscape would be partially screened by the trees along the surrounding farmland and Drum estate together with the built-up areas. This is acceptable.

Therefore part 1(a) can now be discharged.

Condition 1 Part b) for each phase of the development, a plan detailing the siting, design and height of development, including the design of all external features;

Food Store

The food store is located along Gilmerton Station Road to the south-west of the site. The food store is a large rectangular building 1928 sqm in size with canopy over the entrance area, trolley and cycle storage. There is a delivery bay on the north elevation. The building is a maximum of 6.9m with a mono pitched roof and a mezzanine floor for plant only. The proposed materials include insulated grey and white panels, steel doors and curtain wall double glazing.

The food store entrance would be at the north-west corner with glazing along the west elevation providing a frontage with some activity to Gilmerton Station Road. The food store is 35 square metres above the PPP size of 1893 square metres set out in condition 8. However, the modest increase is to accommodate new requirements for the legislative changes in relation to the recycling scheme in the proposals at the outset, rather than retrofitting them and is considered acceptable.

Class 4, 6 start-up units and class 11 Assembly and Leisure uses.

Planning permission 19/02122/PPP gave planning permission in principle for Use Classes: Class 1 retail, class 2 professional services, class 3 (inc Sui Generis) Food and Drink, class 4 to 6 Business/ Industrial, class 7 Hotel, class 11 Assembly and Leisure within the site. The start-up units consists of business class 4 and class 6 general industrial as well as class 11 assembly and leisure.

The start-ups are located in the south-east corner of the application site accessed by pedestrian and cycle by the new bridge link from Gilmerton Station Road and by vehicle from the proposed access from Gilmerton Road.

The start-up units consist of 8 100 sqm units, in a terrace 11m deep by 80m long and 7.5m high. A further 16 units in back-to-back terrace of 21m deep by 80m long and 7.5m which has been subdivided into 11 100 sqm class 4 and 6 units; and two class 11 units: one 300sqm unit is identified as Archers and one 200 sqm unit is identified as Spinners.

The proposed materials are grey cladding roof and upper wall panels with lower wall panels in a lighter grey colour. The units consist of roller shutter doors in grey, security shutters and facing buff coloured brick basecourse. The fenestration details are grey with blue grey panels and door sets. Each unit would have its own PV panel array.

The proposals are acceptable. Therefore part 1(b) can now be discharged.

Condition 1 Part (c) design and configuration of public and open spaces, all external materials and finishes:

The masterplan and landscape layout shows the main areas of public and open spaces including the public space outside the food-store, and drainage attenuation area in phase one. In phase two there is a public space at the bus stop and connection to phase one. There is also open space around the hotel, offices and nursery areas.

The proposed materials include a mix of hard and soft landscaping.

The food store entrance public space, suds area and car parking contains a mix of grass and bulb planting, hedging and around 30 trees including along either side of the active travel route and car park entrance. The hard landscaping proposed is a mix of gravel and grey paving slab.

The phase two open spaces are mainly soft landscaping including a mix of trees, shrubs, bulb planting and grass and hedges, integrating with the existing on-site landscaping. The layout and design of the public and open spaces is acceptable.

The proposed materials are acceptable provided that they are implemented with the planting undertaken by the first planting season after opening and maintained for a 10 year period.

Therefore part 1(c) can now be discharged subject to an additional condition relating to landscaping implementation.

Condition 1 part d) car and cycle parking, access, road layouts and alignment, including a Stage 2 Quality Audit, classification of streets, and servicing areas:

This information has been submitted, including a Transport Statement and Stage 2 Quality Audit. The proposed total number of 86 car parking spaces including seven disabled spaces, is considered acceptable due to the mix of uses proposed and the high provision of electric vehicles - 34 spaces. Therefore, the applicant will be required to provide a minimum of 39% electric vehicle charging spaces and a maximum of 52 general car parking spaces across this phase 1 development which can be secured by condition.

Environmental Protection has assessed the proposals including the location of the electrical vehicle charging points and types of chargers to be used. This is acceptable provided that these electric vehicle spaces and chargers are fully installed and operational prior to occupation of the food store which could be secured by condition.

Cycle parking has also been provided across the site including an undercover stand at the food store, and at least 93 spaces across the site.

Therefore part 1(d) can now be discharged.

Condition 1 Part e footpaths and cycle routes, including proposed multi-use paths;

The applicant has submitted details showing the proposed pedestrian and cycle links, including the location of the toucan crossing on Gilmerton Station Road. There are shared links from the existing bus stop through phase 2 to the food-store. There is also a 3m wide multi use path through the site, to the start-up units, forthcoming hotel and along the vehicle access to the proposed junction with A772 Gilmerton Road. A new bridge link will be created not only linking both parts of the site but also include new ramp access to the core path as well as steps for pedestrians. The layout of the ramp is the traditional Zig Zag layout however this is a constrained site with level differences and further details on the gradient and turning spaces for non-standard bikes is required. It is also noted that there is another Sustrans designed, funded and implemented circular ramp nearby.

Therefore part 1(e) can now be discharged with a condition attached requiring further details of the ramp gradient and turning spaces.

Condition 1 Part f waste management and recycling facilities;

Waste has been consulted on this application and as this is a commercial development, the City of Edinburgh Council would not collect waste from these premises and instead this would need to be arranged through a private contractor(s). The developer/site owner would be obliged to separate the waste streams and arrange collections via a private waste contract. It is also required to have off-street storage, adequately sized and suitable for all bins and bin types needed.

Therefore part 1(f) can now be discharged.

Condition 1 Part (g) surface water and drainage arrangements;

This condition integrates with Condition 6 which also requires details of the location and design of the surface water drainage arrangements. A full response explaining why the proposals are acceptable for Phase 1 is referred to under condition 6.

The proposals comply with the requirements of condition 1g.

Condition 1 Part (h) existing and finished ground levels in relation to Ordnance Datum;

Drawings show the levels plans for Phase 1 including the food store and start-ups. This is acceptable.

The proposals comply with the requirements of condition 1h.

Condition 1 Part (i) full details of sustainability measures in accordance with Edinburgh Standards for Sustainable Building;

The Edinburgh Standards for Sustainable Building are now largely subsumed within the LDP Policy Des 6 and the Section 6 of the Building Regulations (Energy Efficiency Requirements). The applicant has submitted a sustainability statement and further details including the location of the PV solar panels in order to meet all their heat and energy demand via renewables and electric. Environmental Protection has assessed the use of onsite renewables and notes that the proposal does not include connecting the site to the gas network. The SuDs measures have been incorporated into the car parking area. A mix of native species has been included within the landscaping scheme and further measures have been included in terms of active travel routes, ramp and cycle parking across the site.

This is acceptable.

The proposals comply with the requirements of condition 1i.

Condition 1 Part (j) hard and soft landscaping details

These include:

- i. the type and location of new trees, shrubs and hedges;
- ii. a schedule of plants to comprise species, plant size and proposed number/density;

The applicant has submitted the landscape drawings in four quadrants (South West area), (North West Sector) (North East Sector) and (South East Sector) which is useful to see how it integrates across Phases 1 and 2. The proposed soft landscaping has been used to break up the hard landscaping and provide a degree of separation for pedestrians and cyclists from vehicles.

These drawings show the location of new 138 trees, hedges, shrubs, wildflower meadow, grassy areas and bulb planting. There is a planting schedule included on the masterplan layout showing the range of species proposed including native species, and density/number.

The LDP Gilmerton and South East Site Brief suggested new woodland along the Green Belt boundary edge to the west and south of the site. The proposals include the integration of the existing woodland along the southern boundary of the Food-store, a new hedge is proposed along the south west boundary of the start up units and a mix of grass and hedging would be integrated with the existing woodland along the south east boundary adjacent to the vehicle access from Gilmerton Road. This landscaping and tree retention would help screen the proposals from the wider views.

Condition 5 of 19/02122/PPP requires the existing trees on site to be protected through the demolition and construction phases. A new condition is proposed to ensure that the proposed new landscaping is fully implemented and maintained.

In consequence, condition 1j i and ii can be discharged at this time.

- iii. programme of completion and subsequent maintenance including a separate maintenance plan for the SuDS areas;

Good maintenance is part of the drainage strategy, and having maintenance responsibility with both developer and retailer ensures that regular maintenance is planned as intended. The applicant has confirmed that the food store operator will be responsible for the maintenance and adoption of the SuDs within their area, the remainder will be adopted and maintained by Bernard Hunter LTD - the developer of the site. This is acceptable.

The proposals comply with the requirements of condition 1 (j) (iii).

iv. existing and proposed services such as cables, pipelines, substations;

Details show the proposed utility layout for phase 1 development including two substations near the bridge link in the centre of the site. Some information etc is indicative and for Phase 1 only. An external lighting and control strategy has also been provided. The location of the substations is acceptable however all this information needs to be provided for the whole phase1 site before this part of the condition can be discharged.

Therefore, this part of the condition can be discharged provided a condition is required showing the proposed external lighting plan prior to the occupation of the development.

v. other artefacts and structures including street furniture, lighting columns and fittings

As the main areas within the site, are likely to be private and not adopted by the Council, these details do not need to be assessed in terms of Road Construction Consent. However, for the areas fronting either Gilmerton Station Road and/or Gilmerton Road and the accesses onto them, further details of street furniture, lighting columns and fittings will need to integrate with the Road Construction Consent requirements and therefore will be subject to the further legislative control under the Roads Authority legislation.

A number of benches are provided in the public spaces around the site.

The proposals comply with the pre-commencement requirements of condition 1 (j) (v).

vi. play equipment and

The PPP did not require the provision of play equipment within the site. The site has a range of green public spaces and bench areas which would provide space for informal play. There is no play equipment required nor proposed within this proposal.

The proposals comply with the pre-commencement requirements of condition 1 (j) (vi)

vii. details of phasing of these works in relation to implementation and phasing of the development.

The applicant has submitted a masterplan highlighting the phase 1 proposals which are the subject of this AMC application and the remainder of the site phase 2 which will come forward in due course. This is acceptable.

The proposals comply with the pre-commencement requirements of condition 1 (j) (vii).

Condition 3 - Contamination

The applicant has submitted a Desk Study Report and Geotechnical Environmental and Mining Report. These have been assessed by Environmental Protection and giving consideration to the details of the proposed end use, Environmental Protection is satisfied risks to development from potential ground contaminants/gas generation will be sufficiently low and there is suitable for the proposed use intended. On this basis, Condition 3 should be discharged from 19/02122/PPP.

Therefore condition 3 can now be discharged.

Condition 4 - Archaeology

Archaeology has commented on the submitted Written Scheme of Investigation which involves a phased mitigation strategy. Evaluation work has been undertaken on part of the northern area of the site but not the whole of Phase 1. Further mitigation is still to take place across the remainder of the site (once cleared) and once undertaken, this condition could be discharged in full. Accordingly, although content for development to continue this condition still remains live and should not be fully discharged at this juncture.

Therefore, in terms of condition 4 the applicant has provided a written scheme of investigation, this is acceptable. The phased mitigation strategy is acceptable. Therefore, this condition could be discharged with the further condition requiring the implementation of the phased mitigation strategy prior to the occupation of any part of the development.

Condition 6 - Surface Water Drainage Arrangements

As stated under condition 1(g) A drainage strategy and surface water management arrangements have been submitted. Flood Planning has no objection to the proposals for phase 1 and has made further comments on Phase 2. Flood Planning note that if more vulnerable land uses classes are proposed in phase 2, for example a nursery, then the applicant must demonstrate the development is not at risk of flooding in the 1:1000-year return period storm event (including an allowance for climate change). But the PPP does not include class 10 When developing Phase 2 of the site, the applicant must demonstrate that flooding in the north-west corner of the site and overtopping of the existing SuDS basin does not pose a flood risk to the site. The landscape should be designed to safely manage exceedance flows and the applicant must determine whether any additional mitigation measures are required. Therefore, in terms of Phase 1, this is acceptable.

The proposals comply with the requirements of condition 6 for phase 1.

Condition 7 - Coal Mining Workings

The Coal Authority has been consulted on this application advise that the submitted information is sufficient to allow the discharge of condition 7.

Therefore condition 7 can now be discharged.

Condition 8 - Food Store Size

As set out in 1b above, the food-store is marginally above the cap set in condition 8 of 1858.sqm at 1928 sq.m. This condition remains in force on the Planning permission in principle so that any further increases would also be subject to the consent of the Planning Authority.

Therefore condition 8 is not being discharged at this time.

Condition 9 - Preliminary Ecological Survey

The preliminary ecological survey has been submitted and assessed by the biodiversity officer. This is acceptable.

Condition 9 can now be discharged.

Condition 10 - Noise

This proposal has the potential to create noise that will adversely impact the neighbouring residential amenity and therefore the proposals need to be assessed against Policy Des 5- amenity. The applicant has submitted a noise impact in support of this phase of the development and to discharge condition 10 (Noise) which has been assessed by Environmental Protection. The noise impact assessment has predictably identified that daytime noise is dominated by noise from road traffic from the city by-pass and the other local busy roads. As the traffic levels reduce so does the background sound over the evening and at night. The results from the applicants' noise impact assessment indicate that noise from the proposed development has a low potential to affect the residential amenity of existing and approved noise-sensitive dwellings during the daytime, due to relatively high background sound levels, but that noise from the proposed development has the potential to become more intrusive as background sound levels reduce in the evening and further at night. This would likely disturb residential neighbours sleep and result in complaints being made to Environmental Protection.

The applicant has therefore identified several mitigation measures that will be required to reduce the night-time levels from the proposed development site. The noise mitigation measures proposed at the development include locating and orientating the buildings within the proposed development to provide maximum screening of noise-sensitive receptors from noise generating plant or from other noise generating activities. Service areas shall be located on the far side (east) of the buildings away from the residential properties. This would include delivery bays and bin store locations. It is also considered reasonable to limit the timings of deliveries and collections to the

site to Monday to Saturday from 7am to 9pm with none on Sundays, to reduce the noise impact on the amenity of neighbouring residents, which could be secured by condition.

The applicant has advised that there are no final details on the proposed plant. There is a plant area marked on the drawings showing it located to the rear of the retail shop. This is located near to where there are existing residential properties. Environmental Protection suggest that this area should be screened off with an acoustic barrier on the west and south elevation. The applicant has confirmed that they currently do not have all the specific details on the Plant and suggest a standard condition is used to ensure that residential amenity is protected. The use of such conditions are not supported by Planning. Therefore, following Environmental Protections advice, further details of the plant and any further mitigation measures are required, to ensure that the noise is mitigated so that residential amenity of neighbours is not adversely affected. Once this information is submitted, assessed and approved in consultation with Environmental Protection then, this condition can be fully discharged.

This can be discharged with the condition that limits the timings of deliveries and collections and further details of the plant and any further mitigation measures are required prior to the occupation of any part of the development.

Condition 11 - Toucan Crossing

Details shows the location of the proposed Toucan (signalised cycle) crossing on Gilmerton Station Road. Whilst this is satisfactory in terms of Planning, the applicant should be aware that there will be further, more detailed requirements, in terms of the Road Construction Consent and Road Safety Audit, as required from the Council as Roads Authority. Therefore, there is understanding that the separate legislative process of Roads Authority still needs to be complied with however the fact that the proposed crossing still needs to be implemented is still a planning matter.

Condition 11 details of the toucan crossing is accepted; however, this crossing needs to be implemented prior to occupation of any part of the development and therefore a further condition is attached.

Conclusion in relation to the Development Plan and conditions of 19/02122/PPP

The proposals are in accordance with the Development Plan and comply with conditions 1. (a) (b) (c) (d) (e) (f) (g) (h) (i) and (j) (i) (ii) (iii) (iv) (v) (vi) (vii) and conditions 3, 4, 6, 7, 9, 10 and 11 of planning permission in principle 19/02122/PPP. Condition 8 is not discharged at this time.

The proposals design, scale, layout and mix of uses is acceptable and compatible with the LDP and conditions. The built form height, scale and massing, and arrangement of the buildings fronting onto both Gilmerton Station Road and Gilmerton Road is appropriate. The design of the pedestrian and cycle connections, public open space and parking areas is of an appropriate scale, appearance and subject to the landscaping details being agreed, quality.

Vehicular and non-vehicular access arrangements to and within the site and the levels of car and cycle parking including electric vehicle charging and disabled spaces is acceptable as are the proposed surface water drainage, sustainability and biodiversity arrangements.

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

The following material considerations have been identified:

Scottish Planning Policy

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.

SPP was a significant material consideration when 19/02122/PPP was assessed. The proposal will further SPP principles in a number of ways:

- the site has previous use, and this proposal is the redevelopment of a brownfield site identified as a long term redevelopment opportunity;
- development would result in local and city-wide economic benefit from construction and other local jobs from the investment in the mix of uses proposed; and
- the site is easily accessible by road, public transport and on foot or cycle as it is close to the newly constructed residential developments at Gilmerton Station Road.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited 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 and consideration has been given to human rights. The main active travel route through the site includes both ramp and stair access to the cycle path bisecting the site. Accessibility within and outwith the site with connections including the toucan crossing, to nearby bus stops and the proposed mix of uses is acceptable.

Public Representations

Two letters of support and one representation were received. One letter included a petition of support with 106 addresses in the local community. The other letter of support also included a petition of 56 representators. The comments are addressed in sections A and B of this report.

Material considerations

- provision of a range of mixed uses and essential services;
- inward investments and new employment opportunities both within construction and operational phases;
- brings opportunities for small businesses within this catchment area
- the accessibility of the site - ease of walking and cycling linkages and new public transport interchange although some concern that the ramp to the cycle path could be tricky for someone using non-standard bikes;
- provision of open space
- provision of indoor leisure and community facilities;and
- will benefit the local community.

Conclusion in relation to identified material considerations

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

c) Overall Conclusion

The proposals design, scale, layout and mix of uses is acceptable and compatible with the LDP and conditions. The built form height, scale and massing, and arrangement of the buildings fronting onto both Gilmerton Station Road and Gilmerton Road is appropriate. The design of the pedestrian and cycle connections, public open space and parking areas is of an appropriate scale, appearance and subject to the landscaping details being implemented and maintained, quality. Vehicular and non-vehicular access arrangements to and within the site and the levels of car and cycle parking including electric vehicle charging and disabled spaces is acceptable as are the proposed surface water drainage, sustainability and biodiversity arrangements. There are no material considerations which outweigh the proposals accordance with the Development Plan.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. This AMC application relates to condition 1, 3, 4, 6, 7, 9, 10 and 11 of planning permission in principle 19/02122/PPP which was granted on 5 February 2020 and which requires AMC applications to be submitted for consideration by the planning authority in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).
3. Prior to the occupation of the food store, a minimum of 39% of the total number of car parking spaces shall be the electric vehicle charging spaces with chargers, and these shall be fully installed and operational. The maximum number of general car parking spaces consented is 52.
4. No part of the development hereby approved shall be occupied until full details of acoustic measures in relation to the food store plant and any further mitigation measures required as set out in the requirements of condition 10 of planning permission in principle 19/02122/PPP, have been submitted to and approved in writing by the Planning Authority.

Thereafter, deliveries and collections, including waste collections, to any part of the development are to be restricted to 0700 - 2100 hours Monday to Saturday.

5. The landscaping hereby approved should be planted and/or installed not later than the first planting season after the occupation of any part of this planning permission. Thereafter, the landscaping scheme should be maintained for a 10-year period.
6. Prior to the occupation of any part of the development, a scheme for the external lighting and street furniture shall be submitted to and approved by the Planning Authority.
7. Prior to the occupation of any unit, details of the proposed pedestrian and cycle ramp should be provided and agreed with the Planning Authority.
8. The Toucan crossing hereby approved must be implemented prior to the occupation of any part of this planning permission.
9. Prior to the occupation of any part of the development the Written Scheme of Investigation and Mitigation Measures for archaeology should be implemented and confirmation approved 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. To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997 and to ensure an appropriate amount of time in which the development can be commenced having regard to the provisions of the development plan and to any other material considerations.
3. To ensure the electric vehicle charging facilities are implemented and operational prior to the opening of the food store.
4. In order to protect the amenity of residents.
5. To ensure the landscaping is implemented and maintained.
6. To ensure an appropriate strategy is implemented.
7. To ensure the cycle ramp is acceptable.
8. To ensure the implementation of the crossing is linked to the opening of any units on site.
9. To ensure the appropriate mitigation strategy is implemented.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. The applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 19 October 2021

Drawing Numbers/Scheme

1, 2A- 11A, 13C, 14A, 15, 16, 17A, 18A,29A,30A ,31,32B, 33-36, 37A, 38, 39A, 40-43,
Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Transport

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 28 October 2022

NAME: Environmental Protection

COMMENT: Environmental Protection refer conditions covering noise, contaminated land and local air quality and ask for further information and clarification prior to them supporting the discharge of all these conditions.

Condition 1 (b) and (d) 40 EVC provided but specify exact type and highlight on drawings.

(i) confirm maximising on site renewables their locations and if connections to be made to gas network. EP want all heat and energy demands via renewables and electric. (j) EVC rapid chargers is a larger unit and requires 3 phase power.

Contaminated land information submitted and still being addressed and cannot be discharged until later in the development process.

Condition 10 - noise. A noise impact assessment concludes that noise from the development has low potential to affect residential amenity during the day and become more intrusive at night, likely disturbing residential neighbours. Mitigation measures are proposed: locate and orientate buildings to provide maximum screening - with service areas on the east side of buildings away from residential properties. The retail shop has plant to the rear which should be screened off with an acoustic barrier on the west and south elevation. Details of proposed barrier should be submitted. Applicant to confirm if area identified as external plant plinth on Drawing No (X) is where all external plant for the food store is. Also would encourage conditions on hours of collections and deliveries to the food store at this AMC stage.

DATE: 29 September 2022

NAME: Flooding

COMMENT: No objection to Phase 1. Phase 2 includes a nursery and therefore the applicant must demonstrate that the development is not at risk of flooding in the 1:1000-year return period storm event (including an allowance for climate change). Also when developing Phase 2 of the site, the applicant must demonstrate that flooding in the north-west corner of the site and overtopping of the existing SuDS basin does not pose a flood risk to the site. The landscape should be designed to safely manage exceedance flows and the applicant must determine whether any additional mitigation measures are required.

DATE: 13 October 2022

NAME: Scottish Water

COMMENT: No Objection.

DATE: 15 November 2021

NAME: Archaeology

COMMENT: Condition 4 relates to archaeological mitigation. The WSI report covers the whole site and a phased mitigation strategy. The evaluation and mitigation was limited to the northern part of the site. Archaeological mitigation is still required across

the rest of the site. The development can continue however this condition cannot be fully discharged until this is undertaken.

DATE: 1 December 2021

NAME: Environmental Protection

COMMENT: 1b and 1d - requires types of electric vehicle chargers. (i) requires sustainability to be considered particularly the locations of renewable energy sources rather than gas.

Further Noise Issues relating to amenity of residents would require a condition on deliveries and collections from the site.

DATE: 29 September 2022

NAME: Waste Services

COMMENT: No Objection: If it is just a commercial development, the City of Edinburgh Council would not collect waste from these premises and instead this would need to be arranged through a private contractor(s). The developer/site owner would be obliged to separate the waste streams and arrange collections via a private waste contract. It is also required to have off-street storage, adequately sized and suitable for all bins and bins types needed.

In general waste arrangements should be made in line with Waste (Scotland) Regulations. More information can be found at <https://www.mygov.scot/business-commercial-waste> & <https://www.zerowastescotland.org.uk/waste-scotland-regulations>

DATE: 29 September 2022

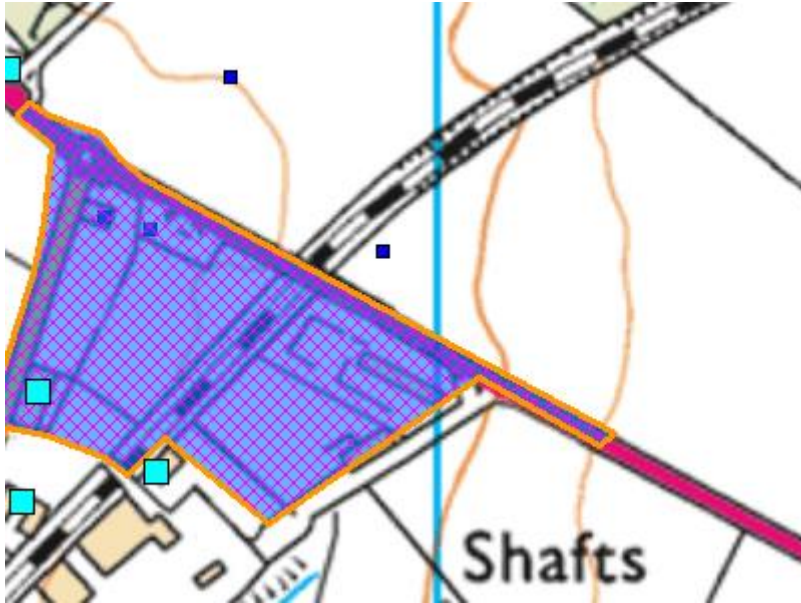
NAME: The Coal Authority

COMMENT: No objection to the Council discharging Condition 7.

DATE: 29 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 23 November 2022

**Application for Planning Permission
18 Grindlay Street, Edinburgh, EH3 9AS.**

Proposal: Retrospective change of use from residential to short-term let visitor accommodation (Sui Generis).

**Item – Committee Decision
Application Number – 22/03025/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

Given the significance of the issue of short term lets to the public interest at present, the Chief Planning Officer considers this application should be decided by Committee.

Recommendation

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

Summary

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

Subject to a condition requiring the rear door access to be infilled, the change of use of this property to a short-term let (STL) will not harm neighbouring amenity. The proposals will not harm the character or the appearance of the conservation area and will have no adverse effect on the Edinburgh World Heritage Site. The proposal complies with the relevant policies within the local development plan (LDP). There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a two-bedroom, ground floor flat, with a main door access from the pavement on Grindlay Street. The property forms part of a four-storey tenement block and has a rear access door to communal gardens. To the side of the property is a pend, Grindlay Street Court, that leads to two and three storey office buildings and an area of commercial car parking. The street and its environs are host to a mix of uses, including the Usher Hall, shops, bars and restaurants. The property is within a short walking distance to Lothian Road and the town centre of Tollcross.

The site lies within the West End Conservation Area and a World Heritage Site designation.

Description Of The Proposal

The application is for a change of use from residential to short term let (sui-generis). The applicant has advised that the property has been used as a STL since January 2018. Therefore, the application is retrospective.

Supporting Information

- Planning Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 21 June 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 24 June 2022;

Site Notices Date(s): 21 June 2022;

Number of Contributors: 0

Section B - Assessment

Determining Issues

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

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

The West End Conservation Area Character Appraisal acknowledges that the conservation area is extremely diverse in terms of its activities and uses ranging over city wide cultural activities, small offices and major headquarter offices, conference facilities and a wide variety of shops and restaurants. Georgian and Victorian tenements are mainly 4-6 storeys, constructed of stone with pitched, slated roofs. The major modern financial section consists modern offices to the south of the conservation area.

No external changes are proposed. However, as part of the broader assessment of the proposal, it would be necessary to block up the rear access to the communal gardens. The alterations would involve the existing door opening being infilled and replaced with a new window opening. A condition is therefore required to ensure that details of the rear door infill are submitted for further approval. This is to safeguard the character and appearance of the conservation area.

The proposed change of use of the property will not impact on the character or the appearance of the conservation area.

Conclusion in relation to the conservation area

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

b) The proposals comply with the development plan?

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

- LDP Environment policies Env 1 and Env 6;
- LDP Housing policy Hou 7; and
- LDP Transport policies Tra 2, Tra 3 and Tra 4.

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

The non-statutory guidance for Business is a material consideration when considering LDP Policy Hou 7.

Conservation Area

The impact on the character and appearance of the conservation area has been considered above in a). It was concluded that the change of use would not impact on the character of the conservation area and would preserve the appearance of the conservation area.

The proposal complies with LDP Policy Env 6.

Edinburgh World Heritage Site

The proposed change of use as a short stay let does not affect the reasons for the inscription of the World Heritage Site.

The proposal complies with LDP Policy Env 1.

Principle of development

The application site is situated in the Urban Area as defined in the LDP.

The main policy that is applicable to the assessment of short term lets is LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), which seeks to protect residential amenity.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand and
- The nature and character of any services provided.

Grindlay Street and its immediate vicinity contains a diverse mix of uses, including the Usher Hall, a theatre, shops, bars and restaurants. There is an established liveness to the character of the area due to nearby uses and their associated pedestrian and vehicular activity. The property has a main door access from Grindlay Street which would not interfere with other occupiers of the building. The level of activity is such that the ambient noise level is higher than would be found in more residential areas of the city centre. Given the busy character of the street during the day, and to an extent into the later evening, the activities and potential noise associated with STL uses would be largely masked. The proposed use of the property as a short stay let is compatible with the character and the mix of uses in this area.

However, the property does have a rear access to the communal garden. This area would be largely protected from the noise from the street and provides a quieter environment for residents. The opportunity for guests to access this area directly from the property has the potential for conflict in terms of noise and disturbance. In order to prevent a deterioration of residential amenity, it would be necessary to impose a planning condition requiring the door to be infilled or replaced with a window. This would safeguard neighbouring residential amenity.

It is recognised that the spend from the guests would support jobs in the local businesses such as shops and cafes/restaurants. Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of STL properties, the economic benefits are a material planning consideration.

Subject to a condition requiring the infill of the rear door, the proposed change of use to a STL in this location will not have a materially detrimental effect on the living conditions of nearby residents. The proposal complies with LDP Policy Hou 7.

Parking standards

There is no vehicle parking and no cycle parking. Zero parking is acceptable as there is no requirement for cycle parking for short term lets. Bicycles could be parked inside the property.

The proposals comply with LDP Policies Tra 2 and Tra 3

Conclusion in relation to the Development Plan

Subject to a condition requiring the rear door access to be infilled, the change of use of this property to a STL will not harm neighbouring amenity. The proposals will not harm the character or the appearance of the conservation area and will have no adverse effect on the Edinburgh World Heritage Site. The proposal complies with the relevant policies within the LDP.

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 the thirteen principles outlined within paragraph 29 of the SPP. The proposal therefore will contribute to sustainable development.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

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

Equalities and human rights

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

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

Public representations

No comments were received.

Conclusion in relation to identified material considerations

The other material considerations have been identified and addressed. There are no outstanding material issues to resolve.

Overall conclusion

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

Subject to a condition requiring the rear door access to be infilled, the change of use of this property to a STL will not harm neighbouring amenity. The proposals will not harm the character or the appearance of the conservation area and will have no adverse effect on the Edinburgh World Heritage Site. The proposal complies with the relevant policies within the LDP. There are no material considerations that outweigh this conclusion. It is recommended that this application be approved.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. Within two months of the date of this permission, details of the infilling, including the proposed materials and detailing, of the access door to the rear garden, as shown on Drawing No. 02, shall be submitted to the Planning Authority for its written approval. The agreed method of infilling shall be implemented within two months of the date of written approval from the Planning Authority. Notwithstanding Section 26 of the Town and Country Planning (Scotland) Act 1997, no access to the rear elevation shall be formed without the approval of the Council, as planning authority.

Reasons:-

1. To make the proposed change of use of the property as a short stay let in this location acceptable in terms of safeguarding residential amenity.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 8 June 2022

Drawing Numbers/Scheme

01-02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

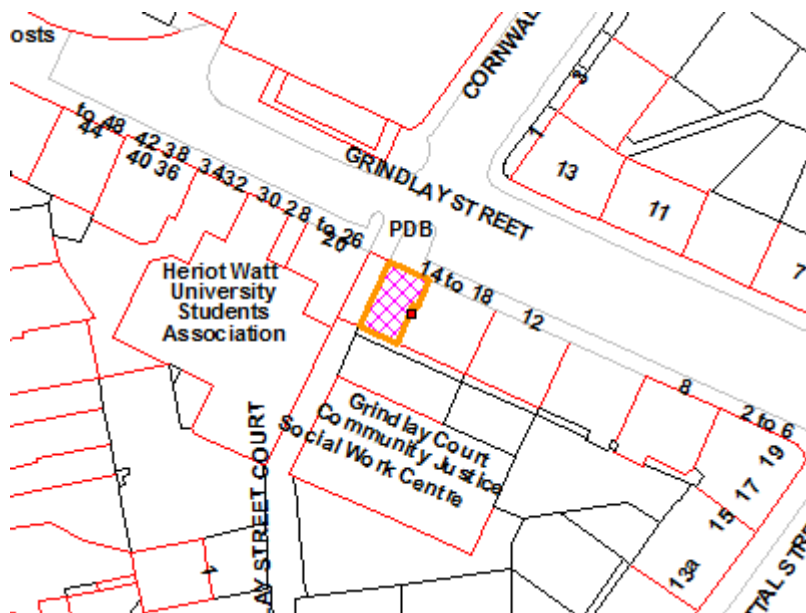
Contact: Laura Marshall, Planning Officer
E-mail: laura.marshall@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 23 November 2022

Application for Planning Permission

1 Linksvie House, 26 Tolbooth Wynd, Edinburgh

Proposal: Demolition of single storey and three storey blocks of flats, 25 garage lock ups and plinth area with undercroft parking. The construction of 35 new build residential units and amenity space, communal external space with associated roads, footpaths and landscaping which includes updated public space /landscaping in the surrounding area. Alterations to be made to the base of the Grade A listed Links View House (as amended).

Item – Committee Decision

Application Number – 18/08051/FUL

Ward – B13 - Leith

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the applicant is The City of Edinburgh Council. 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 does not harm the character of the listed building or its setting or the setting of neighbouring listed buildings. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not have an adverse impact on the character or appearance of the conservation area.

The proposals comply with the Edinburgh Local Development Plan (LDP) and will not result in adverse harm to the special interests of the listed building or result in adverse harm to the character and the appearance of the conservation area. The infringement relating to the loss of trees and the capacity of some open spaces to receive sunlight is minor and the beneficial gain from the scheme outweighs these issues. Neighbouring developments will not be adversely affected, and future occupiers will have an acceptable level of amenity within the development. A legal agreement is required to secure contributions towards education, tram, and healthcare. This is to address the cumulative impact of the proposed development. In addition, a legal agreement is required to secure affordable housing on this site.

Overall, the proposal is acceptable and there are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is approximately 11900 sqm that covers areas around Tolbooth Wynd, Linksvie House, Kirkgate and Coatfield Lane.

To the north of the site is the 1960s Linksvie House, an 11-storey slab block of flats and is category A listed (listed building reference: LB52404, date of listing: 30.01.2017). The building is an important example of modern Brutalist architecture and makes an important contribution as a post-war urban renewal/mass housing scheme.

Linksvie House is positioned on a rectangular plan slab block (plinth) with an undercroft that was used for car parking. It should be noted that the plinth is not part of the listing. The undercroft car park is vacant and has been subject to some fire damage. A total of 21 social housing flats previously occupied parts of the plinth and on Kirkgate before its demolition under Conservation Area Consent (application number 19/02728/CON). The plinth and pedestrian routes around Kirkgate are designated open spaces in the LDP.

Flatted developments characterise the pattern of development surrounding the site. Existing flats on Kirkgate comprise of four storeys with mature trees lining this thoroughfare. The public realm is fragmented in parts and lacks natural surveillance and welcoming spaces.

There are a number of listed buildings near to the site, including, South Leith Parish Church, Kirkgate, which is category A listed (LB27466, 12/14/1970); Trinity House, 99 Kirkgate, which is category A listed (LB27834, 12/14/1970); St Mary Star Of The Sea RC Church, 106 Constitution Street, which is category B listed (LB27358, 12/14/1970); and Church Hall, St Mary Star Of The Sea, 106 Constitution Street, which is category C listed (LB27372, 3/29/1995).

The site lies within the Leith Conservation Area.

Description of the Proposal

The proposal is for the demolition of 21 flats, and also the demolition of 25 garage lock ups and the plinth area with undercroft parking. It should be noted that this element of the proposal has already been carried out under Conservation Area Consent (application number, 19/02728/CON). This was due to a pre-evaluative archaeological requirement.

The proposal is to redevelop the site with 35 affordable housing units (100% onsite provision), with associated landscaping and public realm improvement works. Alterations to the base of Linksview House is to include a new internal community space.

The proposed units are to comprise of two and three storey flat roofed duplex terraces. All units are to have a main door access. The finishing treatment is to include lime wash for the external walls with sections of coloured glazed brick. Windows are proposed to be aluminium / timber composite and the doors are to be timber, coloured to match the glazed brick.

The housing mix includes the following:

1-bedroom x 5 (includes one accessible unit)
2-bedrooms x 12 (includes one accessible unit)
3- bedrooms x 17 (includes one accessible unit)
4 bedrooms x 1

Public improvement works surrounding the site include landscaping and the provision of amenity spaces with furniture/seating for both private and public use. A total of 54 trees within the site are proposed to be removed.

Cycle parking for the new build is to be located within the undercroft, accessed by an electronic key fob from Kirkgate. 103 private cycle parking spaces (including No.16 non-standard spaces) are to be provided with Sheffield stands.

The existing public car parking spaces on Tolbooth Wynd are to be reconfigured with 19 spaces (16 standard spaces and 3 accessible spaces). This is to allow entrance to Linksview House to be more welcoming.

Within Coatfield Lane, 10 public car parking spaces are to be introduced (five standard spaces, one accessible space, one accessible electric charging space and three electric charging space).

A total of 17 public cycle parking with Sheffield stands is to be provided on Tolbooth Wynd and Coatfield Lane.

Supporting Information

The following information is available on Planning and Building Standards on-line Services:

- Phase 1 Desk Study Report (September 2018)
- Design Statement (September 2018)
- Existing Structural Report (September 2018)
- Archaeology Evaluation Report (June 2021)
- Fire Strategy Report (April 2022)
- Landscape Strategy (April 2022)
- Revised Tree Survey Report (April 2022)
- Addendum and Access Statement (April 2022)
- Revised Preliminary Ecological Appraisal (April 2022)
- Surface Water Management Plan
- Daylight Study

Scheme three

The original scheme was amended with the number of units increased from 32 to 35 units. The open space on Kirkgate has been retained and a new community space within Linksvie House was introduced. Other changes included the relocation of cycle parking to existing undercroft and the introduction of bats/bird boxes. Furniture/play park equipment's for the existing open space on Kirkgate was omitted.

Relevant Site History

19/02728/CON
1 Linksvie House
26 Tolbooth Wynd
Edinburgh
EH6 6DP
Complete Demolition in a Conservation Area.
Granted
1 August 2019

Other Relevant Site History

18/08052/LBC
1 Linksvie House
26 Tolbooth Wynd
Edinburgh
EH6 6DP
Proposal to demolish and rebuild part of Linksvie House base to the East of the building amounting approx 147 square metres.
Pending Decision

20/03364/LBC
1 Linksvie House
26 Tolbooth Wynd
Edinburgh
EH6 6DP

To alter the base of Linksvie House to enhance the user experience whilst walking through and around the tower.

Pending Decision

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology

Housing and Regulatory Services

Waste Services

Leith Harbour and Newhaven Community Council

Communities and Families

Environmental Protection

Waste Services

Historic Environment Scotland

Flood Prevention

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

Publicity and Public Engagement

Date of Neighbour Notification: 23 June 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 1 July 2022; 12 October 2018;

Site Notices Date(s): 28 June 2022.

Number of Contributors: 21

Section B - Assessment

Determining Issues

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

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

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

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) **The proposals harm the listed building and its setting.**

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

- Managing Change: Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent.
- Managing Change: Setting

Setting can be important to the way in which historic structures or places are understood, appreciated, and experienced. Where development is proposed, it is important to identify the historic assets that might be affected, define the setting of each historic asset, and assess the impact of any new development.

The proposals involve in the demolition and the re-development of an unlisted plinth that is structurally part of the setting to the category A listed Linksvie House. In terms of defining the setting of this historic asset, the existing 11-storey tower block visually dominates its surroundings where neighbouring buildings are between four and six storeys in height. The tower block faces onto a large rectangular concrete plinth to the south. The plinth provides multiple access to neighbouring streets on foot. The former flats on the plinth were one storey in height and they extended horizontally onto Kirkgate where they were three storeys, characterised by flat roofs with a concrete/brown brick finish. The flats were the remnants of the 1960s redevelopment of the area. In addition, surrounding buildings are characterised by a mix of treatment finish, including concrete, render, stone, and brick from different construction periods.

There are no public seating areas within the plinth and there is a harsh uncomfortableness associated with the size of the plinth against the monumental height of the tower block, that leaves users of this space exposed with some parts of the plinth lacking natural surveillance. The existing pedestrian link on Kirkgate provides key views to the tower block. Developments surrounding Linksvie House are fragmented in parts due to the historic slum clearance and post-war reconstruction. In summary, the defining feature of its historic asset is its towering, monumental presence, being an architectural example of mass housing of its time, with its key views and pedestrian links on Kirkgate.

While the former flats on the existing plinth and on Kirkgate have been demolished, the scale, form, design and positioning of these buildings did not form an essential component to the setting of Linksvie House or contribute positively to its setting. Its demolition, therefore, resulted in no adverse impacts on the key aspects of this historic asset.

Compared to the previous situation, new housing on the plinth would be set further back from the tower block and would be three storeys in height. This would be in-keeping with the subservient scale of developments that surrounds the tower block. In addition, the positioning of the new developments on the existing plinth and on Kirkgate would maintain key views and the importance of the pedestrian link on Kirkgate. The proposed development will not adversely affect the setting of the Linksvie House. The proposed development design, layout and positioning will also have no impact on the relationship setting of other nearby listed buildings.

Historic Environment Scotland (HES) was consulted on the proposals and advised that "the location, scale and massing of this new development would in our view retain the monumental character and open southern setting of 11-storey Linksvie House".

With regards to the proposed alterations at the base of the tower block, the proposal seeks to reconfigure the existing reception area and replace a storage space with a new internal community space and external seating area. This element of the proposed works will not result in a diminution of the listed buildings special interest and is acceptable.

Conclusion in relation to the listed building

The proposal does not harm the character of the listed building, or its setting or the setting of neighbouring listed buildings. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

The site lies within the Leith Conservation Area and the character appraisal states the following:

The character of the Conservation Area derives from Leith's history both as a port and an independent burgh. Several fine Georgian and Victorian warehouses survive, some now converted for residential or office use'

The Kirkgate was old Leith's main street with a lively and varied streetscape. The intimate urban pattern of winding streets and densely grouped buildings of the Old Kirkgate was lost in the redevelopment of this area during the 1960s. The remaining historic remnants include the 15th century South Leith Parish Church, the earliest building in the area'

The New Kirkgate shopping precinct and housing development to the north disregard the distinctive organic structure and scale of the surrounding urban pattern. The Kirkgate is a courtyard of low-rise housing with zigzag rendered fronts which is terminated by the multi-storey slab of Linksvie House...

The form of the Kirkgate Centre incorporates features, such as the separation of pedestrians and cars and the grouping of buildings around a precinct, which are a product of the urban design principles prevalent in British post-war reconstruction and the development of new 'satellite' communities...

The character appraisal identifies the design and layout of the site as a product of slum clearance and post-war reconstruction. The redevelopment of the site has resulted in both physical and visual disruption to the spatial structure of old Leith's main street. Although the demolition of the unlisted flatted buildings has already been carried out, they related to the redevelopment of the Kirkgate during the 1960s. The design and layout of the former social housing block did not make a positive contribution to the character of the area and did not require to be preserved. Therefore, there was no requirement to address matters relating to the condition and costs of repairing and maintaining the buildings and their associated structures.

Compared to the existing situation, the proposed development will result in beneficial gains to the character and appearance of the conservation area. Existing features within the site, including the plinth, key pedestrian links, open spaces and trees have been incorporated and enhanced through its design. The proposed development would improve the existing situation in terms of generating coherence and distinctiveness where it will not result in adverse harm to the character or the appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not have an adverse impact on the character or appearance of the conservation area.

c) The proposals comply with the development plan.

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

- LDP Environment policies Env 2, Env 3, Env 4, Env 5, Env 6, Env 9, Env 12, Env 1, Env 18, Env 21, Env 21;
- LDP Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8;
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 6, Hou 10;
- LDP Transport policies Tra 2, Tra 3, Tra 4; and
- LDP Delivering the Strategy policy Del 1.

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

Impact on Listed Building

The impact on the setting of the listed building, including the demolition of surrounding developments has been considered above in a). It was concluded that the demolition and re-development of the site would not be detrimental to the setting of the category A listed Linksvie House.

The proposal complies with LDP policies Env 2, Env 3, Env 4 and Env 5.

Conservation Area

The impact on the character and appearance of the conservation area has been considered above in b). It was concluded that the proposals would not have an adverse impact on the character of the conservation area and would preserve the appearance of the conservation area.

The proposal complies with LDP Policy Env 6.

Principle of housing

The site lies within the urban area in the adopted Edinburgh Development Plan. Due to former residential developments on parts of this site, the land is established for residential use. The principle for redeveloping the site for housing is therefore acceptable, subject to compliance with other policies in the LDP.

The proposals comply with LDP policy Hou 1.

Archaeology

Due to the application site occurring on the historic core of the medieval port of Leith and evidence from surrounding archaeological excavations, the original scheme had the potential to significantly impact on archaeological remains. It was therefore essential for the site to be evaluated prior to its determination in line with LDP policy Env 9 (Development of Sites of Archaeological Significance).

The Archaeology Evaluation Report (June 2021) in part, was delayed by COVID. This involved the wholesale demolition of existing buildings (approved under conservation area consent application 19/02728/CON) to allow parts of the site to be surveyed. Findings from the survey indicated that despite significant truncation of the site caused by the construction of the 1960's housing and Linksvie House, modern facilities/services, significant remains dating to at least the 15th century were found to occur across the site.

The proposals will involve significant ground-breaking works and will significantly impact on surviving archaeological remains, dating back to the medieval period. Based on the findings of the evaluation, it is accepted that in-situ measures are not warranted in this case. It is essential, however, that a programme of archaeological work is carried out across the site prior to development. This to fully excavate, record, analysis and publish the results from the excavation of any surviving archaeological remains affected by development. A programme of public/community engagement to be undertaken during the development is also required. A condition is therefore required to ensure compliance with LDP policy Env 9.

Development Design

Existing features within the site, including the plinth, key pedestrian links, open spaces and trees have been incorporated and enhanced through its design. The existing situation, in terms of surrounding development, is fragmented with poor natural surveillance. Re-purposing the existing plinth with more housing and defined external spaces would help to achieve a more welcoming and safer built environment that would generate coherence and distinctiveness.

The proposed development design seeks to be a contemporary addition to the 1960s scheme surrounding the site, where it seeks to reinterpret the palette of materials, colours, and forms of developments in and around the site. A materiality study was provided to demonstrate the mix of materials used on developments surrounding the site. In terms of the robustness and maintenance of the proposed lime wash finish on the new builds, it was advised that this can involve a 20-year cycle of re-application. In addition, allowing a lime-coloured façade to become a gently weathered façade can be viewed as a desirable outcome. The proposed lime wash finish is therefore acceptable and would be compatible with the mix of materials that surrounds the development.

The section drawings demonstrate that the proposed development height and positioning will not impact on key views in an around the site. The proposed development, therefore, will have a positive impact on its surroundings, including the character of the wider townscape.

In terms of accessibility and connectivity, a ramp is proposed from Giles Street that connects with the existing plinth, as well as a ramp to Coatfield Lane. New ground floor units will be fully accessible. The proposals also include accessible public car parking spaces.

A condition, requiring sample materials of the proposed finish is required. This is to ensure that the development is finished to a high standard, using materials as appropriate.

The proposal complies with LDP policies Des 1, Des 2, Des 3 and Des 4.

Open Space

The existing concrete plinth is designated as open space in the LDP. The proposal largely seeks to rationalise this space to make it more compact and sociable. New housing will largely be positioned on previously developed parts of the plinth and the beneficial gains derived from the scheme would far outweigh a slight reduction in this open space provision (approximately 180 sqm). The proposal would re-purpose the existing plinth with a new external amenity space with public furniture included. Parts of the plinth would be landscaped which would improve the existing situation for both existing residents and the new occupiers of the new build.

The revised scheme now retains the existing fenced off open space on Kirkgate with landscaping improvement works included. This is acceptable.

The proposals comply with LDP policy Env 18 (Open Space).

Public Realm and Community Safety

The revised scheme was accompanied by a letter from Police Scotland, who commented on aspects of windows and doors, access, mail delivery, perimeter, lighting, car parking, cycle store, bin stores, public amenity space/seating, community space and graffiti. Police Scotland advise that a Secured by Design certificate will be provided for this development upon production of relevant test certification for windows and doors and at the conclusion of a site inspection on completion of the development.

The Design and Access statement included a ground activity plan, showing the existing and proposed situation in terms of community safety and accessibility. The proposal would improve the existing situation in terms of enhancing community safety through enhanced natural surveillance and urban vitality and provide direct and convenient connections on foot and by cycle. The proposal complies with criterion (a) to (f) of LDP policy Des 7.

All external spaces, and features, including streets, footpath, civic spaces (plinth), green spaces boundary treatments have been designed as an integral part of the scheme to improve the existing public realm situation. The proposal complies with criterion (a) to (d) of LDP policy Des 8.

Sustainable Buildings

Sustainable measures within the scheme includes solar panels, electric car parking and cycle parking. Building Standards Technical Handbook requires new developments to accord with the current carbon dioxide emissions reduction target and this will be addressed through the building warrant stage. In terms of managing surface water and compliance with the standards for parking, this is addressed below.

The proposals comply with LDP policy Des 6.

Amenity

Neighbouring amenity

The amenity of neighbouring developments will not be adversely affected in terms of loss of privacy, outlook, daylight or result in adverse overshadowing.

Future occupiers' amenity

All the proposed units will meet the minimum floorspace standard contained in the Edinburgh Design Guidance.

Overall, 32 units will be dual aspect and the daylight section drawings demonstrates that future occupiers will have adequate levels of daylight within the development.

In terms of privacy, the Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. This means that there may be higher expectations for separation in suburban areas than in historic areas. The proposed privacy distance is compatible with the pattern of development of the area and future occupiers will have reasonable levels of privacy within the development and outlook.

The previous flatted situation had no private amenity space for residents. In addition, private open spaces are not characteristic of the pattern of development within this area. Most of the proposed units are to have a definable private space to their front door (approximately 25 sqm). In addition, the proposed duplex terraces on the first floor are to have small area (approximately 30 sqm) of private amenity space. A new communal landscaped area is to be included within the existing plinth (approximately 200 sqm) and the existing open space on Kirkgate is to be retained and enhanced (approximately 1050 sqm). Compared to the existing situation, the usability of the proposed open space (both private and public) would be limited to a degree in its capacity to receive sunlight due to neighbouring developments and shading from existing trees. The proposed open space provision represents a significant improvement to existing situation, and this is a relevant material consideration. In addition, the beneficial gains of the scheme, including enhanced natural surveillance and public realm works to external spaces outweighs the infringement to LDP policy Hou 3 as future occupiers will have reasonable levels of amenity within the development in this location.

The proposal will provide a mix of 1, 2, 4 and 4 bed dwellings where 10% will be accessible homes, 50% family homes and 100% affordable homes. The proposal complies with LDP policy Hou 2 (Housing Mix).

In terms of existing and proposed impacts on amenity, the proposal complies with LDP policies Des 5, Hou 2 and Hou 3.

Parking Standards

The site is not within a controlled parking zone area and there is limited scope to control existing public car parking spaces. In addition, LDP policy Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) is not applicable to the assessment of public car and cycle parking. There are no public car or cycle parking standards contained in the Edinburgh Design Guidance. Public car parking would see the inclusion four active charging spaces and five accessible spaces.

Future occupiers of the new build will not have an allocated private car parking space, and this is acceptable. The proposal is highly accessible to public transport and within walking distance to nearby amenities.

There is a requirement to provide 66 private cycle parking spaces and the proposal exceeds this requirement. The proposed Sheffield stands comply with the Council's C7 Cycle Parking Fact Sheet.

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

Trees

There are 86 trees within the application site. The proposed development will result in the loss of 54 trees (13 category B; 37 category C and four category U) with 32 trees to be retained.

Most of the well-established trees along the Kirkgate (including one category A tree) and to the front (North) of Linksvie House are to be retained. Two trees on Kirkgate are in poor condition due to in-grown wire and will be replanted with similar species. Within the existing plinth, 15 trees would be removed and replaced with 14 new trees as part of the new open space provision on the plinth. While the loss of the trees within the site equates to 63% of existing trees, the beneficial gains derived from the proposed scheme compared to the existing situation is a relevant material consideration that outweighs this infringement.

The landscape proposals, including soft and hard features demonstrates a coherence of tree planting and planting strategy throughout the site and this outweighs the loss of the existing trees. The removal of existing trees within the site is therefore acceptable.

The proposal complies with LDP policy Env 12.

Ecology/Protected Species

The submitted Preliminary Ecological Appraisal (PEA) demonstrates that bats are not a constraint to the proposed development. The proposals comply with LDP policy 16 (Species Protection).

The revised scheme incorporates bat and bird boxes within the new building structures. In addition, five bat and five bird boxes are to be installed on existing suitable trees. The proposal, therefore, complies with LDP Des 3 in terms of incorporating and enhancing potential features through its design, Edinburgh Design Guidance, and meets the objectives of the Edinburgh Biodiversity Action Plan.

Flood Impacts

The proposal will not increase a risk or be at risk of flooding itself and will not be prejudicial to existing or planned flood defence systems. The proposals comply with LDP policy Env 21 (Flood Protection).

Pollution/Contamination

A Ground Investigation Report was submitted and is currently being reviewed by Environmental Protection. Therefore, a condition is required to ensure that contaminated land is fully addressed. This is to ensure compliance with LDP policy Env 22.

Affordable Housing

The proposed 35 units are intended to provide 100% of affordable housing on site. This is fully compliant with LDP policy Hou 6 (Affordable Housing). A legal agreement is required to secure this provision.

Developer Contributions

LDP policy Del 1 (Developer Contributions and Infrastructure Delivery) states a requirement to mitigate any negative additional impact (either on an individual or cumulative basis) and is commensurable to the scale of the proposed development.

Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery (August 2018) sets out how developer contributions are identified and calculated.

Tram

The application site is within 250 metres of a tram contribution zone and falls within zone 1. On this basis, a contribution of £92,000 is required for 35 units towards the development of the tram network.

Transport Actions

Table 9 in the LDP sets out Transport Proposals and Safeguards. Active Travel proposals within safeguard T7 seeks the provision of various off-road cycle/footpath links. The Edinburgh Local Development Plan Action Programme was updated in December 2021 and no transport actions/costs were identified for this site.

Healthcare

The application site is within Leith Waterfront (northeast) healthcare contribution zones. The Edinburgh Local Development Plan Action Programme sets out an action for a new practice to mitigate impact of new residential development in Leith Waterfront. The cost of delivering this action is £4.5m for 10,000 patients through LDP developments. A breakdown of this cost equates to £945 per dwelling. The proposed development represents 14 units of a difference compared to previous situation and is therefore required to contribute £13,230 towards healthcare.

Education

The calculations are based on the difference in the number of bedrooms proposed compared to previous situation, prior to the demolition of the former flats. This would be commensurate with the scale of the proposed development.

No. of beds.	Existing Units	Proposed Units	Difference
1	16	5	0
2	2	12	10
3	3	17	14
4	0	1	1

The application site is within LT-1 Sub Area for Leith/Trinity Education Zone. The Edinburgh Local Development Plan Action Programme was updated in December 2021. However, development in this area affects Broughton, Leith and Trinity primary school catchment areas and the high schools they are aligned to, Drummond, Leith and Trinity and two contribution zones: Drummond and Leith-Trinity. A new contribution zone is therefore necessary to assess the cumulative impact of housing developments in this area.

Both the Action Plan and the Education Appraisal (2021) has identified a requirement for additional primary and secondary school capacity in this area. This includes a new 13 Class Primary School, 2 PS Classes (Broughton Primary School), additional places at Drummond High School and additional places at St Thomas of Aquin's RC High School.

Supplementary Guidance set out in the Council's Developer Contributions and Infrastructure Delivery document states if a proposed development will generate more than one secondary school pupil and more than one primary school pupil then a full contribution will be required.

The proposed development is estimated to generate 2 early learning and childcare (ELC) pupils, 4 primary pupils and 2 secondary pupils. A full contribution towards primary infrastructure is required at a rate of £4,613 per flat. In addition, a full contribution towards secondary infrastructure is required at a rate of £3,262 per flat. The proposed difference of 25 units for each infrastructure (£115,325 + £81,550) is required to contribute a total sum of £196,875 towards education infrastructure

Waste Strategy

The existing road layout will not be altered as a result of the proposal and a swept path is therefore not required. The applicant has advised that their waste requirement has been discussed with Waste Services. The proposed waste arrangement as outlined in the Design and Access statement does not preclude assessment of the proposal.

Conclusion in relation to the Development Plan

The proposals overall, complies with the Edinburgh Local Development Plan and will not result in adverse harm to the special interests of the listed building or result in adverse harm to the character and the appearance of the conservation area. The infringement relating to the loss of trees and the capacity of some open spaces to receive sunlight is so minor as the beneficial gains from the scheme significantly outweighs these issues. Neighbouring developments will not be adversely affected, and future occupiers will have an acceptable level of living amenity within the development. A legal agreement is required to secure contributions towards education, tram, and healthcare. This is to address the cumulative impact of the proposed development. In addition, a suitable legal agreement is required to secure the affordable housing provision on this site.

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

The following material planning considerations have been identified:

SPP - Sustainable development

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

The proposal complies with Paragraph 29 of SPP in terms of supporting good design and the six qualities of successful places, supporting climate change mitigation and adaptation, improving health and well-being by offering opportunities for social interaction, protecting the amenity of new and existing development, protecting, and enhancing historic environment. The proposed development is therefore sustainable.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

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

Equalities and human rights

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

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

Public representations

The revised scheme attracted a total of 3 comments, with 1 objecting, 1 support and 1 general comment. A summary of the representations is provided below:

material considerations

- Public realm improvements will enhance Linksvie House category A listed status - Addressed in Section (a) and (c).
- Proposals will create much more open, welcoming, accessible and safe public space - Addressed in Section (c).
- Development height will impact on daylight to neighbouring properties - Addressed in Section (c).
- Impact on healthcare and schools - Addressed in Section (c).
- Impact on parking and planning disabled parking - Addressed in Section (c).
- Proposals should incorporate swift nests - Addressed in Section (c).
- No accessibility assessment for new builds/ground floor properties not necessarily accessible for disabled people- Addressed in Section (c).
- Loss of open space - Addressed in Section (c).

non-material considerations

- Potential impact on mobile phone and television aerial and satellite signal - not a planning matter.
- Loss of pedestrian access to Kirkgate - there is no loss of pedestrian access within the revised scheme.
- Limited disabled parking in the area, how will existing issues of blocked spaces on Tolbooth Wynd be addressed - not within the scope of the application to address/resolve.

The original scheme in October 2018 attracted a total of 17 objections. A summary of the representations is provided below:

material considerations

- Development design uglier than the flats on Coatfield Lane - Addressed in Section (c).
- Development design provide no link to the historic buildings within the area- Addressed in Section (a) to (c)
- Impact on residential amenity in terms of loss of daylight and loss of privacy - Addressed in Section (c).
- Loss of open space/contrary to LDP policy 18 (Open Space Protection) - Addressed in Section (c).
- Too close to Coatfield -- Addressed in Section (c).
- Inadequate parking provision for 32 units for area where parking is a problem - Addressed in Section (c).
- Impact on trees - Addressed in Section (c).
- Plans for undercroft unclear - Addressed in Section (c).
- Welcome the provision of social housing - Addressed in Section (c).

non-material considerations

- Opposed to buildings being sited on what is residents back gardens - the proposed development is not sited on residents back gardens in the revised scheme.
- Impact on views - no right to a particular view.
- Consultation event did not indicate plans to build a block between the two blocks - this does not preclude assessment of the proposals. The application was re-advertised, and neighbours re-notified as a result of the revised scheme.
- Construction disruption - not a planning matter.
- The proposals involve a hotel use - the proposal is for housing only.
- With regards to the proposed tram route on Constitution Street, Kirkgate is the obvious safe alternative to Constitution Street for both pedestrians and cycles, given the lack of a dedicated cycle lane on Constitution Street. The current proposals represent a wasted opportunity to enhance Kirkgate as a significant thoroughfare and gateway to the Shore- the application is assessed as submitted and revised. It is not within the scope of the application to resolve.

Leith Harbour and Newhaven Community Council objected to the original scheme on grounds that the design did not address concerns relating to lack of greenspaces, ecology/loss of trees and that the scheme made no reference to people with special needs and elderly facilities - This is addressed in Section (c). It should be noted that it is not within the scope of the application to confirm if former tenants can return to the site once developed.

Conclusion in relation to identified material considerations

The material issues have been identified and addressed. There are no outstanding material issues resolve.

Overall conclusion

The proposal does not harm the character of the listed building or its setting or the setting of neighbouring listed buildings. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not have an adverse impact on the character or appearance of the conservation area.

The proposals comply with the Edinburgh Local Development Plan (LDP) and will not result in adverse harm to the special interests of the listed building or result in adverse harm to the character and the appearance of the conservation area. The infringement relating to the loss of trees and the capacity of some open spaces to receive sunlight is minor and the beneficial gain from the scheme outweighs these issues. Neighbouring developments will not be adversely affected, and future occupiers will have an acceptable level of amenity within the development. A legal agreement is required to secure contributions towards education, tram, and healthcare. This is to address the cumulative impact of the proposed development. In addition, a legal agreement is required to secure 100% affordable housing on this site.

Overall, the proposal is acceptable and there are no material considerations that outweigh this conclusion. It is recommended that the application be approved.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication, interpretation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. Prior to the 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.

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. Notwithstanding the approved drawings, samples of all the proposed external materials shall be made available to the Planning Authority and approved in writing by the Planning Authority before work is commenced on site.
5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
6. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction".

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of archaeological heritage.
3. In order to ensure that the site is made suitable for its intended use.
4. To consider this matter in more detail and to ensure that the proposed development is finished to a high standard, using materials as appropriate.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to safeguard existing trees as part of the site.

Informative

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms.

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.

These matters are:

Education - The proposed development is estimated to generate 2 early learning and childcare (ELC) pupils, 4 primary pupils and 2 secondary pupils. A full contribution towards primary infrastructure is required at a rate of £4,613 per flat. In addition, a full contribution towards secondary infrastructure is required at a rate of £3,262 per flat. The proposed difference of 25 units for each infrastructure (£115,325 + £81,550) is required to contribute a sum of £196,875 towards education infrastructure.

Healthcare - £13,230

Tram - £92,000

Affordable Housing - 100%

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The application was accompanied by a Species Protection Plan for Breeding Birds (SPP). Adherence to this SPP is required.
5. This consent grants planning permission only. In particular, it does not include listed building consent or conservation area consent.
6. The applicant is required to discuss their waste strategy with Waste Services.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 28 September 2018

Drawing Numbers/Scheme

01,02B, 03-13, 14B, 15A-16A, 17B, 18A-20A, 21B, 23B-25B,30B, 31A, 32-36, 37A-39A, 40-48.

Scheme 3

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer
E-mail: laura.marshall@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Archaeology

COMMENT: The application has been assessed as having a potential significant adverse impact and as such may be contra to Policy ENV8 (b) regarding the protection of archaeological remains.

It is therefore essential that the site is evaluated prior to determination in line with policy ENV 9.

DATE: 25 October 2018

NAME: Housing and Regulatory Services

COMMENT: No objections.

DATE: 9 January 2019

NAME: Waste Services

COMMENT: Waste Strategy to be agreed with Waste Services.

DATE: 23 October 2018

NAME: Leith Harbour and Newhaven Community Council

COMMENT: Objected to original scheme.

DATE: 12 November 2018

NAME: Communities and Families

COMMENT: No objection, subject to education contributions being provided.

DATE: 2 November 2022

NAME: Environmental Protection

COMMENT: No objections, subject to conditions and informatives.

DATE:

NAME: Waste Services

COMMENT: Waste strategy to be agreed with Waste Services.

DATE: 22 June 2022

NAME: Historic Environment Scotland

COMMENT: No objection.

DATE: 28 June 2022

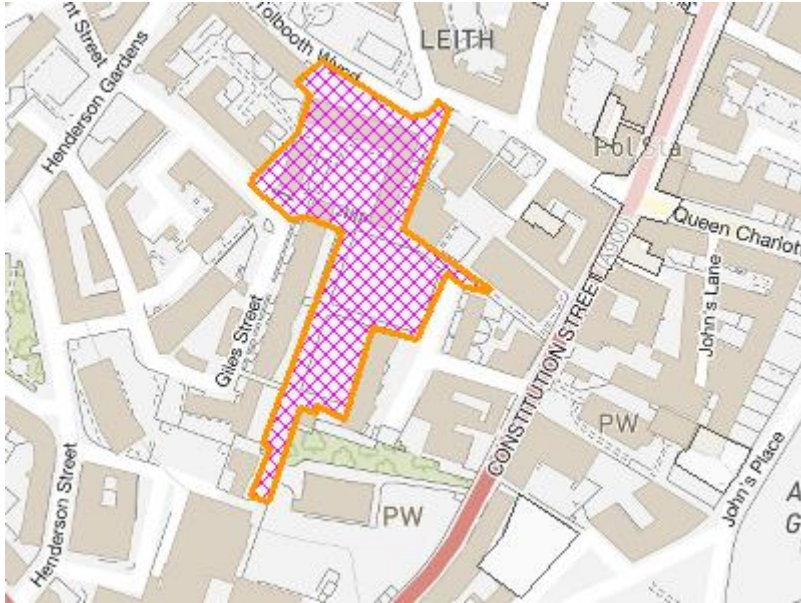
NAME: Flood Prevention

COMMENT: No objections.

DATE: 27 October 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 23 November 2022

**Application for Planning Permission in Principle
Land South Of 26 Cleikiminrig, Edinburgh,**

Proposal: Residential development with associated landscaping, SUDS, infrastructure, engineering works including removal of on-site material, and other ancillary works.

**Item – Committee Decision
Application Number – 22/03291/PPP
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

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

Recommendation

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

Summary

The site is within the urban area where planning permission for residential use is acceptable in principle so long as it complies with the other local plan policies. The application raises issues of contamination and site remediation due to its mining history. This issue can be resolved through the use of conditions to ensure that the site is suitable for residential use. A number of other planning conditions and a legal agreement would also be required to ensure compliance with the local plan policies at the planning permission in principle stage. The development will be required to provide the necessary infrastructure in relation to affordable housing, education, transport, healthcare and open space.

Scottish Planning Policy introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions. The site is within the urban area where residential development is acceptable in terms of sustainable development and the SPP. The proposal complies with the Local Development Plan and there are no other material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is 6.39 hectares of vacant and derelict land between The Wisp to the west, Whitehill Road to the east, and Cleikiminrig to the north and fields to the south. The site was previously a former colliery coal heap known as the 'Niddrie Bing'. The cap to a major vertical mine shaft lies at the south-west corner of the site. The site has largely been unmaintained since the 1980s and now contains an undulating landscape due to its previous use, with mature trees and bushes on the outer edges of the site, in a diagonal band across the centre in the area of lower ground, and more semi-mature trees at the eastern boundary of the site. There are overhead powerlines at the eastern boundary of the site. There is a vehicle access at the east of the site from Whitehill Road and the wider Edinburgh Fort Kinnaird Retail Park. The site is brownfield land on the Vacant and Derelict Land Register and within the urban area. The Midlothian Council boundary is to the south of the application site. Midlothian Council has granted a planning permission in principle for residential development to the south of this application site which was identified in the adopted Midlothian Local Development Plan (2017) as Hs0 Phase 1 (Cauldcoats).

Description of the Proposal

The application seeks planning permission in principle as a red-line application site for up to 260 residential units with associated landscaping, SUDS, infrastructure, engineering works including removal of on-site material, and other ancillary works. The development proposals are indicative and flexible with an indicative development framework showing a vehicular route through the site to Whitehill Road (Fort Kinnaird), a pedestrian link to the north, and structural landscaping, SUDS and play area. The formation of vehicle access from The Wisp to Whitehill Road as well as the principle of up to 260 residential units is to be agreed as part of this planning permission in principle. However no further design details are to be agreed at this Planning Permission in Principle stage.

Supporting Information

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

- Air Quality Impact Assessment;
- Archaeology Assessment;
- Arboriculture Assessment;
- Coal Mining Risk Assessment;
- Design and Access Statement;
- Drainage, Engineering and Flood Risk Assessment;
- Indicative Development Framework;
- Landscape and Visual Impact Assessment;
- Noise Impact Assessment;
- Phase 1 Geo-Environmental Desk Study Report
- Preliminary Ecological Survey;
- Planning Statement;
- Pre-application Consultation Report;
- Remediation Statement;
- Site Investigation Report;
- S1 Sustainability Checklist;and
- Transport Assessment.

Relevant Site History

22/00112/PAN

Land South Of 26 Cleikiminrig
Edinburgh

Residential development with associated landscaping, vehicular link route, active travel route, SUDS, infrastructure, engineering works including removal of on-site material, and other ancillary works.

Pre-application Consultation approved.

28 January 2022

03/02034/FUL

Land at the Wisp
Edinburgh
EH16 4SG

Proposed residential development (detached, semidetached and terrace houses and flats) as amended

Minded to Grant - Legal Agreement

18 April 2007

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Scottish Water

Transport

Flood Planning

The Coal Authority

SEPA

Environmental Protection

Midlothian Council

Archaeology

Communities and Families

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

Publicity and Public Engagement

Date of Neighbour Notification: 1 July 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 2

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:

The proposals comply with the development plan

The Development Plan comprises the Strategic and Local Development Plans.

The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Delivery policy Del 1;
- LDP Design policies - Des 1 - Des 9;
- LDP Environment policies Env 8-9, Env 12, Env 16, Env 18 -22;
- LDP Housing policies - Hou 1-4, Hou 6, Hou 10;
- LDP Transport policies - Tra 1-4, Tra 7-9; and
- LDP Resource policy RS 6.

The LDP Action Programme December 2021 and the Finalised Developer and Infrastructure Delivery Supplementary Guidance (August 2018) are material considerations. The non-statutory Edinburgh Design Guidance is also a material consideration as is the Affordable Housing Guidance (May 2021). Fort Kinnaird Development Brief (2005) covers the wider area including the application site.

Principle

SESPLAN is the Strategic Development Plan for Edinburgh and South-East Scotland. It identifies four Strategic Development Areas within Edinburgh. However the application site is not within a Strategic Development Area.

The Edinburgh Local Development Plan (LDP) (2016) retains the primacy in terms of decision making and is afforded the greatest material weight despite now being over five years old. The LDP defines the site as within the urban area and includes two transport proposals and safeguards in Table 9, but no further designations or constraints. Policy Hou 1 of the (LDP) relates to the location of housing development and part 1(d) gives priority to other suitable sites in the urban area, provided the proposals are compatible with other policies in the plan. Therefore, the proposal is acceptable in principle provided it complies with other local plan policies.

The proposal is part of a comprehensive development

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

The Fort Kinnaird Development Brief (2005) is primarily concerned with development of the retail park but recognises the potential to re-route car traffic away from Newcraighall Road with a potential link across the Bing. Effective development of adjacent land is not compromised, and the site's redevelopment can include active travel connections direct to The Wisp, the Cauldcoats development on the land to the South and to Whitehill Road as well as through the site towards the active travel link to the north.

The vehicle access is proposed from The Wisp connecting through to Whitehill Road which reflects the LDP Road safeguard improvement T15: West of Fort Kinnaird Road to The Wisp in the LDP.

The Fort Kinnaird Development Brief (2005) includes the active travel connections which are now T7 and T15 and the diversion of private traffic from Newcraighall Road in the LDP. Therefore, the proposal is acceptable under policy Des 2 (a) and (b).

Scale, design, and materials

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

This application is for planning in principle for residential use. The indicative development framework shows a built environment of up to 260 units. However, it is recommended that all design matters are reserved except for principle of residential development on this site.

Midlothian Council also ask that the site layout development is fully coordinated and integrated with their proposals for their adjoining site Hs0 (Cauldcoats) directly to the south of the application site and the developer is encouraged to do so. This could include the relationship of the built form along the Wisp - as well as opportunities for active travel and green network connections, open space, play space and sustainable drainage links between this site and the neighbouring residential development with planning permission in principle to the south - Cauldcoats.

Landscape and trees

In line with policies Des3, Des7 - 8 and Env 12, developing the detailed design proposals, the existing mature and semi-mature trees and woodland worthy of retention on the site should be incorporated, particularly around the perimeter of the site. These trees contribute to both city and local views and would help to assimilate the new development within the landscape.

The retention of the mature trees/ woodland along the west boundary is very important as this abuts Hunter's Hall Park. The existing stone wall and wooded embankment should both be retained and incorporated into the designs, and this may require existing levels to remain and tree root protection areas safeguarded. On the north boundary, only a thin slither of trees has been retained, but a wider band of trees, including both evergreen and deciduous trees is required to provide a good landscape buffer between the two housing estates. For the SW/ South boundary proposals should seek to retain some of the existing mature trees in a design that integrates with the neighbouring development. These trees are important to filter the views of the new buildings in local views.

The applicant is encouraged to retain trees/habitats in terms of biodiversity and the green corridors along the perimeter of the site. The detailed design should also consider green roofs, other measures to attract wildlife and plant species should be chosen to attract wildlife. The detailed design will be required to give further details on hard and soft landscaping, planting and maintenance as secured by condition.

The Tree Survey indicates quite a substantial area of Category B trees at Woodland Group G2 within the interior of the site. As many of these trees should be retained as possible. Therefore, for the future AMC application several further reports are required which would be secured by condition including Tree Survey Plan & Schedule; Tree Constraints Plan also indicating Root Protection Areas; A plan showing all trees - whether they are to be retained; retained with pruning (extent of tree work to be detailed) or removed; Tree Protection Plan and Arboricultural Method Statement.

Landscape Visual Impact Assessment (LVIA)

The LVIA indicates an extensive theoretical area of visibility, particularly to the south, which is partially screened by the extensive tree cover and surrounding built up areas of its urban fringe context. There would be local substantial adverse landscape effects due to the loss of this open space and woodland which could be mitigated by the retention of perimeter trees as discussed above. The effects on the wider landscape character would be very limited and the site would be views in the context of its urban fringe character and surrounding built development. The LVIA has not included any winter views (worst case scenario) photomontages at this time. Without leaf cover, the new development will be much more visible in winter and so we need to be able to assess this in more detail at AMC stage, particularly given the uncertainty over the future levels of the proposed site. Therefore, an updated LVIA should be submitted as part of the AMC application.

Sustainable Urban Drainage Systems (SuDS)

The residential development is likely to include a SuDS feature which should be above-ground for example rain gardens, swales, SuDS trees and integrated with the landscape and adjoining site. This would provide visual amenity and biodiversity. The applicant is encouraged to take the opportunity to de-culvert the Madelene Burn along the southern boundary which could further enhance visual amenity and assist with SuDS drainage. The SuDS maintenance plan should be provided clearly indicating who is responsible for future maintenance of all the assets.

If permission is granted, design matters, including number of units, layout, scale, height, levels, form and materials, trees, landscaping, open space and SuDS should be covered by condition requiring these matters to be the subject of further AMC applications.

Amenity

LDP Policy Des 5 Development Design Amenity sets out the criteria to assess the impact on the amenity of neighbouring developments and for future occupiers relating to noise, daylight, sunlight, privacy or immediate outlook. This policy also requires community security, active frontages and designing for natural surveillance. Defensible private spaces and clear distinctions between private and public spaces as well as how the proposed design integrates refuse and recycling facilities, cycle storage, low and zero carbon technology and service infrastructure are also assessed under this policy. In terms of policy Des 5 - (b) - the adaptability to meet future needs; (c) community security and active frontages; (d) distinctions between public and private spaces and (e) refuse and recycling facilities could be integrated into the design at a later stage.

Des 5 a) in terms of the impacts on the amenity for neighbouring developments and for future occupiers can be assessed now to consider whether an attractive residential environment can be created. It is also important to consider that the development of this site for residential situates a much more sensitive use in this location than previously. This not only has impacts for neighbouring developments but requires assessment to ensure that a suitable residential environment can be created on this site.

Noise

The application has submitted a Noise Impact Assessment which considered both road traffic noise and commercial noise across the site. This has been assessed by Environmental Protection and it is considered that the site is suitable for residential development.

Light Pollution

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

Housing Mix and Density

Policy Hou2 Housing Mix seeks a provision of a mix of housing to meet a range of housing needs. Policy Hou 4 Housing Density seeks to have appropriate densities of development on sites, given their characteristics and those of the surrounding area, the need to create an attractive residential environment and safeguard living conditions within the development. Other criteria include both the accessibility of the site including access to public transport and the need to encourage and support the provision of local facilities necessary to high quality urban living. Higher density development can be seen as making efficient use of urban land.

There is no prevailing character in the immediate vicinity. The development layout of Cleikiminrig was influenced by the site constraints as is likely on the application site. The application site is close to public transport with existing bus services on Newcraighall Road and the Newcraighall Station within walking distance. There is also a range of retail, leisure and entertainment services nearby at Fort Kinnaird. Therefore, this site could be capable of higher density development as set out in Hou4, but this will need to be balanced between the need to retain trees where possible on site as well as the site constraint due to its mining and contamination history.

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

Private Green Space in Housing Development

The provision of open space (20% of the site area as useable greenspace) would need to be incorporated into the proposals in order to comply with policy Hou 3. There needs to be a clear distinction between these private amenity spaces and the public open space provision, which would be required at the detailed design stage. Midlothian Council has commented on the proposals and encourages the applicant to consider issues of open space, green space and play space, and sustainable drainage to integrate with the Cauldcoats site directly to the south.

The amenity considerations above apply to ensure the creation of a safe and attractive residential environment for occupants. However, given the contaminated nature of the site and its mining history, whether this site could be made safe for residential development is a key consideration.

Pollution

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

Contaminated Land

The site is heavily contaminated and needs to be made safe for the proposed end use as residential development. Environmental Protection has assessed the Phase 1 Desk Study submitted in support of this application for PPP in relation to land contamination considerations. Based on this report and information available from earlier planning application, the potential for unacceptable risks to impact upon the development proposed have been identified. It is agreed that a stage of detailed intrusive investigation and site-specific risk assessment is necessary to further define the level and extent of potential risks from pollutant linkages identified within the preliminary assessment.

The results of the site-specific assessment should be used to inform detailed options appraisal as a basis for the development of a suitable remediation strategy that should aim to be sustainable and would be intended to be implemented both during site restoration period and development phase to deliver remediation objectives and outcomes that would ensure the development would be safe and suitable for the intended residential end use. It is considered acceptable for a planning condition to be applied to any PPP to obtain all necessary information required for both further assessment and mitigation/management of land contamination during site restoration and end use, for regulatory consideration.

Coal Mining

The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. A phase 1 Geo- Environmental Desk Study Report has been submitted and assessed. The Coal Authority considers an adequate assessment of the coal mining risks associated with this site has been carried out. However, conditions are recommended to ensure that the site is safe and stable for the future residential development. Conditions relating to a scheme of intrusive site investigations, a report on its findings and implementation of the remedial works can be attached to any planning permission in principle. On this basis, the Coal Authority has no objection to the granting of planning permission in principle.

Air Quality

The applicant has submitted an Air Quality Impact Assessment (AQIA) which is aligned to the Transport Assessment (TA) and based on a worst-case scenario of 100% car parking levels across the site. Based upon the 'worst case' assessment of traffic generation associated with the proposed development, the AQIA has concluded that in principle the impacts upon local air quality will be negligible. TA and AQIA together do provide a robust basis upon which to consider the impacts of the proposal and establish the acceptability of the 'principle' of development and the principle of residential development is acceptable in air quality terms.

Environmental Protection has suggested that the level of parking should be reduced significantly, and proposed mitigation measures included. The transport infrastructure set out below would also impact on air quality within the site. Therefore, it is considered reasonable to require the developer to update the Air Quality Impact Assessment and Transport Assessment in terms of air quality impact and mitigation measures at the detailed AMC stage which can be secured by condition. Parking levels will need to be justified.

Mitigation Measures during the Construction Phase

Given the works required to be undertaken to make the site safe for residential use, the Air Quality Impact Assessment identifies construction impacts. Mitigation Measures listed as desirable or highly recommended in the IAQM guidance (2014) will be included within a Construction Environmental Management Plan (CEMP) to reduce the risk of dust impacts associated with the construction of the proposed development. This includes communication with stakeholders, a Dust Management Plan, preparing and maintaining the site to reduce dust, and mitigation for site operations and ongoing site monitoring and management in terms of waste, vehicle operations, earthworks, and construction activities. Details are to be submitted at the AMC stage.

Accessibility, Connectivity and Road Safety

LDP Policies Tra1-4, and Tra7-10 set out the transport framework to minimise the distances people need to travel, promote active travel and minimise the detrimental effects of traffic and parking on communities and the environment. Policy Tra 7 Public Transport Proposals and Safeguards requires the proposals to take account of the LDP Proposals T7 the Cycleway Footpath Safeguard from The Wisp to Fort Kinnauld Link and LDP Proposals T15 the Road Safeguard Improvement: West of Fort Kinnauld Road to The Wisp.

As this is a planning permission in principle, the detailed layout has not been agreed. However, the site needs to provide suitable access and linkages into the surrounding area which need to be included within the detailed site layout, including:

- a direct traffic route between Newcraighall Road and The Wisp as set out in Table 9 of the Local Development Plan (Ref.T15) as part of a wider active travel and traffic management scheme. It is expected that this route will require to be 7.3m wide to accommodate general traffic, including buses and heavy goods vehicles, and will include a priority junction with The Wisp, with the northern arm of The Wisp being the minor arm as well as suitable cycle and pedestrian routes through the development;
- a suitable cycle and pedestrian links to be provided to link the development southwards to the Midlothian Council area and northwards towards Newcraighall Road (Proposal Tra 7 in table 9 of the Local Development Plan);
- a suitable pedestrian and cycle crossing on The Wisp to link the proposed development to Hunter's Hall Park;
- improved pedestrian and cycle routes to link the development northwards along The Wisp to its junction with Niddrie Mains Road, particularly to promote cycle and pedestrian links to schools;
- bus stops within the site will be required; and
- waiting and loading restrictions will be required;

Midlothian Council has commented on the application and supports the provision of active travel routes and permeability through the site, including cross boundary routes to the Midlothian Cauldcoats site.

Cumulative Impacts

Midlothian Council also raised concerns about the cumulative traffic impacts, road safety and traffic congestion in the locality of the Wisp and the impact of additional traffic arising from this proposal. The approval of the nearby Edmonstone Estate (Ref 18/00508/AMC) identified a requirement for improvement to the existing A7 Old Dalkeith Road/ The Wisp junction. The Council approved application 18/00508/AMC with a condition requiring upgrading to include MOVA control (or agreed alternative) together with carriageway widening and all additional measures shown on plan number TP430/SK/001. Midlothian Council agree with these requirements and wish to ensure that the enhancements at The Wisp/A7 Old Dalkeith Road are in place prior to first occupation of any new houses at the proposed development site.

The LDP transport infrastructure proposals require to deal with cumulative transport impacts arising from the sites identified in the plan including T7 and T15 above. Taking into account existing committed sites in both Edinburgh Council area and Midlothian Council area provision of the routes, accesses and linkages outlined above are required. Together these infrastructure measures have the potential to change the character of the northern part of the Wisp and provide increased active travel access, connections, linkages and permeability through the area.

It is considered that the improvements to the existing A7 Old Dalkeith Road/ The Wisp junction are more directly relevant to the nearby Edmonstone Estate. This junction is a considerable distance from the application site and improvements are already identified and being delivered by the development at Edmonstone. Therefore, it is considered that linking this planning permission to the undertaking of such works is not required.

Parking

The transport assessment and air quality assessment both assume (the worst-case scenario) that the parking levels would be 100%, the maximum under the Edinburgh Planning Guidance, in order to assess the impact on air quality. These reports state that currently no further mitigation measures in terms of air quality are proposed. The detailed proposals would include a general traffic route through the site and therefore it is reasonable to require a further air quality assessment at that time and encourage the applicant to provide mitigation measures. Given this site is well served by public transport and accessible to local facilities, the maximum level of car parking would not be supported at detailed design stage. Therefore, the applicant should provide a robust justification for the level of car parking included at AMC stage and consider disabled vehicle and electric charging spaces within it. Car club vehicle numbers including contributions to vehicle provision, will also be required. Cycle parking numbers should also be justified at the detailed design stage. All parking should be provided to the layout and specification in accordance with the Council guidance and factsheets.

Subject to securing matters through legal agreement, conditions, detailed design at AMC stage and informatives as appropriate, there are no transport objection to these proposals.

Flooding and Drainage Issues

Policy Env 21 Flood Prevention states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself, impede the flow of flood water or prejudice existing or planning flood defence systems. A Flood Risk Assessment and Engineering and Drainage Report have been submitted. SEPA raised no objection to the proposed development. Flood Planning has no objection to the proposed development at this PPP stage. However, they would require further information at the detailed design stage in terms of how future remediation/development will affect overland drainage flows; how surface water will be diverted into existing culverted watercourse; further assessment of the water course; and details of proposed SUDS features. This information can be required by condition and therefore the proposals comply with Policy Env 21.

Water Supply

Policy RS6 Water and Drainage states where there is an inadequate water supply or sewerage available to meet the demands of the development and necessary improvements cannot be provided, then planning permission would not be granted. Scottish Water has no objection to the proposed development. There is an adequate water supply and sewerage available, detailed design issues could be secured by condition or informative as appropriate and therefore it complies with Policy RS6 Water and Drainage.

Biodiversity

Policy Env 16 Species Protections seeks to ensure planning permission is not granted for development that would have an adverse impact on protected species. A Preliminary Ecological Appraisal and Updated Mosaic Habitat Survey have been submitted. A Bats Species Protection Plan must be produced and a further check for bats in the two trees identified with potential to support them, prior to works commencing on site. Whilst no evidence of Badgers found, if the detailed design affects the area of the northeast of the site where there are two connected large mammal holes then this must be affected further to identify species present and a Badger sett licence may be required for disturbance. A Reptile Species Protection Plan and an Invasive Non-Native Species Management Plan should be produced and implemented. The Construction Environmental Management Plan must also be produced incorporating the mitigation measures in the appraisal and habitat survey. These further studies and surveys can be secured by condition.

Therefore, the proposals are acceptable under policy Env 16.

Infrastructure

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

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

Transport

Policy Tra 8 the provision of transport infrastructure and the requirements of the Action Programme December 2021 have been set out already under the section titled, Accessibility, Connectivity and Road Safety above and should be secured by legal agreement, condition and informative as appropriate. The guidance on car club provision is currently being updated and therefore this aspect could be negotiated through the legal agreement.

Affordable Housing

Policy Hou 6 Affordable Housing states 25% of the total number of units proposed should be affordable housing. The applicant should submit an Affordable Housing Statement which commits to providing 25% on site affordable housing. This could be secured through the legal agreement.

Education

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

The site falls within Sub-Area C-2 of the "Castlebrae Education Contribution Zone". The Finalised Guidance (2018) required contributions per flat of £2,280 and per house of £12, 107.

The education infrastructure actions identified in the 2018 Supplementary Guidance are not sufficient to mitigate the cumulative impact of forecast pupil generation from known housing developments and this proposal.

Looking at the current application in isolation, there is no spare capacity at Castlevue Primary School nor at Castlebrae High School, both the non-denominational catchment schools.

Potential cumulative impacts of development on educational infrastructure is a material consideration. This requires assessment, taking into account the development of the LDP sites and other sites that already have planning permission within the catchment area as set out in the Housing Land Audit Output 2021 and the Action Programme December 2021.

The Action Programme December 2021 sets out the requirement for new primary and secondary school expansion and the total estimated capital cost of these actions is £75,890,590.

Communities and Families has therefore advised that using the Action Programme December 2021 and the new pupil general ratios, proposed development would need to mitigate the cumulative impact of forecast pupil generation from committed housing developments (LDP sites and those already with planning permission) and this proposal. Therefore, the following education infrastructure is required:

- New 14 class primary school (capacity 420);
- 2 PS Classes (St Francis' RC PS) - 78% C-2; 22% C-3; and
- Additional secondary school capacity (Castlebrae HS and Holyrood RC HS) - per pupil rate

The proposed development is therefore required to make a contribution towards the delivery of the above infrastructure based on the a 'per house' and 'per flat' rate set out below.

Per unit infrastructure contribution requirement:

Primary Infrastructure

- Additional Primary School Capacity
- New 14 Class Primary School
- 78% of 2 PS Classes (St Francis' RC PS)
- £5,654 per flat
- £16,718 per house

Secondary Infrastructure

- Additional Secondary School Capacity
- Additional SS places (Castlebrae HS)
- Additional SS places (Holy Rood RC HS)
- £3,262 per flat
- £12,942 per house

If the appropriate infrastructure contribution is provided by the developer, as set out above, then Communities and Families does not object to the application. These contributions could be secured through a legal agreement.

Healthcare

In the Niddrie area, the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018) would require £945 per unit which could be secured by legal agreement.

Southeast Wedge/Little France Park Greenspace Contributions Zone

The site lies within the contribution zone, in the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018) where contributions are £615 per dwelling to be secured through legal agreement.

Archaeology

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

Waste

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

Conclusion in relation to the Development Plan

The site is within the urban area where planning permission for residential use is acceptable in principle so long as it complies with the other local plan policies. The site has a mining and contaminated land history which needs to be addressed by conditions. The detailed design proposals should incorporate the trees, particularly at the perimeter within the design as well as integrate with the neighbouring development to the south. The development will be required to provide the necessary infrastructure in relation to affordable housing, education, transport, healthcare and open space. The application has been assessed against the Local Plan Policies and is acceptable provided a legal agreement and conditions are secured.

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development. The proposal is for residential use of part of the urban area currently on a brownfield site, vacant and derelict with contamination and a history of coal mining.

One of the sustainable development principles refers making efficient use of existing capacities of land, buildings and infrastructure. This site is within the urban area and a sustainable location close to public transport and retail, leisure and entertainment facilities. Provided the site can be remediated and the stabilised following its coal mining and contaminated legacy such that it is suitable for the proposed end use, then residential development is acceptable in principle.

At the AMC planning stage, it will be possible for the applicant to provide appropriate design details relating to the scale, height, massing, and layout of the proposed development. The pedestrian, cycle and car access and connections will also be included in any detailed design. With reference to climate change adaptation and sustainability, detailed design would address any flooding and drainage issues for the site. Other matters including sustainable drainage design, impact on the water environment and any impact the natural environment would be addressed at the AMC planning stage where SPP sustainable development criteria would need to be considered as well. The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited 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 - addressed in Section a) and b) of the report above.

- Tree planting bordering Cleikiminfield should be evergreen;
- Cycle improvements are required including better access into the site, cycle links avoiding busy roads like The Wisp or Fort Retail Park , a toucan crossing of The Wisp and
- Active Travel infrastructure to be implemented at the start of the development and link to adjacent committed developments to the south into Midlothian area.

Conclusion in relation to identified material considerations

The site is within the urban area where residential development is acceptable in terms of sustainable development and the SPP. The LDP allocates this area as part of the urban area where residential development is acceptable in principle. The proposed general traffic route from The Wisp to access from the Wisp to Fort Kinnaird which is suitable for general traffic and buses and include bus stops, would comply with the LDP and would not exclude the emerging City Plan option should that be considered further in the future.

Overall conclusion

The site is within the urban area where planning permission for residential use is acceptable in principle so long as it complies with the other local plan policies. The application raises issues of contamination and site remediation due to its mining history. This issue can be resolved through the use of conditions to ensure that the site is suitable for residential use. The site is within the urban area where planning permission for residential use is acceptable in principle so long as it complies with the other local plan policies. The site has a mining and contaminated land history which needs to be addressed by conditions. The detailed design proposals should incorporate the trees, particularly at the perimeter within the design as well as integrate with the neighbouring development to the south. A number of other planning conditions and a legal agreement would also be required to ensure compliance with the local plan policies at the detailed design stage.

The development will be required to provide the necessary infrastructure in relation to affordable housing, education, transport, healthcare and open space. The application has been assessed against the Local Plan Policies and is acceptable provided a legal agreement and conditions are secured.

Scottish Planning Policy introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions. The site is within the urban area where residential development is acceptable in terms of sustainable development and the SPP. The proposal complies with the Local Development Plan and there are no other material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions :-

1. The development to which this planning permission in principle relates must be begun not later than the expiration of five years beginning with the date on which this planning permission in principle is granted. If development has not begun at the expiration of the period mentioned in paragraph, the planning permission in principle lapses.
2. Application for the approval of matters specified in condition must be made before whichever is latest of the following:
 - (i) the expiration of 3 years from the date of the grant of the permission,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, and
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed or, where the earlier application is the subject of a review by the Council's Local Review Body, the expiration of 6 months from the date of the notice of the decision to uphold the determination, and may be made for

- (a) different matters, and
 - (b) different parts of the development, at different times.
3. The development in question will not begin until the following matters have been approved by the Council as planning authority; the submission shall be in the form of a detailed layout covering points (a) - (n) below.

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

- an updated Air Quality Impact Assessment including mitigation measures for both construction and operation of the proposed development.
- an updated Ecology Assessment with mitigation measures during construction and operation and including a Bat Species Protection Plan, Badger Protection Plan, Reptile Species Protection Plan and an Invasive Non-Native Species Management Plan should be produced, and mitigation measures outlined including a timescale and their implementation.
- an updated light pollution Assessment.
- an updated Noise Assessment, including commercial noise and vibration noise from the overhead power lines.
- an updated Transport Statement and Quality Audit, based on the transport infrastructure proposed including the general traffic route through the site and parking levels proposed with mitigation measures for both the construction and operation of the proposed development.
- an updated Design and Access statement, detailing the layout, streets and spaces, accessibility, safety and security, sustainability and energy efficiency;
- an Affordable Housing Statement setting out how 25% affordable housing will be provided on site including delivery, tenure and location;
- an updated Landscape and Visual Impact statement - based on the finished floor levels and proposed trees to be retained/planted and the winter worst case scenarios views and to include the impact on both City and Local views;
- an updated tree survey including a plan showing all trees - whether they are to be retained, retained with pruning (extent of tree work to be detailed) or removed; Tree Survey Plan & Schedule; Tree Constraints Plan also indicating Root Protection Areas; Tree Protection Plan and Arboricultural Method Statement.

- an updated Flood Risk Assessment of the detailed design including an updated drainage and surface water management strategy, to show how future remediation/development will affect overland drainage flows; how surface water will be diverted into existing culverted watercourse; further assessment of the water course; and highlighting how the layout, finished floor levels, landscaping and SUDS have been designed in relation to the Flood Risk; and details of proposed SUDS features;
- details of adoption, management and maintenance of the landscaping, SUDS, open space; and any other flood prevention or drainage measures;
- an updated waste management strategy and
- an updated Construction Environmental Management Plan including a timescale and implementation plan, must also be produced incorporating the mitigation measures for the construction phase in relation to all the studies identified above as well as those submitted for the planning permission in principle application number 22/03291/PPP

(a) a site development layout showing built development, footpath, cycle, and road access and connections, including open space provision, play area provision, SUDS drainage and landscaping.

(b) details of the layout, siting, design, form, density, height, tenure, and the number and mix of units, including the design of all external features and materials and appearance of all buildings and glazing specifications (including acoustic capabilities) and ground floor levels in relation to Ordnance Datum;

(c) the design and configuration of public realm and open spaces, all external materials and finishes.

(d) cycle parking and car parking levels and justification including, city car club parking spaces, disabled spaces and at electric charging points and spaces in line with Council standards.

(e) access, road layouts and alignment, including a direct traffic route between Newcraighall Road and The Wisp as set out in Table 9 of the Local Development Plan (Ref.T15) as part of a wider active travel and traffic management scheme; it is expected that this route will require to be 7.3m wide to accommodate general traffic, including buses and heavy goods vehicles, and will include a priority junction with The Wisp, and the location of which is to be agreed with Planning and Transport as well as a Stage 2 Quality Audit, the classification of streets, and servicing areas;

(f) the provision of footpaths and cycle routes, including:

(i) a suitable cycle and pedestrian links to be provided to link the development southwards to the Midlothian Council area and northwards towards Newcraighall Road (Proposal Tra 7 in table 9 of the Local Development Plan).

(ii) a suitable pedestrian and cycle crossing on The Wisp to link the proposed development to Hunter's Hall Park.

(iii) improved pedestrian and cycle routes to link the development northwards along The Wisp to its junction with Niddrie Mains Road, particularly to promote cycle and pedestrian links to schools and

(iv) proposed pedestrian, cycle and wheelchair routes within the site and the signage of pedestrian and cycle access links, and the details, including timescale for implementation, of the above points (f) (i) to (iii), the location of which is to be agreed with Planning and Transport.

(g) waste management and recycling facilities.

(h) confirmation from the coal authority that the mining requirements as set out in condition 4 to be undertaken prior to the submission of any AMC have been complied with.

(i) confirmation from Environment Site investigation/decontamination arrangements as set out in condition 5 to be undertaken prior to the submission of any AMC have been complied with.

(j) surface water and drainage arrangements including management, maintenance, ownership and adoption.

(k) existing and finished site and ground levels in relation to Ordnance Datum;

(l) any further noise, or light mitigation measures arising from the updated studies, including details, materials and finishes.

(m) full details of sustainability measures; and

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

This shall include:

- (i) Walls, fences, gates and any other boundary treatments;
 - (ii) The location of new trees, shrubs and hedges.
 - (iii) A schedule of plants to comprise species, plant size and proposed number/density.
 - (iv) Programme of completion and subsequent maintenance and management of any flooding mitigation measures including SUDS drainage, and open space areas.
 - (v) Existing and proposed services such as cables, pipelines, substations.
 - (vi) Other artefacts and structures such as street furniture, including lighting columns and fittings.
4. i) Prior to submission of a detailed application and/or AMC for development, the following items shall be provided to the satisfaction and approval of the Planning Authority:

a) Detailed intrusive investigation and site-specific risk assessment must be carried out to establish the level of risk posed to human health and the wider environment by land contaminants and be sufficient to confirm remedial and/or protective measures could feasibly be undertaken to bring any risks to an acceptable level in relation to the development; and

b) A detailed evaluation of remediation options and feasibility assessment will be carried out to establish the most suitable and final remediation option or combined options where necessary to inform the development of a Remediation Strategy for the mitigation and management of any identified unacceptable risk in relation to the development.

c) A final Remediation Scheme of all necessary remedial and/or protective measures, including their programming for implementation and verification, must be submitted for approval.

ii) Prior to occupation of development for residential purposes:

Any required remedial and/or protective measures shall be implemented in accordance with the approved remediation scheme and documentary evidence to verify those works shall be provided for approval.

5. i) Prior to submission of a detailed application and/or AMC for development, the following items shall be provided to the satisfaction and approval of the Planning Authority:

a) detailed intrusive investigation and site-specific risk assessment must be carried out to establish the level of risk posed to human health and the wider environment by land contaminants and be sufficient to confirm remedial and/or protective measures could feasibly be undertaken to bring any risks to an acceptable level in relation to the development; and

b) A detailed evaluation of remediation options and feasibility assessment will be carried out to establish the most suitable and final remediation option or combined options where necessary to inform the development of a Remediation Strategy for the mitigation and management of any identified unacceptable risk in relation to the development.

c) A final Remediation Strategy and detailed specification of all remedial and/or protective measures, including their programming for implementation and verification, must be submitted for approval.

ii) Prior to commencement of development:

Any required remedial and/or protective measures to ensure the site is made suitable for the development shall be implemented in accordance with the approved specification and documentary evidence to verify those works shall be provided for approval.

- iii) Any required remedial and/or protective measures to be included within the detailed development design shall be implemented in accordance with the approved specification and documentary evidence to verify those measures shall be provided for approval.
- 6. No Remediation nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, preservation/conservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Prior to the commencement of development and following consultation with the City's Archaeologist the applicant shall submit and gain approval from the Planning Authority for a public archaeological and historic interpretation scheme for the site.

- 7. Prior to the commencement of development, an updated Construction Environmental Management Plan including a timescale and implementation plan, must also be produced, incorporating the mitigation measures for the construction phase in relation to all the studies identified in condition 3, as well as those submitted for the planning permission in principle application number 22/03291/PPP. This Construction Environmental Management Plan is to be agreed with the Planning Authority.
- 8. Fully detailed proposals for work to manage or remove trees, planting to mitigate losses and to protect remaining trees, including the following details, shall be submitted to and approved in writing by the planning authority prior to works commencing on site:
 - a. An updated tree survey and schedule, including a plan showing all trees - whether they are to be retained, retained with pruning (extent of tree work to be detailed) or removed;
 - b. A Tree Protection Plan and Arboricultural Method Statement. setting out measures to protect trees that are to remain during construction in accordance with BS 5837: 2012: 'Trees in relation to design, demolition and construction';
 - c. A Tree Constraints Plan also indicating Root Protection Areas and showing details of road and path construction, service runs and changes in level that may affect tree root systems in relation to proposed development; and
 - d. Details of contractor's compounds, fences and storage, which may affect trees.

Tree protective measures BS 5837:2012 and in accordance with the approved Tree Protection Plan will be implemented in accordance with the approved plan and shall be maintained to specification for the duration of the construction period.

Reasons: -

1. To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. 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.
3. In order to enable the planning authority to consider these matters in detail.
4. To ensure the site is suitable for the proposed end use.
5. To ensure the site is suitable for the proposed end use.
6. In order to safeguard the interests of archaeological heritage.
7. In order to enable the planning authority to consider these matters in detail.
8. In order to retain as many trees as possible and protect trees during the construction of the development.

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. Consent shall not be issued until a suitable legal agreement relating to affordable housing, transport education, healthcare provision and open space has been concluded and signed. The legal agreement shall include the following:
 - i. Affordable housing - 25% of the total number of residential units shall be developed for affordable housing provision.
 - ii. Transport - the following transport contributions are required:
 - (a) funding for car club vehicles in the area in line with Current guidance.

- (b) to progress various orders which may be required, including stopping up, waiting and loading restrictions, 20mph speed limit and redetermination.
- iii. Education (a) Additional Primary Capacity equating to a contribution in terms of Primary Infrastructure of £ 5654 per flat (where contributions are not sought for one-bedroom flats) and £16, 718 per house and (b) Additional Secondary Infrastructure equating to a contribution in terms of Secondary Infrastructure of £3,262 per flat and £12,942 per house;
 - iv. Contributions towards healthcare provision in the Niddrie area of £945 per unit; and
 - v. Greenspace contributions including £615 per dwelling.
4. For the avoidance of doubt this planning permission in principle is for the principle of up to 260 residential units on the site only. All other matters are reserved including the parking numbers.
 5. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
 6. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
 7. The applicant should be required to provide a draft 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 at an early opportunity.
 9. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 24 June 2022

Drawing Numbers/Scheme

1

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Scottish Water

COMMENT: No Objection.

DATE: 31 October 2022

NAME: Transport

COMMENT: No objection subject to infrastructure works required which can be secured by condition, legal agreement or informative as appropriate.

DATE: 3 November 2022

NAME: Flood Planning

COMMENT: No objection, however the proposals will require significant ground reprofiling and will need to demonstrate how this will impact flood risk and overland drainage flow paths at detailed design stage. Therefore, a flood risk assessment and drainage strategy would be required. The existing culverted watercourse could allow discharge of surface water however an assessment of the culvert in terms of hydraulic representation and potential flooding is required. Suds features should be above ground.

DATE: 25 October 2022

NAME: The Coal Authority

COMMENT: Material Consideration. There are several issues which need to be addressed which may be secured by condition.

Prior to the submission of the detailed stage:

- * The undertaking of the scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (shallow mining / mine entries);

- * As part of the detailed stage the submission of a report of findings arising from the intrusive site investigations and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones;

Prior to the commencement of development:

- * Implementation of the remedial works.

DATE: 21 July 2022

NAME: SEPA

COMMENT: No objection overall including Flood Risk, Air Quality, and Ecology. Whilst the air quality impact assessment has concluded that the impact from the proposed development traffic is predicted to be of negligible significance at all existing receptors in the study area, SEPA encourage sustainable transport, making best use of existing transport infrastructure, active travel and electric vehicle charging points.

DATE: 23 August 2022

NAME: Environmental Protection

COMMENT: The land contamination issues are extensive and would require further studies to be undertaken in a programme of works to ensure that the site is fully remediated and safe for the proposed end use. The Air Quality Impact Assessment states negligible impacts and no mitigation however the parking levels proposed at the AMC stage would need to be justified and further AQIA required. Noise Impact Assessment appears to indicate that noise would not prevent the site being developed.
DATE: 25 October 2022

NAME: Midlothian Council

COMMENT: There is the opportunity for cross border cooperation and integration with the neighbouring proposals in Midlothian Council area, especially in terms of active travel, green network connections, integration with countryside, permeability, open spaces and built form along The Wisp. The construction impacts arising from development should also be considered. Midlothian Council are concerned about cumulative traffic impacts in the locality and previous mitigation measures including improvement The Wisp/A7 Dalkeith Road as part of a nearby application should be in place prior to occupation of any new house at this site.

DATE: 25 October 2022

NAME: Archaeology

COMMENT: Conditions would be required to secure a programme of archaeological works and for a public archaeological and historic interpretation scheme for the site.

DATE: 21 July 2022

NAME: Communities and Families

COMMENT: This site falls within Sub-Area C-2 of the 'Castlebrae Education Contribution Zone'.

The proposed development is therefore required to make a contribution towards the delivery of the infrastructure based on a 'per house' and 'per flat' rate set out below.

Per unit infrastructure contribution requirement:

Primary Infrastructure is £5654 per flat and £16 718 per house.

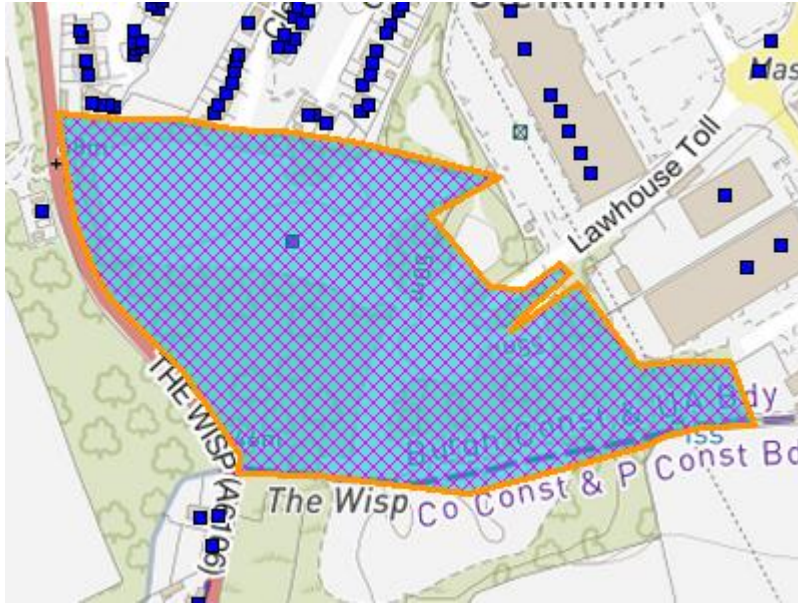
Secondary Infrastructure is £3262 per flat and £12 942 per house.

If the appropriate infrastructure contribution is provided by the developer, Communities and Families does not object to the application.

DATE: 10 August 2022

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

Location Plan



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