

Notice of meeting and agenda

Development Management Sub-Committee

10.00am, Wednesday, 1st March, 2023

Dean of Guild Room, City Chambers

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

Contacts

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 27 February 2023** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

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

3. Minutes

- 3.1 Minutes of Previous Meeting of Development Management Sub-Committee 8 February 2023 – submitted for approval as a correct record 9 - 12

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.

Applications

- 4.1** 4 East Telferton, Edinburgh, EH7 6XD - Change of use from Class 5 (Industrial) to climbing gym (Class 11) with ancillary cafe - application no. 22/04497/FUL - Report by the Chief Planning Officer 13 - 20
- It is recommended that this application be **REFUSED**.
- 4.2** Liberton High School, 328 Gilmerton Road, Edinburgh - Erection of a three-storey building comprising a 1200 pupil secondary school, a GP practice and community facilities with associated hard and soft landscaping, external sports provision and car-parking (as amended) - application no. 22/04134/FUL - Report by the Chief Planning Officer 21 - 44
- It is recommended that this application be **GRANTED**.
- 4.3** 43 Main Street, Edinburgh, EH4 5BZ - 48 bed care home at Main Street, Davidson's Mains, Edinburgh - application no. 22/04940/FUL - Report by the Chief Planning Officer 45 - 64
- It is recommended that this application be **GRANTED**.
- 4.4** Melville Statue, St Andrew Square, Edinburgh - Removal of plaque - application no. 22/04496/LBC - Report by the Chief Planning Officer 65 - 72
- It is recommended that this application be **GRANTED**.
- 4.5** 3F1 115 Warrender Park Road, Edinburgh, EH9 1EN - Change of use from 2 storey residential flat to commercial unit HMO - application no. 22/01643/FUL - Report by the Chief Planning Officer 73 - 80

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** 26 Cleikiminrig, Edinburgh (Land South of) - 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 81 - 88

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

- 5.2** 6 Cowan's Close, Edinburgh, EH8 9HF - Replace the single storey street cleansing the office and car park with a 4-storey residential block including amenity space and planting space for both tenants and the nursery opposite - application no. 21/06745/FUL - Report by the Chief Planning Officer 89 - 92

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

- 5.3** The Forts, 3 Hawes Brae, South Queensferry - The development of a Forth Bridge Walk Reception Hub building, new sections of bridge access system; new viewing platforms, alterations to Dalmeny Battery; demolition of 2 No. outbuildings, associated car parking, landscaping, servicing and alterations to existing vehicular and pedestrian access - application no. 22/00358/FUL - Report by the Chief Planning Officer 93 - 96

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

- 5.4** 50 Pilrig Street, Edinburgh, EH6 5AL - Demolition of house and redevelopment to form apartment building with associated garden ground and bin/cycle storage (as amended) - application no. 21/00246/FUL 97 - 100

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

6. Applications for Hearing

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

6.1 None.

7. Applications for Detailed Presentation

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

7.1 Centrum House, 108-114 and 116 Dundas Street, Edinburgh - 101 - 140
Proposed demolition of existing office buildings and erection of a mixed-use development comprising of 49 No. flats with 3 No. commercial units (Class 1, 2 and 3 uses), amenity space, landscaping, basement level car and cycle parking and other associated infrastructure - application no. 22/05886/FUL - Report by the Chief Planning Officer

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

7.2 Centrum House, 108-114 and 116 Dundas Street, Edinburgh - 141 - 150
Complete demolition in a conservation area - application no. 22/05884/CON - Report by the Chief Planning Officer

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

8. Returning Applications Following Site Visit

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

8.1 None.

Nick Smith

Service Director – Legal and Assurance

Committee Members

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

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The Development Management Sub-Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

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

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

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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Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 8 February 2023

Present:

Councillors Osler (Convener), Beal, Booth, Cameron, Dalgleish, Gardiner, Hyslop, Jones, McNeese-Mechan (except item 5.1 and 5.2), Mowat (except item 5.1 and 5.2) and O'Neill.

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of 25 January 2023 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Sections 4, 5, 7 and 8 of the agenda for this meeting.

Requests for a hearing:

Ward Councillor Caldwell – Item 7.1 – 139 Leith Walk, Edinburgh – application no. 22/01563/FUL

Decision

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

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – Report for forthcoming application by GSS Newbridge Limited for Proposal of Application Notice at Old Liston Road, Newbridge (land south west of)</p>	<p>Notice for planning permission in principle (PPP) - Logistics, business and industrial development, related uses including trade counter and EV charging hub (Use Classes 4, 5, 6 and Sui Generis), together with ancillary development (including Class 1), associated access, infrastructure and landscaping - application no. 22/06262/PAN</p>	<p>To note the key issues at this stage.</p>
<p>4.2 – Report for forthcoming application by GSS Newbridge Limited for Proposal of Application Notice at Old Liston Road, Newbridge (land south west of)</p>	<p>Notice for detailed planning permission (FUL) for Phase 1 - Logistics, business and industrial development, related uses including trade counter and EV charging hub (Use Classes 4, 5, 6 and Sui Generis), together with ancillary development (including Class 1), associated access, infrastructure and landscaping - application no. 22/06357/PAN</p>	<p>To note the key issues at this stage.</p>
<p>4.3 – Report for forthcoming application by Ocean Drive Unit Trust for Proposal of Application Notice at 94, Ocean Drive, Edinburgh (land 143 metres southeast of)</p>	<p>Erection of residential development with associated landscaping and infrastructure (variation of design approved under permission 19/02778/FUL) application no. 22/06485/PAN</p>	<p>To note the key issues at this stage.</p>
<p>4.4 – 13 Antigua Street, Edinburgh</p>	<p>Installation of replacement external duct (existing unauthorised full height flue to be removed and install new flue in accordance with guidance) - application no. 21/05140/FUL</p>	<p>To GRANT Planning Permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>

<p>5.1 - 14-17 Atholl Crescent, Edinburgh</p>	<p>Change of use from office to form 34x residential units with associated works (as amended) - application no. 21/03992/FUL</p>	<p>To GRANT Planning Permission subject to the conditions, reasons, informatives and legal agreement as set out in section C of the report by the Chief Planning Officer.</p>
<p>5.2 - 14-17 Atholl Crescent, Edinburgh</p>	<p>Internal and external alterations to facilitate change of use from office to residential (as amended) - application no. 21/03991/LBC</p>	<p>To GRANT Listed Building Consent.</p>
<p>5.3 - Silverlea Old Peoples Home, 14 Muirhouse Parkway, Edinburgh</p>	<p>Proposed residential development comprising 142 flats including colonies with associated roads, parking and greenspace - application no. 21/05056/FUL</p>	<p>To GRANT Planning Permission in accordance with the resolution made on the 10 August 2022.</p>
<p>7.1 - 139 Leith Walk, Edinburgh (land to east of)</p>	<p>Demolition of the existing warehouse building and construction of Sui Generis flatted dwellings including mainstream, affordable and student accommodation with a ground floor commercial unit and associated infrastructure, landscaping, and a reconfiguration of the existing car park - application no. 22/01563/FUL</p>	<p>To CONTINUE consideration of the application for a hearing.</p>
<p>8.1 - 6 Braid Hills Approach, Edinburgh, EH10 6JY</p>	<p>Demolish existing bungalow and erect new house, garage, hobby room and access road - application no. 22/00712/FUL</p>	<p>To GRANT Planning Permission subject to the conditions and informatives as set out in section C of the report by the Chief Planning Officer.</p>

<p>8.2 - Lock Up, East Brighton Crescent, Edinburgh</p>	<p>Demolition of lockup garages, repositioning of existing rear garden wall and proposal of two new dwelling houses on the Land South of 1 East Brighton Crescent - application no. 22/01472/FUL</p>	<p>To GRANT Planning Permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p> <p>Dissent</p> <p>Councillor Jones requested that his dissent be recorded in respect of the decision for this item.</p>
<p>8.3 - Lock Up, East Brighton Crescent, Edinburgh</p>	<p>Substantial demolition in a conservation area - application no. 22/01473/CON</p>	<p>To GRANT Conservation Area Consent subject to the conditions, reasons and informatives agreement as set out in section C of the report by the Chief Planning Officer.</p> <p>Dissent</p> <p>Councillor Jones requested that his dissent be recorded in respect of the decision for this item.</p>
<p>8.4 - Lock Up, East Brighton Crescent, Edinburgh</p>	<p>Demolition of lockup garages, repositioning of existing rear garden wall and proposal of two new dwelling houses on the Land South of 1 East Brighton Crescent - application no. 22/01474/LBC</p>	<p>To GRANT Listed Building Consent subject to the informatives as set out in section C of the report by the Chief Planning Officer.</p> <p>Dissent</p> <p>Councillor Jones requested that his dissent be recorded in respect of the decision for this item.</p>

Development Management Sub-Committee Report

Wednesday 1 March 2023

**Application for Planning Permission
4 East Telferton, Edinburgh, EH7 6XD**

**Proposal: Change of use from Class 5 (Industrial) to climbing gym
(Class 11) with ancillary cafe.**

**Item – Committee Decision
Application Number – 22/04497/FUL
Ward – B14 - Craigentenny/Duddingston**

Reasons for Referral to Committee

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

Recommendation

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

Summary

The application for development is unacceptable as it is contrary to the relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan, as it would undermine the provision of business and industry units, to the detriment of the economy of the city. The proposal would have no adverse effect on the character of the area or on neighbouring residential amenity. Sixty-three representations were received in support of the application, specifically in relation to the use being beneficial; some weight has been given to these comments. There are no material planning considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a large warehouse unit situated within the Telferton Industrial Estate, an area identified as an area for Business and Industry within the LDP, the site is accessed from the south side of Portobello Road, close to the main junction between Seafield Road East and Sir Harry Lauder Road. The unit currently operates as a Class 5 (Industrial) use. There are allotments to the north of the industrial estate, with housing beyond and to the west.

Description of the Proposal

The proposal is for the change of use from an industrial unit to a climbing gym (Class 11), with ancillary cafe.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant planning history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Environmental Protection

Roads Authority

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

Publicity and Public Engagement

Date of Neighbour Notification: 6 October 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 14 October 2022

Site Notices Date(s): Not Applicable

Number of Contributors: 63

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- equalities and human rights.
- public representations; and
- any other identified material considerations.

Assessment

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

a) The proposals comply with the development plan.

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Climate and Nature Crises - Policy 1
- NPF4 Productive Places - Policy 26
- NPF4 Play, Recreation and Sport - Policy 21
- LDP Design Policies Des 1, Des 5 and Des 12.
- LDP Housing Policy Hou 7.
- LDP Employment Policy Emp 8.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory Guidance for Business is a material consideration that is relevant when considering NPF 4 Policy 26 and LDP Policy Emp 8.

Principle

The proposed change of use would result in the loss of business and industry floorspace (approximately 1315 sqm at ground floor and 260 sqm at first floor)

NPF 4 Policy 26 encourages LDPs to allocate sufficient land for business and industry, ensuring that there is a suitable range of sites that meet current market demand. LDP Policy Emp 8 sets out that proposals which would result in the loss of business, industrial or storage floorspace will not be permitted in areas identified as such in the LDP. The policy aims to retain a range of employment sites which are vital to the local economy and have been designed to cater for a diversity of uses and building sizes.

It is recognised that the proposed use would provide the opportunity for people to undertake exercise and would have the potential to deliver benefits to the health of residents and the vitality of the local area, as encouraged by NPF 4 Policy 21.

However, it would result in the loss of a significant level of Business and Industry floorspace, and this would undermine the objectives of LDP Policy Emp 8 and erode the provision of employment sites within the city, to the detriment of the local economy. On balance, the impact of the loss of industrial floorspace of significant size would not be outweighed by the benefits that would be achieved through the provision of the Class 11 use.

The proposal would be unacceptable as it is contrary to NPF 4 Policy 26 and LDP Policy Emp 8. Whilst the proposal has significant benefits in terms of the reuse of an existing building and promotes the aspirations of the health of residents the significant weight to be applied to NPF 4 Policy 1 does not tip the balance in favour for the proposal when considered in the context of the importance of the site for business and industry

Scale, Form and Design

The proposed external changes would be modest and acceptable in design. They would not have an adverse effect on the application site or the surrounding area.

This complies with LDP Policies Des 1 and Des 12.

Amenity

The proposal was assessed in terms of amenity. The proposal would not have a detrimental impact in relation to amenity. Environmental Protection was consulted, and no concerns were raised.

This complies with LDP Policies Des 5, Des 12 and Hou 7.

Transport

The Roads Authority was consulted and returned no objections, providing the development has sufficient car and cycle parking.

These are annotated on the drawings submitted as part of the application and are acceptable.

This complies with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal is contrary to NPF 4 Policy 26 and LDP Policy Emp 8 as it would erode the provision of business and industry units, to the detriment of the local economy.

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

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time 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

Sixty-three representations were received (Support).

The main theme of the representations relates to the proposed use being beneficial for the area and despite this being contrary to the LDP, some weight must be given to these comments by virtue of their consistent theme and number. As stated above, whilst the proposed use may have benefits and merits, the site is identified as being of importance to the economy of the city and its loss cannot be justified.

Conclusion in relation to identified material considerations

The consideration of the material considerations does not outweigh the assessment in terms of the Development Plan.

Overall conclusion

The application for development is unacceptable as it is contrary to the relevant policies within NPF 4 and the LDP, which seek to protect the provision of industry and business units. The proposal would have no adverse effect on the character of the area or on neighbouring residential amenity. Sixty-three representations were received in support of the application, specifically in relation to the use being beneficial; some weight has been given to these comments. There are no material planning considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

Reasons

1. The proposal is contrary to the Local Development Plan Policy Emp 8 in respect of Business and Industry Areas, as it would result in the loss of a significant Business and Industry unit.
2. The proposal would be contrary to NPF 4 Policy 26 (Productive Places), as it would result in the loss of business and industry floorspace, to the detriment of the city's economy.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 6 October 2022

Drawing Numbers/Scheme

01-08

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Conor MacGreevy, Planning Officer
E-mail: conor.macgreevy@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: No objections providing the below condition is met:

1 - The use of the property shall be restricted as an indoor climbing gym with ancillary cafe only with no other use within Class 11 permitted.

DATE: 25 October 2022

NAME: Roads Authority

COMMENT: No objections providing the following is provided:

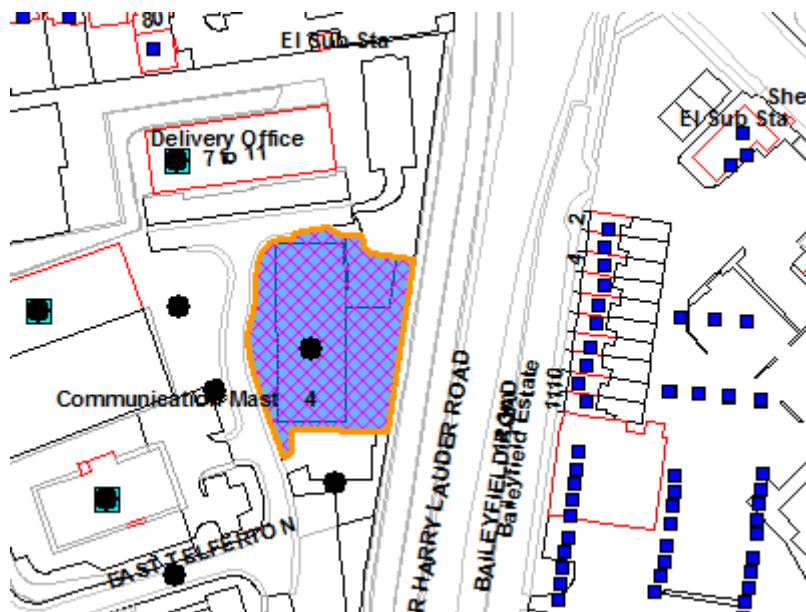
1. Total of 13 car parking spaces including 1 disabled bay and 7 existing spaces for the proposed change of use.

2. 24 existing cycle parking spaces for the proposed use.

DATE: 20 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 1 March 2023

**Application for Planning Permission
Liberton High School, 328 Gilmerton Road, Edinburgh.**

Proposal: Erection of a three-storey building comprising a 1200 pupil secondary school, a GP practice and community facilities with associated hard & soft landscaping, external sports provision and car-parking (as amended)

**Item – Committee Decision
Application Number – 22/04134/FUL
Ward – B16 - Liberton/Gilmerton**

Reasons for Referral to Committee

In accordance with the Council Scheme of Delegation, the application has been referred for determination by the Development Management Sub-committee as the Council is the applicant.

Recommendation

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

Summary

The proposals are considered to be in accordance with the policies of National Planning Framework 4 and the Edinburgh Local Development Plan. They will contribute towards the creation of sustainable places by minimising lifecycle greenhouse gas emissions, promoting active travel over vehicular transportation and enhancing biodiversity. They will contribute towards the creation of liveable places by the provision of a school with modern learning, teaching and recreational facilities, integrating appropriately scaled ancillary activities to promote local living and help to establish a city wide blue / green infrastructure network. They will contribute towards the creation of productive places by increasing local spending and employment and reducing inequalities in access to educational and community infrastructure.

There are no material considerations which outweigh the proposals compliance with the Development Plan.

SECTION A – Application Background

Site Description

The site comprises the existing Liberton High School (ELHS), its recreation ground and sports block. It extends to approximately 7.8ha and is bounded by 2-storey residential properties except for Mount Vernon Cemetery to the southwest.

The ELHS is located above and to the south of its recreation ground which is used for rugby, football and athletics. Additional outdoor sports facilities include three tennis and two beach volleyball courts to the southeast boundary and a mountain bike trail to the southwestern. The sports block sits to the northeast boundary.

The primary means of vehicular, cycle and pedestrian access is to Gilmerton Road. Secondary pedestrian and cycle accesses exist via Mount Vernon Road and Malbet Park to the northwest and south respectively.

Description of the Proposals

Planning permission is sought for the erection of a replacement Liberton High School (RLHS). The building is to be of a 'community campus' nature and include non-educational facilities such as a health centre, café, library, flexible workspaces and a base for Police Scotland. The sports block will be retained.

The new building will sit to the north of the ELHS which needs to remain open and operational until its replacement is completed. Projected capacity is 1,200 pupils. The RLHS is to be 3-storey, sit at the same level as the existing recreation ground and be clad in black and bronze metal cladding. Passivhaus requirements are to be met.

The primary entrance will be via the northeast elevation. The health centre shall have its own to the southeast. Four other secondary entrances for pupils and staff are also proposed. Educational needs will have priority and movement restrictions will be in place for non-school visitors both within and outwith the RLHS.

A floodlit multi use games area (MUGA), basketball court and athletics provision will be formed to the north of the RLHS. A grass football pitch / recreation area is proposed to its south. The tennis and beach volleyball courts and mountain bike trail shall be retained as will two woodlands to the north and south boundaries. Other new structures include two stores to the north and south of the RLHS and a substation to its east. External teaching areas will be provided and so shall a grassed amphitheatre.

The primary and secondary means of vehicular, cycle and pedestrian access are to be retained but improved. 54 car parking spaces, inclusive of five accessible and nine with electric vehicle charging points (EVCPs), shall be provided along with 16 for motorcycles. 140 cycle parking spaces, inclusive of six accessible, are proposed.

The memorial garden will not be affected by the proposals.

The application was amended prior to referral to the Development Management Subcommittee. Scheme 2 removed reference on the as submitted drawings to "Volleyball Relocation (in event of GME)", "future development site" and "court lighting is to be designed by others" and introduced a swale to the southeast of the grass football pitch / recreation area. The Proposal of Application Notice (22/01232/PAN) and Environmental Impact Assessment Screening Opinion (22/01571/SCR) to which this planning application relate make reference to a Gaelic Medium Education School (GME). For the avoidance of doubt, the proposals do not include a GME and no assessment on this sites suitability for such a school has been undertaken by the City of Edinburgh Council (CEC) as Planning Authority.

Supporting Information

The following documentation was submitted in support:

- Air Quality Assessment;
- Arboricultural Report;
- Design and Access Statement;
- Environmental Impact Assessment Screening Opinion Decision Letter;
- Flood Risk and Drainage Impact Assessment;
- Landscape Maintenance Schedule;
- Noise Impact Assessment;
- Phase 2 Geotechnical Assessment;
- Planning Statement;
- Pre-application Consultation Report;
- Preliminary Ecological Appraisal;
- Preliminary (Bat) Roost Assessment;
- S1 Sustainability Form;
- Section 6 (Energy) of the Scottish Building Standards Compliance Report;
- Site Investigation Report;
- Transport Statement and
- Visualisations.

These are available to view on the CEC Planning and Building Standards Portal except for the Preliminary Ecological Appraisal which remains sensitive; this is standard practice for such documents.

Relevant Site History

22/01571/SCR
Liberton High School
328 Gilmerton Road
Edinburgh
EH17 7PT
EIA Screening request.
EIA Not Required
4 April 2022

22/01232/PAN
Liberton High School
328 Gilmerton Road
Edinburgh
EH17 7PT

Erection of a three storey secondary school, a GP practice and community facilities with associated landscaping, external sports provision & car parking. The existing sports block on the eastern edge is to be retained. The masterplan will include a zone for a second three storey secondary school in the event the council decides to build a GME secondary school in the future.
Pre-application Consultation approved.
1 April 2022

20/01945/FUL
Liberton High School
328 Gilmerton Road
Edinburgh
EH17 7PT
Construction & installation of 2 storey modular classroom facility.
Granted
10 August 2020

14/04530/FUL
Liberton High School
328 Gilmerton Road
Edinburgh
EH17 7PT
Extension to existing Sports Centre including Gym Hall & support facilities.
Granted
18 December 2014

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

CEC Archaeology Service

CEC Environmental Protection

CEC Flood Prevention

Liberton and District Community Council

Gilmerton and Inch Community Council

Edinburgh Access Panel

Police Scotland

Scottish Water

Sport Scotland

The Coal Authority

Scottish Environment Protection Agency

CEC Transport Planning

CEC Waste and Cleansing Services

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

Publicity and Public Engagement

Date of Neighbour Notification: 31 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: 23

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) and the Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- equalities and human rights;
- public representations and
- any other identified material considerations

Assessment

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

a) The proposals comply with the Development Plan

NPF4 was adopted on the 13 February 2023 and now forms part of the Development Plan. NPF4 policies support the planning and delivery of sustainable places, liveable places and productive places and are the key policies against which proposals for development are assessed. Several policies in the LDP have been superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Sustainable Places Policies 1, 2, 3, 4, 5, 6, 7, 9, 11, 12 and 13;
- NPF4 Liveable Places Policies 14, 15, 19, 20, 21, 22 and 23;
- NPF4 Productive Places Policy 25;
- LDP Design Policies 1, 3, 4, 5, 7, 8 and 11;
- LDP Environment Policies 12, 15, 18, 20, 21 and 22;
- LDP Housing Policy 7;
- LDP Transport Policies 1, 2, 3, and 4; and
- LDP Resources and Services Policy 6.

The non-statutory Edinburgh Design Guidance, City Mobility Plan and Cycle Parking Factsheet are material in the consideration of the LDP policies.

Principle of the proposals

The site has been primarily used for educational purposes since 1959 and falls under Class 10 (Non-residential institutions) of The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended). Non-school activities such as the commercial use of the grounds also occur but these are ancillary in nature and scale.

The principal educational purpose shall not be changed by the proposals and only the health centre constitutes a change in use of the land. The 90.0sqm library also falls under Class 10 and 90.0sqm of office space, a 67.6sqm café and four Police Scotland workspaces are ancillary in use, scale and impact when compared to that of a school and not all that dissimilar to current activities within the ELHS. In addition, the use of the buildings and land on a commercial basis would not require planning permission; a football pitch is a football pitch, a dance studio is a dance studio and the age of user or charging does not change their use.

A health centre in this location is acceptable in principle. The proposals will contribute to local living, community wealth building and inequality reduction through the provision of a modern school, accessible ancillary facilities and job creation. The café and commercial elements have the potential to increase local spending and the 'community campus' nature supports lifelong learning and widens opportunities for employment, sport and recreation.

The Town Centre First approach of NPF4 and the LDP is not deemed relevant to these proposals which are the replacement of an existing building with ancillary activities with one of a similar nature.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 15, 23c and 25a.

Demolition of the existing Liberton High School

The demolition of the ELHS constitutes permitted development under Part 23 (Demolition of Buildings) Class 70 of The Town and Country Planning (General Permitted Development) (Scotland) Order (as amended). There are no statutory barriers to the demolition of the ELHS as it is not a 'qualifying building'; this would be a dwellinghouse, block of residential flats or a building having a mutual wall with either.

Whilst it is noted that the act of demolition will have a short-term negative impact on the climate, these are not outweighed by the long-term benefits that a RLHS to Passivhaus requirements on a more sustainable school site as a whole would have in addressing the climate crisis. Whether the RLHS and site have been designed to minimise lifecycle greenhouse gas emissions and can adapt to current and future risks of climate change are assessed in the following sections.

The Preliminary (Bat) Roost Assessment (PRA) outlines the results of a visual (ground-based) external inspection of the ELHS and sports block. Its purpose is to establish physical evidence of use by bats (e.g. droppings) or features (e.g. gaps / crevices) which may be suitable for roosting. No physical evidence was recorded but the features of the ELHS and sports block are considered to have moderate and low potential for roosting bats respectively. The PRA recommended further surveys during the summer of 2022 which were not carried out.

The ELHS needs to remain open and operational until its replacement is completed which is estimated to be during the summer of 2025. This gives the applicants a significant window in which to establish whether the features of the ELHS and sports block are physically being used for roosting bats and then identify and implement mitigation. Although the Preliminary Ecological Appraisal considers that suspensive conditions should not be used for protected species, the unique developmental circumstances, coupled with the fact that CEC is both the applicant and landowner, is considered to justify the use of a condition in this case; other biodiversity interests are discussed in the following sections.

The proposals, subject to a condition, are considered to be in accordance with the intent and outcomes of NPF4 Policy 1, 3a, 3b, 4f, 9d, 12a and 12b.

Loss of open space and outdoor sports facilities

The LDP designates all land outwith buildings and hardstanding as open space. The need for the ELHS to remain open and operational is a significant constraint on the location of its replacement. It is reasonable to conclude that the development of open space is unavoidable because of this and other constraints include the proximity of residential properties, the retention of the sports block and modernisation of the Gilmerton Road access. Passivhaus requirements are also dictated in part by the character of the site and its surroundings and typically necessitate 'bespoke' solutions.

The existing outdoor sports provision is comprised of two football pitches and one rugby pitch. These are 'converted' into a running track with various athletic spaces during part of the year. The beach volleyball and tennis courts and mountain bike track will be unaffected. The loss of provision is to be compensated by the introduction of a MUGA, basketball court and a grassed football pitch / recreation area.

SportScotland raise no objection subject to a condition relating to the detail of the MUGA. Although the compensatory provision does not accord with their guidance, they have placed weight on the limited space available but also the provision of a MUGA which can be used more intensively and for a wider variety of sports. Their preference is for two MUGAs but the applicants wish to retain a grassed football pitch / recreation area as this allows flexibility for non-pitch based sports. In reference to their advisory note, the outdoor sports changing provision is retained within the sports block. The level of compensatory outdoor sports provision is deemed acceptable for this site.

When open space is compared pre and post development, there will be a small reduction in simple area terms; 5.69 hectares to 5.54 which is considered minor. The quality will be enhanced in amenity and leisure value terms, through the enhanced outdoor sports facilities, landscaping and range of habitats, and the character of the site will be unchanged; the open space are the grounds of a school and this will still be the case. It is also accepted that a MUGA could have a local community benefit by increasing access to outdoor sports facilities. The loss of open space is also deemed acceptable for this site.

The proposals, subject to a condition, are considered to be in accordance with the intent and outcomes of NPF4 Policy 21a and 23a and LDP Policy Env 18.

Climate mitigation and adaption

Life cycle greenhouse gas emissions and climate change adaption

The RLHS will be to Passivhaus requirements which has had a significant influence on its siting and design. Teaching spaces are orientated to the extensive north and south elevations which feature a high proportion of glazing. Sustainable ventilation management has been incorporated and the RLHS is to be all electric with energy demands being met by air source heat pumps and solar PV panels; an LPG tank solely for academic purposes will also be provided. The sports block is also to be disconnected from the mains in order to be serviced by these new sources. As discussed in the sections below, the finished floor level of the RLHS shall be above the 1 in 1000 year plus 40% allowance climate change flood events, the proposals give priority to active and sustainable travel and tree cover and blue infrastructure will be enhanced. The proposals are considered to have been sited and design to minimise their lifecycle greenhouse gas emissions and are adaptable to the current and future risks of climate change.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 2a and b.

Biodiversity

The Preliminary Ecological Appraisal (PEA) was comprised of a desk based ecological study and an on-site Phase 1 Habitat Survey. Evidence of protected species were also identified on an 'opportunistic basis'. The proposals are unlikely to have an adverse effect on international and national nature conservation sites (Firth of Forth is the closest) or the two Local Nature Reserves, ten Local Nature Conservation Sites and ten areas of ancient woodland within 2km of the site; the closest for all three being Burdiehouse Burn Valley Park.

The PEA summaries the relatively poor quality and range of habitats and the proposals are considered to constitute an enhancement of biodiversity across the site. It goes on to suggest a series of habitat enhancement measures and some have been incorporated into proposals including raingardens and meadow planting. Not all will be suitable for the site (e.g. wetland creation) due to space and safety limitations but the provision of 'bird boxes' and 'hedgehog nesting boxes' appear feasible; consideration of these are recommended by condition.

The proposals, subject to a condition, are considered to be in accordance with the intent and outcomes of NPF4 Policy 3a, 3b, 4a, 4e and 4f.

Trees

The Arboricultural Survey identifies 19 trees to be removed; seven at Category B, nine at C, one at U and two at N (could not be categorised). This includes the four flowering cherries to the existing Gilmerton Road access (two at Category B and two at C). All other trees, including the woodlands to the north and south boundaries, will be retained. No statutory designations apply to any tree.

The tree removals are necessary to facilitate the demolition of the ELHS and the improvement of the Gilmerton Road access. Outwith the woodlands, the site is relatively deficient in overall tree cover and the removal of existing will be suitably compensated by the planting of 157 new specimens of varying types. The removals are justified and acceptable, as are the tree protection measures for those to be retained.

Flowering cherries do not form part of the compensatory planting but it is clear that the existing specimens contribute to streetscape interest and act as a 'welcoming feature'. It is reasonable to have the reintroduction of this species considered and a condition to this effect is recommended.

The proposals, subject to a condition, are considered to be in accordance with the intent and outcomes of NPF4 Policy 6a, 6b and 6d and LDP Policy Env 12.

Flood risk and blue / green infrastructure

The Flood Risk and Drainage Impact Assessment (FRDIA) advises that surface water currently drains to sewer SW17 adjacent to 332 Gilmerton Road currently. There are also no SuDS features or surface water storage measures within the site. Surface water is to continue to drain to this sewer as other potential sources of disposal were not deemed suitable (e.g. infiltration drainage due to subsoil conditions).

The FRDIA considers there to be limited space to prevent basin storage but new SuDS features such as raingardens, permeable paving and swale areas amounting to 600m³ of attenuation are proposed; the FRDIA predates the introduction of a swale to the southeast of the grass football pitch / recreation area which will further increase attenuation. Additional measures include oversized pipework providing 781.5m³ of attenuation and flow control devices to restrict discharge to CEC guidance levels. The drainage strategy confirms that the 1 in 200 years plus 40% climate change allowance flows will be contained within the site. CEC guidance also requires consideration of the 1 in 1000 years plus 40% climate change allowance for schools which would result in flood events at sewer SW17 and SW12 (northwest of the RLHS). However, the FRDIA notes that these events will be minor, contained within the site (not to neighbouring properties) and remain below the finished floor level of the RLHS. Flood Prevention raised no objection to the proposals.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 20a, 20b, 20c, 22a, 22c, 22e and LDP Policy Env 21 and Env 22.

Sustainable transport and air quality

The Transport Statement (TS) predicts daily trip generation for the proposals against that of the existing site. The future numbers are based on a full school roll of 1,200 pupils and 146 staff of all roles, 180 visitors and 27 staff for the health centre and 50 visitors for the café, library and flexible workspace. The TS considers that the proposals will result in a maximum of 151 new two-way vehicular trips during the morning peak (08:00 to 09:00) and 142 during the evening peak (15:00 to 16:00). It notes that vehicular trips for the health centre shall be more evenly distributed over its opening period and have a different evening peak to that of the school element. It also considers that the 27 health centre staff are unlikely to be working concurrently.

Accompanying the increase in vehicular trips is a reduction in car parking from an estimated 103 to 54 which is inclusive of five accessible spaces and nine with EVCPs. 140 cycle spaces, inclusive of six accessible, and 16 for motorcycles are also to be provided; these levels all accord with the Edinburgh Design Guidance. Although there will be an increase in the number of trips, the TS considers that it will not be significant.

It is clear that the limited levels of car parking will reduce reliance on the private car but the TS demonstrates that the site is not only accessible by more active and sustainable travel means but that there is significant potential for persons to move up the Transport Hierarchy. The Education Authority are to develop a Travel Plan to encourage more active and sustainable travel and will retain control over access and allocation of car parking spaces; this includes a vehicle barrier. On balance, whilst there will be an increase in trips, it is evident that these will need to be by more active, sustainable and 'quieter' means which shall minimise the potential for adverse effects on the road network and residential amenity.

The location and all Sheffield / covered design of cycle parking is acceptable and it is proposed to have specific allocations for pupils, staff and visitors. Although 140 spaces is the minimum required, the TS demonstrates that this will be sufficient for the predicted cycle trips and the Education Authority will react to demand should this be needed. The location and design of car parking raises no particular concerns and bounding tree planting will reduce the adverse visual impact of surface level provision. Vehicular serving arrangements are acceptable. Transport Planning raise no objection.

The Air Quality Assessment (AQA) considered impacts on air quality from construction dust and vehicular traffic when the RLHS is operational; emissions from construction traffic was not considered but it is unreasonable to have these temporary and necessary to facilitate development effects formally assessed. The AQA concludes that construction dust and operational vehicular traffic, largely though the low car parking proposals and move towards more sustainable and active means of travel, shall not be significant. Environmental Protection raise no objection subject to conditions. The recommended EVCP specification condition shall be attached but the AQA measures have been added as informative; they are either proposed on the drawings (cycle parking spaces) or can be addressed directly by the applicant.

The proposals, subject to a condition, are considered to be in accordance with the intent and outcomes of NPF4 Policy 13b, 13c, 13d, 13e, 13f, 23d and LDP Policy Env 22, Tra 2, Tra 3 and Tra 4.

Soils and suitability of land for redevelopment

The Geotechnical Assessment separates the disturbance of soil into Phase 1, construction of the RLHS, and Phase 2, demolition of the ELHS and establishment of sports facilities and landscaping. Although disturbed materials are to be reused where feasible, Phase 1 is expected to generate a significant excess that will be disposed off-site. The need for the ELHS to remain open and operational is a significant barrier to more extensive reuse as this will severely limit the space available for the storage of materials as well as the extent of works which can be undertaken; off-site disposal is considered acceptable in this case

The Phase II Site Investigation Report recommends further investigation into land contamination including the reuse of materials. Environmental Protection raise no objection subject to a condition. The Coal Authority confirmed the proposals to be located within a 'low risk area' and clarified that their "material consideration" consultation response means that they have no objection or specific concerns; their standard standing advice shall be attached as an informative.

The proposals, subject to a condition, are considered to be in accordance with the intent and outcomes of NPF4 Policy 5a and 9c.

Waste

Waste and Cleansing Services note that they are expected to be serve the development but a waste strategy has not been agreed; this is to include bin locations within and outwith the site. The Education Authority will need to accord with the requirements of Waste and Cleansing services in respect of managing waste and recycling demands and it is considered reasonable for this matter to be finalised without Planning Authority involvement. The expected level of waste generation is unknown and likely to be variable depending on the school roll.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 12c and LDP Policy Des 5.

Water supply

The proposals water demands will be met by the public network and Scottish Water have confirmed that they have sufficient water and wastewater capacity.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 22d and LDP Policy RS 6.

Design, scale, siting and layout and visual Impact on the surroundings

The Passivhaus requirements, the need for the existing LHS to remain operational, the retention of the principle means of access, sports block and tennis and beach volleyball courts as well as the proximity of residential properties have all had a significant impact on the design and siting of the proposals.

The proposals are considered to be generally consistent with the six qualities of successful places. They are 'Healthy', through the quality and range of the proposed internal and external learning and recreational spaces, and 'Pleasant' through the creation of inclusive opportunities to interact socially and with nature. 'Connected' has been considered through the enhancement of active travel provision and the priority to pedestrians and they are 'Distinctive', as evidenced by the appearance of the RLHS and by the range of habits to be formed. 'Sustainable' is evident by the Passivhaus requirements and 'community campus' nature and regard to 'Adaptable' is seen through lift provision and the flexibility in internal and external outside spaces.

The appearance of the RLHS makes little attempt to reflect the architectural characteristics of its surroundings and this is deemed appropriate for a 'statement' building to Passivhaus requirements which shall occupy a site which is effectively contained. The 'cranked' form has allowed the creation of a welcoming entrance space from Gilmerton Road and one which shall promote the movement of people over that of vehicles. Whilst secondary in general importance, the west elevation access is of a similarly detailed nature. The use of contrasting materials and finishes and a high proportion of glazing suitably break up the extensive northern and southern frontages as well as generate interest. It is considered that the RLHS, through the quality of its architecture and materials, will improve the quality of the area and have a positive impact on its surroundings.

Existing features of worthy of retention have been generally retained and where they have not, such as with the cherry blossoms, their removal is justified. The planting of trees to the buildings more immediate surroundings shall integrate the scale into its local environment as well as the wider public realm. The layout of the grounds promotes permeability and travel by active means and the lighting strategy should increase their attractiveness during hours of darkness and improve community security.

Distinction between public and private spaces, school and non-school uses and pedestrians and non-pedestrians are generally acceptable whilst noting that there is an intent to minimise physical barriers where possible. Formal segregation where necessary has further promoted by the adoption of different colours and materials for hard surfacing and bollards, with the latter also acting to discourage 'inconsiderate' parking. A suitable range of external benches are proposed and more prominent fencing, such for an external storage area to the north of the replacement LHS, shall be softened by hedging.

The site is within key view S16a (Castle and Hub Spire from Hyvots Bank / Gilmerton Dykes). Although the RLHS will continue to rise above the prevailing building height, it sits at a lower level than the existing; the qualities of this key view shall be maintained.

The Archaeology Service note that the proposals fall within an area of significance and will require ground-breaking works. Whilst construction of the existing LHS is likely to have removed the potential for remains to its footprint, they have recommended a programme of archaeological work for the playing fields; a condition to this effect has been attached.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 7o, 14a, 14b and 14c and LDP Policy Des 1, Des 3, Des 4, Des 5, Des 7, Des 8 and Des 11.

Amenity

Future user amenity

As the site is to retain its principal secondary school purpose, the provision of a traditional 'playground' is not deemed necessary or appropriate. This is in part due to the quality of the outdoor sports facilities and the creation of suitably segregated formal and informal spaces for relaxation both within and outwith the RLHS. New areas of public realm do not raise any specific material concerns with regards to inclusivity and step only accesses have been minimised. Where provided, such as to the south of the RLHS, an alternative sloped access is proposed and this arrangement is an unfortunate artefact of the change in levels across the site and need of level land for the grass football pitch / recreation area. The Landscape Maintenance Schedule outlines how and when the sports facilities will be managed.

There is no specific guidance relating to the design of a school but the RLHS, both internally and externally, shall provide an improved learning, working and recreational environment for pupils and staff through the range, quality and accessibility of the spaces to be provided.

All floors are level and three lifts, two positioned centrally, seek to provide equitable access. Accessible car parking spaces, the vehicular drop off point and toilets are with reasonable distances of entrances and internal spaces. Internal finishes are to consider persons with sight impairments and appropriate regard shall be given to acoustic, lux, heating and ventilation levels. The Edinburgh Access Panel were consulted and matters they raise can be suitably addressed under the Building Warrant process.

The grounds will be partly segregated in order to give pupils their own secure space and this is also to apply to the internal where access for non-pupils shall be restricted. A lighting and CCTV scheme for the grounds will improve pupil and community security as well as promote the attractiveness of routes during hours of darkness. Low level light spillage shall not have an adverse effect on neighbouring amenity.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 21d, 21e, 21g and 23f and LDP Policy Des 5.

Neighbour amenity

The RLHS shall not have a detrimental impact on the privacy and immediate outlook of neighbouring properties nor impede their levels of daylight and sunlight. Although it will be closer to houses, the RLHS sits at a lower level and is separated from the northeastern, northwestern and southeastern boundaries by 40m, 28m and 36m respectively. Nellfield also sits at a higher ground level than the RLHS and properties to Gilmerton Road shall continue to be screened in part by woodland. Cooking odours are also unlikely to impact amenity due to the central positions of roof level extract points.

The site has no floodlighting at present and the MUGA is proposed to be floodlit. A Floodlighting Risk Assessment (FRA) was requested but this cannot be carried out until a contractor has been appointed following the grant of any planning permission. Environmental Protection have raised concerns and have recommended the carrying out of a FRA prior to installation as well as a 'cut-off' timer for any system. It is considered necessary to have potential glare impacts fully considered and a condition to this effect shall be attached; potential operating hours shall be considered once impacts are formally determined.

The Noise Impact Assessment (NIA) considers impacts from plant and the MUGA, basketball court and grass football pitch / recreation area. It recommends noise limits for plant and a condition to this effect shall be attached. Coupled with the separation to nearby properties, plant noise shall not have a detrimental impact on residential amenity or that of future occupiers.

The NIA considers that there will be a substantial adverse impact from all three sports pitches / courts. Although it notes that residents to Gilmerton Road are likely to be accustomed to a degree of noise due to their proximity to the existing provision, it is considered that a floodlit MUGA, which can be used more intensively, will result in a material increase in noise levels and on a more year-round basis. Whilst there is no change in use of the land, with the MUGA being the formalisation of an existing outdoor sports provision, it is reasonable to conclude that further mitigation should be explored. Although a degree of noise would still be expected, there appears to be space between the MUGA and basketball court and the Gilmerton Road properties where natural or synthetic noise abatement measures may be feasible; a condition to this effect is recommended

For the grassed football pitch / recreation area, the NIA recommends the inclusion of a noise abatement fence. The applicants have resisted this on the basis that this would reduce the flexibility of the space as well as be aesthetically detrimental to the wider landscape strategy; to resolve impact in any material manner would necessitate a fence of considerable height. Similarly, to the MUGA and basketball court, where existing woodland should provide some degree of noise mitigation, a shelter belt of planting is indicatively proposed and there appears sufficient space to explore further mitigation despite the formation of a swale; a condition to this effect is recommended.

Representations also raised specific concerns about noise from the general increase in usage of the site, a public address system (PAS), breakout/amphitheatre areas and the beach volleyball courts. As the principal use of the site will be unchanged, noise from an increase in trip generation is outweighed by any formal control but it is noted that the limited level of car parking will demand travel by more active, sustainable and 'quieter' means.

The applicants have clarified that the PAS will be capable of playing both verbal announcements and music, but it is 'zoned' and expected to be mainly for internal purposes. External music usage is proposed to be limited to certain outdoor areas only such as the amphitheatre which, along with outdoor teaching spaces, are sufficiently separated from residential properties and unlikely to be used as significantly as internal areas. The beach volleyball courts will be unchanged, and the requiring of specific noise mitigation is not possible for this reason.

The proposals, subject to conditions, are considered to be in accordance with the intent and outcomes of NPF4 Policy 21d, 21e, 21g, 23e and 23f and LDP Policy Des 5 and Hou 7.

Conclusion in relation to the Development Plan

The proposals are considered to be in accordance with the policies of National Planning Framework 4 and the Edinburgh Local Development Plan. They will contribute towards the creation of sustainable places by minimising lifecycle greenhouse gas emissions, promoting active travel over vehicular transportation and enhancing biodiversity. They will contribute towards the creation of liveable places by the provision of a school with modern learning, teaching and recreational facilities, integrating appropriately scaled ancillary activities to promote local living and help to establish a city wide blue / green infrastructure network. They will contribute towards the creation of productive places by increasing local spending and employment and reducing inequalities in access to educational and community infrastructure.

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

The following material considerations have been identified:

Emerging policy context

On the 30 November 2022, CEC Planning Committee approved the Schedule 4 summaries and responses to representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

This report has given due regard to Section 149 of the Equalities Act 2010 and human rights; no impacts have been identified.

Public representations

23 letters of representation were received; 19 are in objection, three maintain a neutral position and one from the Liberton and District Community Council is in caveated support. No response was received from the Gilmerton and Inch Community Council to the original consultation request or a follow up email sent on the 6 October 2022. Matters raised are summarised below.

Material considerations in objection

- Loss of residential amenity due to natural light impediment, impact on privacy, floodlight glare, noise, immediate outlook, 'community campus' nature, non-school uses and increase in trips;
- Detrimental impacts on ecological interests including tree loss;
- Detrimental impacts on air quality including demolition;
- Conflict for car parking spaces and between different travel methods;
- Lack of assessment of non-school activities;
- Lack of consideration for the next pandemic (neither NPF4 or the LDP has specific policies relating to this but the former is generally focussed in part on the nations recovery from COVID-19).

Non-material considerations in objection

- The development meets the criteria for requiring an EIA;
- The proposals are a Schedule 3 development;
- The Aarhus Convention was not followed in the consideration of whether an EIA would be required under Screening Opinion 22/01571/SCR;.
- The Scoping Opinion was based on a "substantially different planning application", is "incompetent" and "should be reviewed and must be relevant and applicable to the current planning application";
- Pre-application Consultation was not carried out for this major development;
- CEC not maintaining the existing trees and woodland;
- Gilmerton Road 'Spaces for People' measures impeding the ability to park;
- Less plans were provided at the Pre-application Consultation phase;
- Offensive language from pupils and users of the external sports provision;
- The final day for making representations fell on a public holiday;
- Littering from pupils outwith the site;
- 'Poor' car parking within and outwith the site;
- Locational discrepancy on the Landscape Maintenance Schedule;
- Dust and pollution from construction;
- Increase in pedestrian activity to the Malbet Park access and vehicular drop offs;
- Loss of a parking area adjacent to Gilmerton Road; and
- Loss of the ability to park on the access road.

Material considerations maintaining a neutral position

- The splitting up of the external sports provision;
- The school and community uses should be housed within separate buildings;
- Suitability of a MUGA for rugby and lack of football provision;
- Lack of refuse collection information.

Non-material considerations maintaining a neutral position

- Loss of a parking area adjacent to Gilmerton Road;
- Loss of the ability to park on the access road.

Material considerations in support

- Loss of residential amenity due to natural light impediment, impact on privacy, floodlight glare, noise, immediate outlook, 'community campus' nature, non-school uses and increase in school capacity.

Non-material considerations in support

- Lack of noise or sand blow mitigation for the beach volleyball court;
- Retention of the beach volleyball and tennis courts;
- Change to the external sports provision between the pre-application consultation stage and this planning application.

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 are considered to be in accordance with the policies of National Planning Framework 4 and the Edinburgh Local Development Plan. They will contribute towards the creation of sustainable places by minimising lifecycle greenhouse gas emissions, promoting active travel over vehicular transportation and enhancing biodiversity. They will contribute towards the creation of liveable places by the provision of a school with modern learning, teaching and recreational facilities, integrating appropriately scaled ancillary activities to promote local living and help to establish a city wide blue / green infrastructure network. They will contribute towards the creation of productive places by increasing local spending and employment and reducing inequalities in access to educational and community infrastructure.

There are no material considerations which outweigh the proposals compliance with the Development Plan.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No development shall commence until a Construction Environmental Management Plan relating to Biodiversity - Code of Practice for Planning and Development Standards (BS42020:2013) has been submitted to and approved in writing by The Council as Planning Authority. It shall include the following:

- a) the results of the further presence / absence surveys recommended by Preliminary (Bat) Roost Assessment by Tetrix Ecology (ref: 21108-002 / date: 4 July 2022), the results of any further surveys which may then be required and full details of a mitigation strategy;
 - b) the results of all other surveys recommended by Section 6 of the Preliminary Ecological Appraisal by Tetrix Ecology (ref: 21108-001 / date: 31 October 2021), the results of any further surveys which may then be required and full details of a mitigation strategy;
 - c) a drawing highlighting where the Biodiversity Enrichment measures proposed by Section 6 of the Preliminary Ecological Appraisal by Tetrix Ecology (ref: 21108-001 / date: 31 October 2021) will be installed or a report by a suitably competent person justifying their discounting as unsuitable for this site as the case may be;
 - d) a risk assessment of potentially damaging construction activities;
 - e) the identification of "biodiversity protection zones";
 - f) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - g) the location and timing of sensitive works to avoid harm to biodiversity features;
 - h) the times during construction when specialist ecologist need to be present on site to oversee works;
 - i) the responsible persons and lines of communication;
 - j) the role and responsibilities of an on site of ecological clerk of works (ECoW) or similar competent person and
 - k) the use of protective fences, exclusion barriers and warning signs.
3. No development shall commence until full details of contractor(s) and pitch specifications (including lighting specification for the multi use games area have been submitted to and approved in writing by The Planning Authority in consultation with SportScotland.

For the avoidance of doubt, the multi use games area (122 x 72.9m) and grass pitch (106 x 66m), as shown on Site Plan 04A (reference: F0335-RFL-XX-XX-DR-L-00001 (Revision: P12 02.11.2022)) shall be designed and constructed by a recognised (e.g., Sports and Play Construction Association registered) specialist pitch contractor(s).

4. No development shall commence until a fully detailed landscape plan that shall take reference from the recommendations of Section 7 of the Noise Impact Assessment by Tetrix Ecology by Sandy Brown Consultants in Acoustics, Noise & Vibration (ref: 21268-R01-C / date: 15 August 2022) has been submitted to and approved in writing by The Council as Planning Authority in consultation with The Environmental Protection Service.

This Landscape Plan shall identify a location for the reintroduction of a minimum of four 'flowering cherry trees' and the details of natural or physical noise abatement measures between the nearby residential properties and the multi use games area, basketball court and grass football pitch / recreation area as shown on Site Plan 04A (reference: F0335-RFL-XX-XX-DR-L-00001 (Revision: P12 02.11.2022)).

5. The nine parking spaces as shown on Site Plan 04A (reference: F0335-RFL-XX-XX-DR-L-00001 (Revision: P12 02.11.2022)) shall be served by at least a 13-amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to start of operations on site.

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

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

7. No development shall commence until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted to and approved in writing by The Council as Planning Authority in consultation with the Archaeology Service.
8. No development shall commence until a Floodlighting Risk Assessment detailing a scheme for protecting nearby residential properties from illumination and / or glare from the floodlights proposed to the multi use games area has been submitted to, and approved in writing by The Council as Planning Authority in consultation with The Environmental Protection Service.

The scheme shall seek to minimise the potential adverse impacts of illumination and / or glare for nearby residential properties, aim for light spillage to all neighbouring land to be less than 25 lux and outlined proposed daily operating hours for agreement in writing by The Council as Planning Authority in consultation with The Councils Environmental Protection Service.

9. All roof level plant items (including air source heat pumps, condensing units, and air handling units) should be designed so that the noise level does not exceed a sound pressure level of 55 dBA at three metres from the plant and any associated intake / exhaust grilles or louvres. Cumulative noise levels from all building services plant items serving the development must not exceed a noise level of LAeq 40 dB outside the windows of the nearest residential properties.

Reason

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that potential impacts on protected species are fully considered and then appropriately mitigated.

3. In order to ensure that the multi use games area is of a quality that compensates for the reduction in the quantity of outdoor sports pitches.
4. In order to safeguard residential amenity and compensate for the loss of features of worthy of retention.
5. In order to ensure that the electric vehicle charging points are of a suitable standard.
6. In order to ensure that the land is safe and suitable for the proposed use.
7. In order to safeguard the interests of archaeological heritage.
8. In order to safeguard residential amenity.
9. In order to safeguard residential and future occupier amenity.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. Liberton High School and its grounds have the potential to be a habitat for protected species and any work to either which may cause deliberate disturbance could constitute an offence under The Conservation (Natural Habitats, &c.) Regulations 1994.
4. The air quality mitigation measures specified in Section 6 of the Air Quality Assessment by Redmore Environmental (ref: 5847r1 / date: 7 September 2022) should be installed and operational prior to start of operations on site.
5. The site lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 16 August 2022

Drawing Numbers/Scheme

01-03, 04A, 05A, 06A, 07-17, 18A, 19A, 20A, 21A, 22A, 23A,24A, 25A, 26, 27A, 28A, 29-31, 32A

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

NAME: CEC Archaeology Service
COMMENT: No objection subject to a condition
DATE: 2 September 2022

NAME: CEC Environmental Protection
COMMENT: No objection subject to conditions
DATE: 12 January 2023

NAME: CEC Flood Prevention
COMMENT: No objection
DATE: 13 January 2023

NAME: Liberton and District Community Council
COMMENT: Support but with caveats (made as a representation)
DATE:

NAME: Gilmerton and Inch Community Council
COMMENT: No response
DATE:

NAME: Edinburgh Access Panel
COMMENT: No support or objection
DATE: 4 November 2022

NAME: Police Scotland
COMMENT: No comment in respect of this application
DATE: 31 August 2022

NAME: Scottish Water
COMMENT: No objection
DATE: 9 September 2022

NAME: Sport Scotland
COMMENT: No objection subject to a condition
DATE: 29 September 2022

NAME: The Coal Authority
COMMENT: No objection
DATE: 8 September 2022

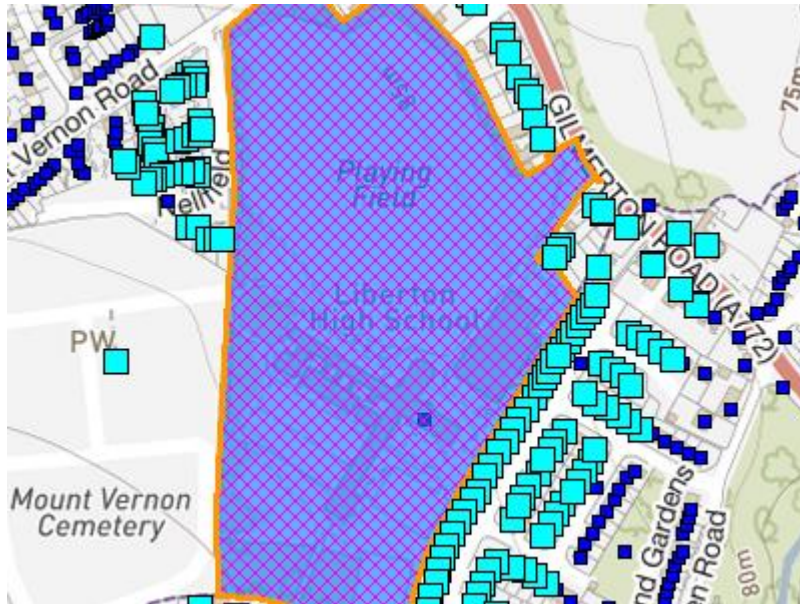
NAME: Scottish Environment Protection Agency
COMMENT: No objection
DATE: 26 September 2022

NAME: CEC Transport Planning
COMMENT: No objection subject to conditions and informatives
DATE: 9 February 2023

NAME: CEC Waste and Cleansing Services
COMMENT: No objection but waste strategy not agreed at this planning stage
DATE: 9 November 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 1 March 2023

**Application for Planning Permission
43 Main Street, Edinburgh, EH4 5BZ.**

**Proposal: 48 bed care home at Main Street, Davidson's Mains,
Edinburgh.**

**Item – Committee Decision
Application Number – 22/04940/FUL
Ward – B01 - Almond**

Reasons for Referral to Committee

Recommendation

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

Summary

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals will deliver a sustainable and well-designed care home scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place and is in accordance with NPF4 and the Edinburgh Local Development Plan (2016). Other material considerations support the presumption to grant planning permission.

SECTION A – Application Background

Site Description

The 0.33 hectare site is a vacant brownfield plot with direct access off Main Street, Davidson's Mains. A cluster of former motor garages and a Clyde bank building were located on this site but have since been demolished.

The site is bounded to the north by a Tesco car park and to the south by Main street, with residential properties immediately to the east and west. There are two public house function venues adjacent to the site at 45 Main Street and 25 Main Street.

The site sits at a lower level to Main Street with the lowest points existing along the north boundary which are approximately 1.7m below the Main Street level.

The site is identified as within the urban area within the Local Development Plan (2016). Davidson's Mains is a designated Local Centre comprised of shops, cafes, offices, healthcare practices and faith buildings.

There are mature trees and bushes along the north and eastern boundaries.

The site is not in a conservation area, however Davidson's Mains has a distinctive village character with traditional sandstone buildings.

'Rose Cottage', (REF: LB29278), a Category C listed building, lies immediately to the west of the site at 27 Main Street.

Description of the Proposal

The proposal is for the erection of a 48 bed 3129sqm Class 8 (Residential Institution) care home with associated parking, landscaping and access from Main Street.

The facility will provide specialist respite, dementia, palliative, convalescence and nursing care to frail and elderly residents.

The care home is designed in line with the Care Inspectorate's new 2022 design guidelines including identical wards on each storey with breakout amenity space/dining areas, balcony/garden access and the ability to isolate individual wards in the event of virus outbreak. A range of facilities are available on the ground floor including public cafe, hairdressing salon, cinema/activity room and staff changing facilities via a service corridor.

The 3 storey building is L shaped with gable ends, dormers, two tone buff brick, grey aluminium windows and faux slate fibre cement roof tiles. The ridge height is 62.5m AOD.

Hard landscaping proposals include an asphalt access road, block work paved footways and stone wall/timber fence boundary treatment. The 480sqm south facing secure garden is paved in flag stone with patio space, raised beds and a pergola.

Soft landscaping proposals include a sensory garden, mixed species shrub planting, spring bulb and summer wildflower meadow planting; and berry producing/flowering native hedgerow. 8 heavy standard and regular standard trees are also proposed in a range of species including Cherry, Birch, Rowan, Hornbeam and Oak.

There are 9 parking spaces proposed including 2 accessible bays and 2 electric vehicle parking bays. There is a secure external cycle parking store for 6 members of staff/residents with space for 2 non-standard inclusive cycles as well as 6 visitor cycle parking spaces. An electric scooter/wheelchair store has also been proposed with a 3kw external power supply.

Access is from Main Street and includes an ambulance/delivery/refuse bay in the turning head. The proposed 2m wide footway will provide continuous, segregated pedestrian access from Main Street to the building entrance via a raised table crossing. The development will create vehicle access to 27 Main Street via a new side street on the western boundary.

Space heating and hot water within the building will be all-electric, powered by renewable energy generated by a ground source heat pump and solar PV array. A heat recovery system will also redistribute excess heat throughout the building as required.

The surface water management plan includes a combination of SUDS features including above and below ground attenuation.

Supporting Information

- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Landscape proposals, including open space requirements.
- Daylight, privacy and overshadowing information;
- Waste management information;
- Flooding risk assessment and drainage information;
- Noise impact assessment.

Site history

23rd March 2020 - Proposal for 36 unit 3-4 storey residential development including associated access, parking, infrastructure and landscaping. Proposals were in principle supported subject to conditions, however a legal agreement was never signed and the application was consequently refused at Committee (application reference: 20/01410/PPP).

Relevant Site History

20/01410/PPP
43 Main Street
Edinburgh
EH4 5BZ

Planning application for residential development including associated access, parking, infrastructure, and landscaping.

Refused
28 April 2021

Other Relevant Site History

No other relevant history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology Officer

Flood Prevention Service

Scottish Water

Environmental Protection

Roads Authority

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

Publicity and Public Engagement

Date of Neighbour Notification: 18 October 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 30

Section B - Assessment

Determining Issues

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

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

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

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

a) The proposals comply with Planning Legislation on Listed Buildings and Conservation Areas?

SETTING

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

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

The document states that 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 on this".

There is one listed building in proximity to the proposal. 'Rose Cottage' is a Category C listed (REF: LB29278) building immediately west of the proposed site entrance at 27 Main Street. Rose Cottage is a simple late Georgian single storey sandstone dwelling with a pitched roof, slate tiles and gable ends.

The proposed building includes a material palette of two-tone buff brick, precast stone detailing, reconstituted slate roof tiles and stone boundary walls which provides a sympathetic setting for the listed building. Although the care home will have a greater height and massing than the cottage, the proposed building will be set back from Rose Cottage by 20 metres which will ensure that the new development is subservient to the listed building.

Conclusion in relation to the listed building

The proposals preserve the setting of the adjacent listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

a) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 climate and nature crises policies 1, 2, 3, 9
- NPF4 listed building policy 7
- NPF4 sustainable transport policy 13
- NPF4 successful places policies 14 and 15
- NPF4 Productive places policy 27
- LDP environment policies 16 and 21
- LDP Des 1, Des 4, Des 5, Des 7 and Des 8
- LDP housing policy Hou 2
- LDP transport policies Tra 2, Tra 3 and Tra 4
- LDP delivery policy Del 1 and
- LDP employment policy Emp 9

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of design and transport policies.

Principle of use

NPF4 Policy 16 and LDP Policy Hou 2 seek the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of older people.

The site lies within an Urban Area and Local Centre as defined in the Edinburgh Local Development Plan (LDP). The proposed residential institution will allow future occupants to live within the heart of the community and easily access local services by foot in line with NPF4 Policy 15, which supports developments that contribute to 20-minute neighbourhoods. Visitors will also be able to easily access the site by sustainable modes. The location of the proposal on an active high street will also prioritise women's safety.

A number of representations objected to the proposal for a care home, instead making the case for general housing on this site. Whilst there may be merit to both proposals, the role of the Planning Authority is to assess the application presented to us at a given time. This report demonstrates that a care home is an acceptable use for this site.

The proposal complies with NPF4 Policy 16 and LDP Policy Hou 2.

Climate mitigation and adaptation

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for a sustainable, energy-efficient residential institution within an existing community.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. NPF4 Policy 9 also intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

This brownfield site will reuse a vacant plot in an Urban Area and '20 minute neighbourhood' which provides access to essential services within a short walk. The site is close to local facilities on Main Street and is well served by local public transport which will reduce the need for local car journeys by visitors and staff. 12 cycle parking spaces will be provided to encourage active travel and the provision of two electric vehicle charging points will encourage the use of electric vehicles where car journeys are essential.

NP4F Policy 11 states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. Internal building space and hot water will be heated by renewable electricity generated on site by a ground source heat pump (GSHP) which absorbs natural heat from the ground and transfers the heat into buildings. In addition to this, the proposal will achieve high levels of energy efficiency by virtue of a well-insulated built fabric alongside a solar panel array.

With regard to flooding, the applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The revised proposal includes increasing the finished floor level (FFL) to 52.5m, permeable paving, two rainwater harvesting tanks and a swale within the landscaping in order to improve the attenuation of rain water in a storm event. The findings of the 1000 year flood risk assessment demonstrate that in such a storm event, the north east corner of the site would flood. The proposed swale is located precisely in this location which will mitigate against any impact to the building.

The proposal addresses the Council's Flood Planning requirements set out in LDP Policy Env 21 and would not increase flood risk or be at risk of flooding itself. It should be noted however that while Scottish Water raise no objection to the proposal, the applicant must submit a formal application for approval, this is required in order to connect the surface water and foul water drainage system into the existing culvert and combined sewer network respectively.

Biodiversity

NPF4 Policy 3 requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.

All existing trees and hedging along the eastern boundary will be retained and protected. The majority of the site is vacant brownfield land and as such the proposal represents a significant enhancement in biodiversity through the planting of 8 standard trees, native hedgerow, wildflower meadow and a swale along the northern boundary. In addition to this, bird and bat boxes will be located around the development.

A condition has been applied to ensure that swift bricks are included on the north elevation. No bat survey was required given that there is low roosting potential on this site.

The development will therefore support and encourage local biodiversity and have no adverse impact on protected species in accordance with NPF4 Policy 3 and LDP Policy Env 16.

Listed building

As above, there is one listed building in proximity to the proposal. 'Rose Cottage' is a Category C listed (REF: LB29278) building immediately west of the proposed site entrance at 27 Main Street. Rose Cottage is a simple late Georgian single storey sandstone dwelling with a pitched roof, slate tiles and gable ends.

The proposed building includes a material palette of two-tone buff brick, precast stone detailing, reconstituted slate roof tiles and stone boundary walls which provides a sympathetic setting for the listed building. Although the care home will have a greater height and massing than the cottage, the proposed building will be set back from Rose Cottage by 20 metres which will ensure that the new development is subservient to the listed building.

The proposal complies with NPF4 Policy 7.

NPF4 Policy 14 supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places.

Density

LDP Policy Hou 4 states that the Council will seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environmental, accessibility and need to encouraging local services.

Although the proposal for a 48 bed care home has a higher density than neighbouring residential units, such a density is acceptable in this urban environment given the proximity to the local town centre and the setback position of the building 20 metres to the north of Main Street. There are also examples of 3 storey flatted blocks with dormers on Main Street. An assessment of the building mass is outlined below,

The proposal complies with LDP Hou 4.

Design

Davidsons Mains possesses a distinct village character. Although not a conservation area, the historic village core, of which the application site forms a part, is characterised by traditional stone buildings and low-rise development, typically 1-3 storey development with pitched roofs and dormers. The site locality also contains a mix of housing typologies, which includes cottage style dwellings, terraced properties and low-rise flatted developments.

The proposal is for a 3 storey building with dormers and a flat roof. The proposed ridge height (62.5m AOD) is in line with the existing ridge height of Norhet Bar Public House which is directly east of the site on Main Street. As above, although the building is just over 1m higher than existing residential properties along Main Street, the proposal will be set back from the street, thus ensuring that the building will be subservient to the local townscape.

The building mass, scale and detailing is compatible with similar 3 storey buildings with dormers found in the area and maximises the opportunity for densification whilst respecting and responding to the setting of the village character.

The material palette includes two-tone buff brick, precast stone detailing on the principal elevation, tongue and groove cladding, reconstituted slate roof tiles and stone boundary walls which reflect the natural tones of sandstone and slate found in the local area.

The proposals demonstrate good design quality which is sympathetic to the character of Davidson's Mains. The proposals comply with LDP Policy Des 1 and Des 4.

Landscaping

LDP Policies Des 7 and Des 8 state that development should include coherent layout and landscape designs.

The building is designed in an L block which creates a sheltered courtyard effect around the south-east facing garden. The carriageway and car/cycle parking is logically laid out in order to provide direct access for visitors and staff from Main Street.

Pedestrian access to the main entrance is via a segregated 'continuous' footway and level crossing over the turning head. The resin bound gravel footpath and gardens around the perimeter of the building will have secure access to ensure the safety of future occupants. The proposed courtyard garden will provide high quality paved seating areas and a biodiverse planting scheme which will provide sensory interest.

The proposed wildflower meadow and bulb planting plan along the northern boundary swale will add interest throughout the seasons while managing surface water run-off.

The public realm includes permeable blockwork footways, low boundary stone walls and pockets of tree/shrub planting which will add character, create gateway features and soften the landscape.

The proposals comply with LDP Policies Des 7 and Des 8.

Residential amenity

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

The proposed use is compatible with the residential and village character of this area and will not lead to an unacceptable loss of amenity for any residential properties in the vicinity.

Daylight/sunlight

A Daylight and Sunlight Assessment has been submitted which tests the effect of the proposed development on daylighting levels for the neighbouring residential properties and future occupants of the new flats.

The amount of daylight reaching an external wall is measured by the Vertical Sky Component (VSC). There are no obstructions within sufficient proximity to the habitable windows of the proposed care home to prevent adequate daylight from entering each room. All rooms satisfy the VSC requirements. The L-shaped block and location of the courtyard garden creates space between neighbouring buildings to the east, ensuring that the proposal will also not impact on daylighting within neighbouring properties. The daylighting levels within the proposed building and neighbouring properties will meet the requirement as set out in the Edinburgh Design Guidance.

The Edinburgh Design Guidance also states that developments should not impact on access to sunlight in new and existing gardens. Whether sunlight to neighbouring gardens will be affected can be tested by checking whether new development rises above a 45° line drawn in section from the site boundary. If a development rises above this line, the amount of sunlight falling in the neighbouring garden might be affected. The drawings provided demonstrate that the scheme will not impact on sun lighting.

Privacy/Overlooking/Outlook

The proposed layout of the care home ensures that there are no potential privacy issues where windows to habitable rooms within the care home overlook adjacent dwellings. All upper storey bedroom and day room windows are at a significant distance from neighbouring residential properties.

There are external balconies on the first and second storey facing the communal garden in line with Care Inspectorate design guidance. These balconies primarily overlook the car park of Norhet Bar public house.

There may be some overlooking into two gardens at 35 and 37 Main Street but given that the distance is over 18m and the balconies will likely only be used occasionally, the proposal is not likely to have a significant impact on privacy.

Noise

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

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

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

The applicant has submitted a revised Noise Impact Assessment (NIA) which assesses the impacts of noise on residential amenity. The NIA identified two venues which may have a noise impact on future occupants. Norhet Bar lies immediately to the east of the site and Ye Olde Inn public house lies immediately to the west. Both venues have outdoor seating areas and a programme of occasional events including live music. In order to protect these commercial operations from complaints and to protect the amenity of future occupants, the NIA recommended a system of secondary glazing. The revised proposal was subject to an additional NIA and now satisfies the 'open window' noise requirements of the Council's Environmental Protection department. The secondary glazing system is proposed for specific rooms on the east and west elevation and includes an additional ventilation system which distributes fresh air around the building.

The applicant had originally proposed Air Source Heat Pumps but given the potential noise impact on neighbouring amenity, the revised proposal includes a ground source heat pump and internal plant room which will contain potential noise spill.

Light spill

A detailed lighting design has been submitted which contains wall mounted bulkhead style downlights. Environmental Protection raised concerns about the potential light spill on neighbouring properties, however upon submission of a revised lighting specification and location plan, the proposal has been demonstrated to adequately contain light spill within the development. The revised product is shielded to ensure light spill is focused primarily towards the ground.

Ground contamination

Due to the previously developed nature of the site, a condition has been applied requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place prior to commencement of works. This is in the interests of future occupiers of the development, as recommended by Environmental Protection.

The proposal complies with LDP Policy Des 5.

Road safety

Accessibility

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal. The vehicular access to the site is a single access point from Main Street. The pedestrian footway through the site is safe and accessible and there is level access to the visitor and staff entrances.

The site represents an accessible location within easy walking distance to a range of local services in Davidson's Main and has good linkages to public transport. The nearest bus stops are on Main Street, providing regular east-west services such as the X55 and north-south connection via the 21 bus route. As below, there will be secure and visitor cycle parking on site to encourage sustainable travel. This is in keeping with the NPF4 principles of connected and healthy places that make moving around easy and reduce car dependency.

The previous application for general housing on this site (which incorporated the Tesco car park to the north of the existing boundary) included public access between Main Street and the existing core path network. Achieving public access through the current proposed site was discussed at pre-app stage and although permeability is a desirable principle, in this particular case it was decided that the security of future occupants outweighed the benefits of public access. The site is also somewhat removed from the high street and a public footpath may lead to public safety/anti-social behaviour issues at night. Furthermore, the applicant does not own the land upon which the Tesco car park resides and does not have permission to create a new access point.

Traffic generation

The proposal seeks to encourage sustainable modes of transport by virtue of its accessible location and provisions for cycle parking. Despite this, some visitors and staff are expected to travel by car. There are 9 parking spaces which is in line with the Council's guidance for Class 8 residential institutions in parking zone 2.

The Transport Assessment submitted has been considered and there are no issues from traffic generation arising from the proposals.

The Transport Statement Parking Profile Appendix has assessed the proposed car parking capacity. The assessment demonstrates that visitor and staff parking demand is estimated to be spread out evenly throughout the day, but peak at lunchtime (between 1-2pm). The findings shows that the demand for parking will not exceed the proposed capacity of 9 parking spaces during the peak hour.

Cycle and car parking

Cycle parking will be provided in accordance with the City of Edinburgh Street Design Guide 2020, which stipulates for Class 8 Residential Institutions within Zone 2 a minimum standard of 1 Space per 15 beds. As 12 cycle parking spaces are proposed, this exceeds minimum standards.

The secure bike store will be provided adjacent to the western elevation of the building. This bike store will be provided with 3 stands capable of accommodating 6 bicycles, including 2 non-standard recumbent bikes.

Car parking will also be provided in accordance with the Edinburgh Design Guidance, which stipulates for Class 8 Residential Institutions within Zone 2 a maximum standard of 1 Space per 5 beds. 12% should be accessible spaces and 1 in 6 spaces are to be for electric vehicles (when more than 10 spaces are provided). The proposal is for 9 parking spaces including two accessible bays and 2 electric vehicle charging points which exceeds the guidance.

An electric scooter/wheelchair store has also been proposed with a 3kw external power supply which will enable future occupants with mobility issues to more easily access the wider neighbourhood.

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

Waste/Service/Emergency vehicle access

Waste will be collected via Main Street and a Swept Path Analysis has been provided to demonstrate that an appropriately sized vehicle can enter the site. There are also the requirements for trade waste producers to comply with other legislation, in particular the Waste (Scotland) Regulations.

The proposed turning head allows for emergency and service vehicles to park adjacent to the building entrance without blocking the main access road.

Archaeology

Given the brownfield site's location within the core of the historic village, the site has been identified as occurring within an area of archaeological potential.

The proposals will require significant ground-breaking works during construction. Such works will have significant impacts upon any surviving archaeological remains associated with the development of Davidsons Mains/Muttonhole dating back to the post-medieval period. Accordingly, it is recommended that if permission is granted that a programme of archaeological mitigation is undertaken prior to development.

This strategy will require the undertaking of a phased programme of archaeological investigation, the first phase of which will be the undertaking of archaeological evaluation (min 10%). The results from this initial phase of work will allow to produce detailed mitigation strategies to be agreed to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken.

A condition has been attached ensuring that the above investigations are completed prior to construction.

The proposal complies with LDP Policy Env 9

The proposed development is in accordance with the above NPF4 and the LDP (2016) policies with regard to improving the quality of the area and is consistent with the six qualities of successful places.

NPF4 Policy 27 supports development proposals that enhance and improve the vitality and viability of city, town and local centres will be supported. The proposed use in this application is appropriate within this urban area and local centre as defined in the LDP.

LDP Policy Emp 9 states that proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided that they will not inhibit nearby employment uses.

The proposed Class 8 Residential Institution will generate in the region of 40-45 full and part-time employment roles with a maximum of 16 staff on duty at any one time. This is likely to be a comparable or greater number of employees than the site's previous commercial use.

A number of representations raised objection to the proposed use, suggesting that general housing will contribute more to the vitality of the local economy and wider community. Concerns were also raised that the majority of catering will be provided in-house, therefore demand for local shops will be limited.

The staff on duty will contribute to the local economy throughout a typical 7 day working week. In addition to this, the central location of this care home within Davidson's Mains will allow visitors and future occupants to access the Local Centre facilities by foot/wheelchair.

Locating care homes in the heart of communities ensures that future occupants will be well connected to social networks, retail facilities, core path routes and healthcare services. The alternative is to locate care homes in remote locations which is less compatible with the spatial principles of NPF4.

DEVELOPER CONTRIBUTIONS

The Action Programme and Developer Contribution Guidance accompanies the adopted Edinburgh Local Development Plan (LDP). It is used by the Council as a delivery mechanism to lever the best possible outcome for the city and to coordinate development proposals with the infrastructure and services needed to support them. Developer contributions will be taken in accordance with the Action Programme and other material considerations.

The site is not in a Healthcare Contribution Zone and therefore a contribution of this sort is not required.

Education and Transport contributions are not applicable.

Conclusion in relation to the Development Plan

The proposals will deliver a sustainable and well-designed care home scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place and is in accordance with NPF4 and the Edinburgh Local Development Plan (2016). There is not considered to be any significant issues of conflict. Other material considerations support the presumption to grant planning permission.

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

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time 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:

General Material Comments - Objection

- Failure to advertise the planning notice. The Planning technician advertised this scheme in the local press and sent letters to properties within 25 metres of the site which is the statutory requirement.
- Principle of care home vs mainstream housing.
- Public access should be provided through the development.
- General housing would contribute more to the vitality of the local community/economy than a care home.
- There are enough care homes in west Edinburgh already within a 4 mile radius.

- Impact on the setting of listed buildings.
- Landscape design lacking in biodiversity measures.
- Height of building in context of the area.
- Future Occupant and Neighbouring amenity - noise.
- Traffic/ Infrastructure and road safety impacts.
- Insufficient parking provided.
- Loss of tree.
- There is no specific drop-off space for ambulances and deliveries.

General Material Comments - Support

- Provision of a care home would be a welcome addition to the area.
- Well positioned for public transport.

Non-Material Comments - Objection

- Lack of capacity in local GP surgeries.
- Construction logistics - this does not preclude assessment of the proposal and planning cannot control or condition construction works.
- The care home will not be affordable to residents in the area - Not relevant to the assessment of the proposal.

Conclusion in relation to identified material considerations

Other material considerations support the presumption to grant planning permission.

Overall conclusion

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals will deliver a sustainable and well-designed care home scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place and is in accordance with NPF4 and the Edinburgh Local Development Plan (2016). Other material considerations support the presumption to grant planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting and analysis, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
4. Swift bricks shall be installed on the rear elevation of the development. The proposed specification and locations shall be submitted to and approved in writing by the planning authority prior to construction works commencing on site.

Reason

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard archaeological remains.
3. To protect the amenity of future occupants.
4. In order to safeguard protected species.

Informatives

It should be noted that:

1. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 30 September 2022

Drawing Numbers/Scheme

01, 02A, 03-17

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Simon Wasser, Assistant Planning Officer
E-mail:simon.wasser@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Archaeology Officer

COMMENT: Given the location of this site in the historic core of Davidson's Mains, a programme of archaeological investigations is required and the findings reviewed by the Council prior to development commencing.

DATE: 15 February 2023

NAME: Flood Prevention Service

COMMENT: The Council's Flood Prevention Service is satisfied with the surface water management plan. They raise no objection to the revised proposal which includes increasing the Finished Floor Level to 52.5m and a swale in the north east of the site in order to mitigate the impact of a 1000 year flood event.

DATE: 15 February 2023

NAME: Scottish Water

COMMENT: Scottish Water raise no objection to the surface water management plan however it should be noted that the applicant must apply for a new culvert/sewer connection.

DATE: 15 February 2023

NAME: Environmental Protection

COMMENT: Environmental Protection have removed their objection in light of the revised proposals which include secondary glazing to protect residential amenity against noise impacts from neighbouring venues. The lighting design has also been revised in order to reduce light spill.

DATE:

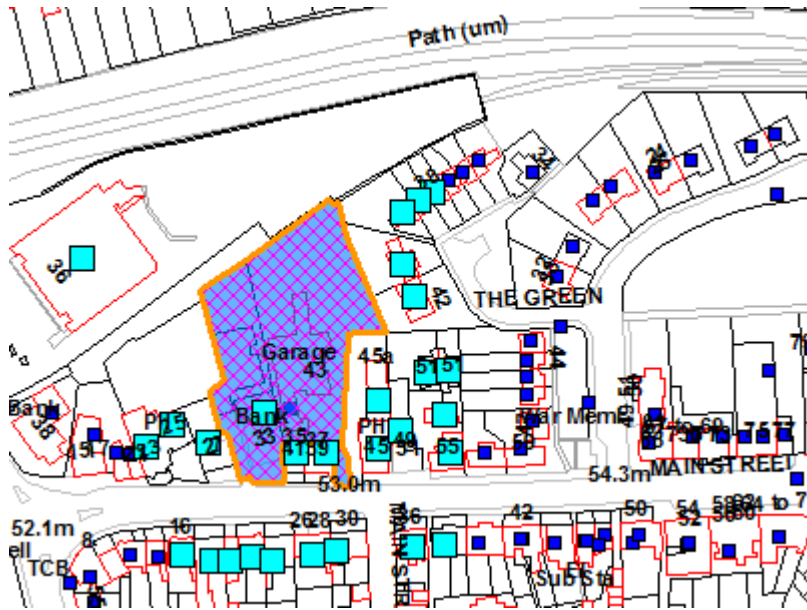
NAME: Roads Authority

COMMENT: The Roads Authority raise no objection to the proposal however they have included an informative around the production of a travel plan

DATE: 16 February 2023

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 1 March 2023

**Application for Listed Building Consent
Melville Statue, St Andrew Square, Edinburgh**

Proposal: Removal of plaque.

**Item – Committee Decision
Application Number – 22/04496/LBC
Ward – B11 - City Centre**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 274 letters of representation to the proposals have been received. The Chief Planning Officer has also requested this application is referred to the Development Management Sub-Committee.

Consequently, under the Council's Scheme of Delegation, the application must be determined by the Council's Development Management Sub-Committee.

Recommendation

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

Summary

The proposals have special regard to the desirability of preserving the building and its setting and will not adversely impact on its special architectural and historic interest. The proposals will preserve the character and appearance of the conservation area. It is acceptable with regards to Section 14 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application relates to an A3 sized brass plaque located at the base of the Category A listed Melville Monument, a fluted Greek Doric column topped by a statue of Henry Dundas, 1st Viscount Melville (1742-1811) and designed by William Burn, 1820-3.

The column is constructed in polished cream ashlar sandstone. A Cubic pedestal with eagles at each corner supports the fluted column with laurel wreath base and egg and dart torus at the capital. Surmounted by a drum pedestal and statue of Henry Dundas, First Viscount Melville by Robert Forrest, from a model by Francis Chantrey, the structure contains a spiral stair, exiting at the drum.

The plaque is located on the northern side of the monument between the plinth's decorative moulding and an architrave panel, approximately 1.8m above ground level.

The monument was listed on the 13 January 1966, LB Ref:27816.

The monument occupies a prominent and central position in St Andrew's Square, surrounded by green space and a circular pathway.

This application site is located within the New Town Conservation Area

The site is within the Edinburgh World Heritage Site.

Description of the Proposal

Listed building consent is sought to remove the A3-sized, brass information plaque which is fixed to the north elevation of the monument.

Supporting Information

A supporting letter on the abolition debate was submitted.

Relevant Site History

22/04257/FUL
Melville Statue
St Andrew Square
Edinburgh
Removal of plaque.

20/03382/LBC
Melville Statue
St Andrew Square
Edinburgh

A new A3 brass plaque on the Melville Monument.
Granted
19 March 2021

Other Relevant Site History

There is no relevant planning history for this site.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Historic Environment Scotland

Archaeology

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

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 30 September 2022

Site Notices Date(s): 27 September 2022

Number of Contributors: 274

Section B - Assessment

Determining Issues

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

- Having due regard to HES Policy and guidance, do the proposals:
 - a. harms a listed building or its setting? or
 - b. conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

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

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

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

- *Managing Change - Altering external fixtures*
- *Managing Change - Setting*

The removal of the brass plaque would reveal the ashlar stonework that forms an intrinsic character of the monument, thereby protecting the architectural or historic interest of the building.

An appropriate condition will ensure the stonework is repaired using appropriate methods, within a timescale of one month.

It should be noted that assessment of this application is restricted solely to the impact of the proposal on the character of the listed building and no regard can be had to the content of the text that is displayed on the plaque.

In addition, the granting of the listed building consent application does not confer ownership rights to remove the plaque.

Conclusion in relation to the listed building

The proposal will not impact on the special architectural or historic interest of the listed building and is acceptable with regards to Section 14 of the Planning (Listed Buildings and Conservation Scotland) Act 1997.

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

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

The small brass plaque is located in an inconspicuous location at the base of the monument. By virtue of its size and discreet location, the proposed removal would not have a detrimental impact on the character and appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal has regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

c) there are any other matters to consider?

The following matters have been identified for consideration:

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

material considerations

None received.

non-material considerations

The letters of objection relate to the content of the plaque which is a non-material consideration in the assessment application.

Comments in support relate to the content of the plaque which, as above, are non-material considerations in the assessment of the application.

Conclusion in relation to other matters considered

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

Overall conclusion

The proposals have special regard to the desirability of preserving the building and its setting and will not adversely impact on its special architectural and historic interest. The proposals will preserve the character and appearance of the conservation area. It is acceptable with regards to Section 14 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The stonework shall be repaired within one month of the implementation of the date of this consent and a schedule of the proposed methods submitted for approval.

Reasons

1. In order to safeguard the character of the statutorily listed building.

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 8 September 2022

Drawing Numbers/Scheme

1-2

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Diana Garrett, Planning officer
E-mail:diana.garrett@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: HES requested additional time to comment.

No consultation response was received.

DATE: 27 October 2022

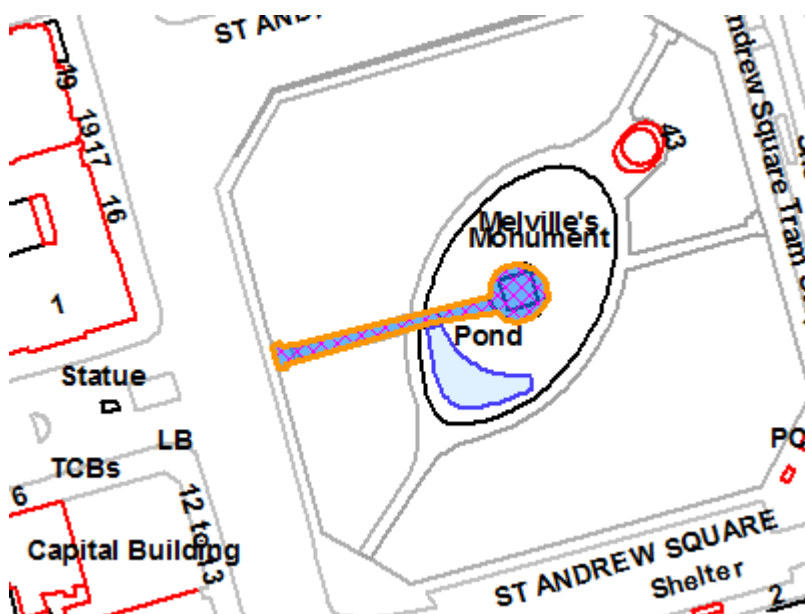
NAME: Archaeology

COMMENT: Although it's proposed removal would not have a significant physical impact nor one in regards to its setting, it would be seen as having an impact upon the understanding of the monument as it stands today.

DATE: 2 November 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 1 March 2023

**Application for Planning Permission
3F1 115 Warrender Park Road, Edinburgh, EH9 1EN**

Proposal: Change of use from 2 storey residential flat to commercial unit HMO.

**Item – Committee Decision
Application Number – 22/01643/FUL
Ward – B10 - Morningside**

Reasons for Referral to Committee

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

Recommendation

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

Summary

The proposals comply with National Planning Framework 4, the Edinburgh Local Development Plan and non-statutory guidelines. The proposal is acceptable in principle and would not have a detrimental impact on residential amenity. The proposal is acceptable in terms of its impact on the listed building and conservation area. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The site forms the top two floors of a four storey tenement. The property is located within Marchmont. James Gilliespie's School is to the south, whilst Bruntsfield Links is a short distance to the north. The site is B listed (Alexander Macnaughton, 1880). Listing date: 19/03/1993; listing reference: LB30633.

Description of the Proposal

Planning permission is sought for the change of use from residential to an eight bedroom House in Multiple Occupancy (HMO).

Supporting Information

None submitted.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant planning site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 11 April 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 29 April 2022

Site Notices Date(s): 26 April 2022

Number of Contributors: 15

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 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- 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 proposal does not involve any physical alterations to the property. There shall be no impact on the listed building.

Conclusion in relation to the listed building

The proposal will not impact on the special architectural or historic interest of the listed building and is acceptable with regards 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?

As above there will be no physical alterations. The proposal will not impact on the appearance of the conservation area. The use, although an HMO, will remain essentially in residential use and would have a neutral impact upon the character of the conservation area.

Conclusion in relation to the conservation area

The proposal has regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF 4 Global Climate and Nature Crises Policy 1
- NPF 4 Historic Assets and Places Policy 7
- NPF 4 Housing Policy 16
- LDP Housing Policy Hou 7

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF 4 Policy 7. The non-statutory 'Guidance for Businesses' is a material consideration that is relevant when considering LDP Policy Hou 7.

Principle

NPF 4 Policy 1 aims to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

NPF 4 Policy 16 seeks to promote compact urban growth and encourage local living and sustainable transport.

The use of this large flat would result in future residents occupying a property that has easy access not only to the city centre, but also the local facilities within Marchmont and Bruntsfield. It has good access to bus services and would reduce the need for residents to travel greater distances, particularly in private motor vehicles. The proposal would form a sustainable development that would comply with the objectives of the relevant policies within NPF 4.

LDP Policy Hou 7 of the adopted Edinburgh Local Development Plan (LDP) states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted. LDP Policy Hou 7 is the only policy relevant to an HMO use. It does not seek to restrict the number of HMO properties in an area and is solely concerned with protecting the living conditions of nearby residents. The policy is supplemented by the non-statutory Guidance for Businesses which clarifies that planning permission is only required for HMO use when more than five unrelated people live together. There is no specific guidance on when HMO use might be acceptable or not.

The site is located within an area that is predominantly residential, although Gillespie's High School is in close proximity to the property. Moreover, the area is popular for student lets and the proposal would sit comfortably within that character.

The use of the property as an HMO does not raise any concerns given its location in such an area. As detailed below, HMOs require licences which would address noise, disturbance and anti-social behaviour.

The use of the property would potentially increase the number of people using the flat, which could lead to more vehicles being parked on the public road. However, in relation to this, it must be assessed in the context of an area which contains hundreds of flats. The potential increase in car use on the surrounding streets would be relatively insignificant when considered against this background.

The change to an HMO is acceptable in principle provided it does not have a detrimental effect on nearby residents (see below).

Amenity

HMO use is essentially a form of residential use where occupants generally rent a room and share facilities for extended periods of time.

Concerns have been raised regarding the intensification of HMO use within the building as a whole. LDP Policy Hou 7 seeks to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas. However, given the area has a considerable number of HMOs currently operating, which influences the character of the area to a considerable extent, there is no basis to conclude that granting planning permission for this development would lead to an unacceptable diminution of residential amenity.

In addition, the change of use of the property to an HMO would require it to be licensed under the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000. This would allow the Council, as licensing authority, to impose controls to safeguard neighbouring residential amenity from instances of noise, disturbance and anti-social behaviour.

A number of comments received relate to the potential use of the property as a short term let. However, it should be noted that an HMO is a different use to that of a short term let and a change to the latter would require the benefit of planning permission.

Given the above, the proposed change to an HMO would not result in any activities which would have a detrimental effect on the living conditions of nearby residents and it complies with LDP Policy Hou 7.

Conservation Area and Listed Building

This has been addressed above. The proposal complies with NPF 4 Policy 7.

Conclusion in relation to the Development Plan

The proposal complies with policies within NPF 4 and the LDP.

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

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.

City Plan 2030

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Public representations

A total of fifteen representations have been received. Of these, fourteen object to the proposal and one makes neutral comments. A summary of the representations is provided below:

material considerations

- principle: this has been addressed above.
- amenity: this has been addressed above.
- parking: public and permit parking is available.

non-material considerations

- commercial use: the use as an HMO is not classified as a residential use. A further application would be required for a use outside of an HMO.
- use as short term let: this has been addressed above. A further application would be required for this use.
- property values: this is not a material planning consideration.
- recycling and bin provision: provision is already in place for the size of the property as no physical alterations are proposed.

Conclusion in relation to identified material considerations

The proposal is acceptable with regards to the above.

Overall conclusion

The proposals comply with National Planning Framework 4, the Edinburgh Local Development Plan and non-statutory guidelines. The proposal is acceptable in principle and would not have a detrimental impact on residential amenity. The proposal is acceptable in terms of its impact on the listed building and conservation area. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 31 March 2022

Drawing Numbers/Scheme

01-03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Murray Couston, Planning Officer
E-mail:murray.couston@edinburgh.gov.uk

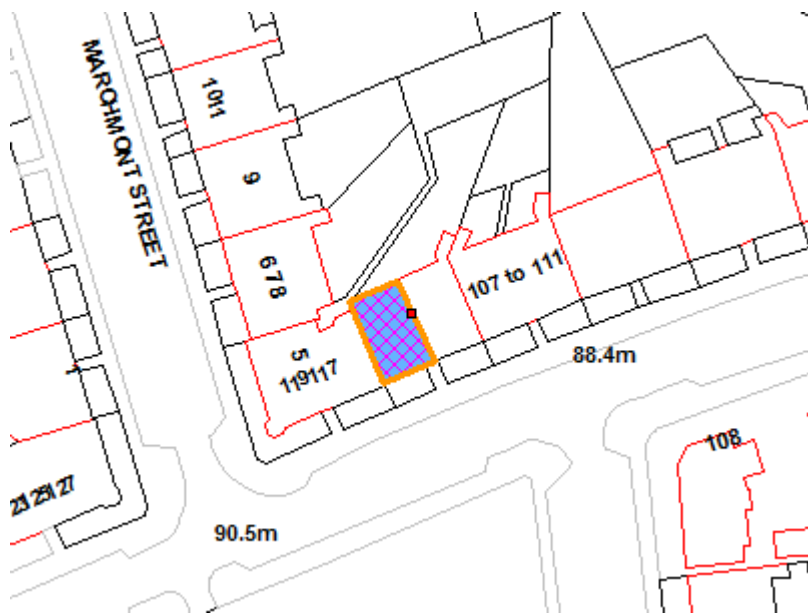
Appendix 1

Summary of Consultation Responses

NAME: Environmental Protection
COMMENT: No objection to the proposal.
DATE:

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

Location Plan



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Development Management Sub-Committee Report

Report returning to Committee - Wednesday 1 March 2023

**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**

Report Returning to Committee

This application was approved at the Development Management Sub-Committee on 23 November 2022 subject to a Legal Agreement to secure affordable housing and a developer contribution towards transport, education, health care and open space provision as well as planning conditions and informatives.

The legal agreement and outstanding matters are close to being agreed.

The application is returned to committee due to NPF4 being adopted by Scottish Ministers on 13 February 2023, and therefore it is now part of the development plan against which these development proposals should be assessed.

Recommendations

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

SECTION A – Assessment

National Planning Framework 4

NPF4 (2022) is now part of the Council's Development Plan. It contains various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

The relevant NPF4 policies to be considered are: Policy 1, 2, 3, 6, 9a, 13, 14, 15, 16, 18, and 20 and are grouped together under the themes of principle, local living and quality homes and infrastructure, biodiversity and blue/green infrastructure.

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. It is to be applied together with the other policies in NPF4.

Principle

Policy 2 Climate mitigation and adaption states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 9 supports the sustainable reuse of brownfield land and take into account biodiversity value of the land. The development proposal is for the reuse of previously vacant and derelict contaminated land is considered in line with this policy. Therefore, the proposal is still acceptable in principle and the biodiversity value is discussed further below.

Local Living, Quality Homes and Infrastructure

Policy 14 requires development proposals to improve the quality of an area regardless of scale. The site is within the urban area, on previously developed now vacant and contaminated land, in close proximity to a retail and neighbourhood centre and public transport links. The proposal would decontaminate and regenerate the area bringing it into residential use with a maximum number of units capped at 260. It would improve the quality of this area. It is considered that it would contribute to the creation of place and a 20 min neighbourhood and therefore contribute to local living and comply with policy 15.

In line with Policy 16 b) a Statement of Community Benefit will be required at the detailed AMC stage to highlight the provision of affordable homes, local infrastructure, facilities and services and improvements to the residential amenity of the surrounding area. These issues are dealt with in general at the PPP stage where 25% affordable housing and a number of education, transport, health, and green space infrastructure and/or contributions have already been agreed.

Policy 16 f) sets out the limited circumstances where development proposals for new homes on land not allocated for housing in the LDP would be accepted. It is considered that this site is consistent with the spatial strategy within the Local Development Plan as it delivers new housing within the urban area and therefore acceptable. The applicant would also be expected to provide a timescale for build-out, as well as the Statement of Community Benefit, which could be secured by amending condition 3.

The infrastructure requirements comply with Policy 18 and have been secured through the conclusion of the Section 75 legal agreement.

Biodiversity and blue/green infrastructure

The planning permission in principle includes conditions requiring tree surveys and further ecology assessment with mitigation measures during construction and operation of the development proposals. It is noted that the proposals will also involve changing the existing levels across the site, removing colliery spoil, and introducing an environmental capping layer.

Flood Planning would like to better understand how these proposals will impact flood risk and overland drainage flow paths at future stages of development. As a result, a flood risk assessment and drainage strategy will be required for the next stages of detailed design as secured by condition.

The Madelene Burn runs along the southern boundary of the site, and the applicant was previously encouraged to take the opportunity to de-culvert it to enhance further visual amenity, biodiversity, assist with SuDs drainage and flooding.

Assessing this proposal against NPF4 policies 1, 3, 9a, highlights opportunities to enhance the biodiversity value of brownfield land which has been naturalised should be taken into account. Policy 1 requires resilience to climate change and gives weight to considering the nature crises. Policy 3 requires development proposals to contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Policy 14 also advocates for sustainable places ensuring climate resilience and integrating nature positive, biodiversity solutions. Policy 20 supports the incorporation or enhancement of blue/green infrastructure as an integral design element responding to local circumstances. Policy 22 requires development proposals to manage all rain and surface water through SUDS which should form part of and integrate with the proposed and existing blue green infrastructure and highlights that creating, expanding, or enhancing opportunities for natural flood risk management including blue/green infrastructure will be supported.

The NPF4 policies outlined above provide justification for requiring the applicant to fully assess and implement the de-culverting of the Madelene Burn within the site and integrating it into their detailed SUDS and flooding proposals. This would aid additional flood risk management, SUDs management and realise biodiversity enhancements.

Therefore condition 3 is amended to require the applicant to include an updated Flood Risk Assessment of the detailed design, including an updated drainage and surface water management strategy with details of proposed SuDs features, to show how future remediation/development will affect overland drainage flows; how surface water will be dealt with, including further assessment and implementation of de-culverting the watercourse within the site, and highlighting how the layout, finished floor levels, landscaping and SuDS have been designed in relation to Flood Risk.

An informative is also added to remind the applicant that these proposals would require an assessment of the existing on and off-site culvert in terms of hydraulic representation and whether there is potential flooding from it as part of the detailed design and that the location of drainage features should be located out with any floodplains to provide the required volumetric capacity during storm events. Suds features should be located above ground as this site is to be considered effectively as greenfield for the purposes of planning submission drainage design.

Conclusion in relation to NPF4 part of the Development Plan

Assessment against the NPF4 policies has required amendments to condition 3 to include the requirement to provide a statement of community benefit and build out information at the detailed design stage. The stronger NPF4 policies on flooding, SUDS, climate resilience and biodiversity provide justification for amending condition 3 to the require that the applicant assess and implement the de-culverting of the watercourse on site as part of the detailed design stage proposals. In conclusion, the proposed development is considered to broadly comply with the provisions of NPF 4.

Amended Condition 3 in its entirety now reads:

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:

- a statement of community benefit and build out information.
- 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 with details of proposed SuDs features, to show how future remediation/development will affect overland drainage flows; how surface water will be dealt with, including further assessment and implementation of de-culverting the watercourse within the site, and highlighting how the layout, finished floor levels, landscaping and SuDS have been designed in relation to Flood Risk.

- 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.

Other Material Considerations

There are no new material considerations arising from those previously considered on 23 November by this Committee. It is therefore recommended that the application is granted.

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

Or [Council Papers online](#)

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

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Development Management Sub-Committee Report

Report returning to Committee - Wednesday 1 March 2023

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

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

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

Report Returning to Committee

This application was granted at the Development Management Sub-Committee on 17 August 2022 subject to a Legal Agreement to secure transport infrastructure and affordable housing units on the site as well as planning conditions and informatives.

A developer contribution of £7,000 is required for a car club space and 25% of the residential units is required to be affordable housing units. The legal agreement is not yet concluded.

The application is returned to committee due to NPF4 being adopted by Scottish Ministers on 13 February 2023, and therefore it is now part of the development plan against which these development proposals should be assessed.

Recommendations

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

SECTION A – Assessment

National Planning Framework 4

NPF4 (2022) is now part of the Council's Development Plan. It contains various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

The relevant NPF4 policies to be considered are: Policy 1, 2, 3c, 7a, 7d, 7e, 7f, 7g, 9a, 14, 15, 16c, 16f, 18, 19f, and 22c and are grouped together under the themes of principle, local living and quality homes and infrastructure, biodiversity, and blue/green infrastructure.

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. It is to be applied together with the other policies in NPF4.

Principle

Policy 2 Climate mitigation and adaption states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 9 supports the sustainable reuse of brownfield land. The development proposal is for the reuse of an existing developed site to provide homes and it is considered to be in line with this policy. Therefore, the proposal is still acceptable in principle.

Historic Environment

Policy 7 aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. The NPF4 policies 7a, 7d, 7e, 7f and 7g are very similar to the superseded LDP policies.

The proposal will not detract from the special architectural and historic interest of the adjacent and nearby listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997.

The demolition of the existing building has been granted in permission 22/00841/CON.

The proposal will preserve the character and appearance of the conservation area and conforms to the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal complies with policy 7.

Local Living, Quality Homes, and Infrastructure

Policy 14 requires development proposals to improve the quality of an area regardless of scale. The site is within the urban area, on previously developed land, near facilities such as shops and public transport links. The proposal would contribute to the streetscape and prevailing spatial pattern of the area. It is considered that it would contribute to the creation of place and a 20 min neighbourhood and therefore contribute to local living and comply with policy 15.

Policy 16f sets out the limited circumstances where development proposals for new homes on land not allocated for housing in the LDP would be accepted. It supports development within existing settlement boundaries, and which promotes 20-minute neighbourhoods, as supported by policy 15. The proposed development is within an established residential part of a mixed-use area of the city and is within walking distance of facilities such as shops and public transport. The proposal is consistent with the spatial strategy within the Local Development Plan in the urban area and is, therefore, acceptable.

Policy 16f also supports proposals for the delivery of less than 50 affordable homes as part of a local authority supported housing plan. Policy 16c supports developments for new homes that improve affordability and choice by being adaptable to change and diverse needs, such as accessible, adaptable and wheelchair accessible homes and affordable homes. The proposal is for 100% (19no.) affordable housing units all of which will be wheelchair accessible and will cater for those with additional needs.

The units will be dedicated solely to the Health and Social Care Partnership (HSCP). The proposal complies with policy 16.

The infrastructure requirements comply with Policy 18 and will be secured through the conclusion of a legal agreement.

Biodiversity and blue/green infrastructure

Policy 3c seeks proposals for local development to include appropriate measures to conserve, restore and enhance biodiversity., in accordance with national and local guidance. To comply with this policy, it is recommended that Informative is changed to a condition to require the applicant to implement biodiversity measures and encourage wildlife, such as swift bricks.

Greening some of the site around the proposed building with trees and planting will enhance biodiversity and be an improvement on the current situation on site, where it currently consists of buildings and tarmac. The proposal will contribute to and enhance biodiversity on the site.

Policy 19f supports development proposals for buildings that will be occupied by people are designed to promote sustainable temperature management, for example natural or passive solutions. The proposal will be constructed to the most recent building regulations including requirements in terms of energy and insulation.

Policy 22 relates to flood risk and water management. The proposal will comply with policy 22c as it has been demonstrated that it will not increase the risk of surface water flooding to others, or itself be at risk, it incorporated SUDS and includes permeable surfaces.

Other Material Considerations

There are no new material considerations arising from those previously considered on 17 August 2022 by this Committee. It is expected that the Section 75 will be concluded shortly. It is, therefore, recommended that the application is granted.

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

Or [Council Papers online](#)

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

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Development Management Sub-Committee Report

Report returning to Committee - Wednesday 1 March 2023

**Application for Planning Permission
The Forts, 3 Hawes Brae, South Queensferry.**

Proposal: The development of a Forth Bridge Walk Reception Hub building, new sections of bridge access system; new viewing platforms, alterations to Dalmeny Battery; demolition of 2 No. outbuildings, associated car parking, landscaping, servicing and alterations to existing vehicular and pedestrian accesses.

**Item – Other Item at Committee
Application Number – 22/00358/FUL
Ward – B01 - Almond**

Report Returning to Committee

This application was granted at the Development Management Sub-Committee on 29 June 2002 subject to a Legal Agreement to secure transport infrastructure as well as planning conditions and informatives.

The application is returned to committee due to NPF4 being adopted by Scottish Ministers on 13 February 2023, and therefore it is now part of the development plan against which these development proposals should be assessed.

Recommendations

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

SECTION A – Assessment

National Planning Framework 4

NPF4 (2022) is now part of the Council's Development Plan. It contains various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

The relevant NPF4 policies to be considered are Policy 1, 2, 3, 7, 9a, 13, 14, 18, 22 and 30 and are grouped together under the themes of principle, local living and quality homes and infrastructure, biodiversity and blue/green infrastructure.

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. It is to be applied together with the other policies in NPF4.

Principle

Policy 2 Climate mitigation and adaption states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 9 supports the sustainable reuse of brownfield land. Policy 30 b) identifies requirements for new tourism facilities to consider. This includes compatibility with the area, access for disabled people and sustainable transport options. The development proposal is for the reuse of an existing developed site to provide a tourism facility and it is considered to be in line with these policies. Therefore, the proposal is still acceptable in principle.

Historic Environment

Policy 7 aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. The principles contained within NPF 4 are very similar to the superseded LDP policies.

The proposal will not detract from the special architectural and historic interest of the adjacent and nearby listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997.

The proposal will preserve the character and appearance of the conservation area and conforms to the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal complies with policy 7.

Biodiversity and blue/green infrastructure

Policy 3c seeks proposals for local development to include appropriate measures to conserve, restore and enhance biodiversity., in accordance with national and local guidance.

Greening some of the site around the proposed building with trees and planting will enhance biodiversity. The proposal will contribute to and enhance biodiversity on the site.

Policy 22 relates to flood risk and water management. The proposal will comply with policy 22c as it has been demonstrated that it will not increase the risk of surface water flooding to others, or itself be at risk, it incorporated SUDS and includes permeable surfaces.

Other Material Considerations

There are no new material considerations arising from those previously considered on 29 June 2022 by this Committee. It is expected that the Section 75 will be concluded shortly. It is, therefore, recommended that the application is granted.

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

Or [Council Papers online](#)

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

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Development Management Sub Committee

report returning to Committee - Wednesday 1 March 2023

Application for Planning Permission 21/00246/FUL At 50 Pilrig Street, Edinburgh, EH6 5AL Demolition of house and redevelopment to form apartment building with associated garden ground and bin/cycle storage (as amended).

Item number

Report number

Wards

B12 - Leith Walk

Recommendations

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

Background information

This application was granted at the Development Management Sub-Committee on 12 January 2022 subject to a Legal Agreement to secure developer contributions as well as planning conditions and informatives. The developer contributions were re-considered on 16 March 2022 to confirm that a contribution towards transport infrastructure only was required.

The legal agreement has been agreed and the developer contribution, of £25,000 towards the tram, has been received.

The application is returned to committee due to NPF4 being adopted by Scottish Ministers on 13 February 2023, and therefore it is now part of the development plan against which these development proposals should be assessed.

Main report

National Planning Framework 4

NPF4 (2022) is now part of the Council's Development Plan. It contains various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

The relevant NPF4 policies to be considered are: Policy 1, 2, 3c, 7a, 7d, 7e, 7f, 7g, 9a, 14, 15, 16f, 18, 19f, and 22c and are grouped together under the themes of principle, local living and quality homes and infrastructure, biodiversity, and blue/green infrastructure.

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. It is to be applied together with the other policies in NPF4.

Principle

Policy 2 Climate mitigation and adaption states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 9 supports the sustainable reuse of brownfield land. The development proposal is for the reuse of an existing developed site increasing its capacity from one dwellinghouse to nine residential units and it is considered to be in line with this policy. Therefore, the proposal is still acceptable in principle.

Historic Environment

Policy 7 aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. The NPF4 policies 7a, 7d, 7e, 7f and 7g are very similar to the superseded LDP policies.

The proposal will not detract from the special architectural and historic interest of the adjacent and nearby listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997.

The demolition of the existing building has been granted in permission 21/00248/CON.

The proposal will preserve the character and appearance of the conservation area and conforms to the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal complies with policy 7.

Local Living, Quality Homes and Infrastructure

Policy 16f sets out the limited circumstances where development proposals for new homes on land not allocated for housing in the LDP would be accepted. It supports development within existing settlement boundaries, and which promotes 20-minute neighbourhoods. The proposed development is within an established residential area of the city and is within walking distance of facilities such as shops and public transport. The proposal is consistent with the spatial strategy within the Local Development Plan in the urban area and is, therefore, acceptable.

The infrastructure requirements comply with Policy 18 and have been secured through the conclusion of the legal agreement. The developer contribution for the tram has been paid to the Council.

Biodiversity and blue/green infrastructure

Policy 3c seeks proposals for local development to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. To comply with this policy, it is recommended that Informative is changed to a condition to require the applicant to implement biodiversity measures and encourage wildlife, such as swift bricks.

Policy 19f supports development proposals for buildings that will be occupied by people are designed to promote sustainable temperature management, for example natural or passive solutions. The proposal will be constructed to the most recent building regulations including requirements in terms of energy and insulation.

Policy 22 relates to flood risk and water management. The proposal will comply with policy 22c as it has been demonstrated that it will not increase the risk of surface water flooding to others, or itself be at risk, it incorporated SUDS and includes permeable surfaces.

Other Material Considerations

There are no new material considerations arising from those previously considered on 16 March 2022 by this Committee. It is, therefore, recommended that the application is granted.

Links

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

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QN6912EWL4Q00>

Or Council Papers online

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

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Development Management Sub-Committee Report

Wednesday 1 March 2023

Application for Planning Permission

Centrum House, 108 - 114 & 116 Dundas Street, Edinburgh

Proposal: Proposed demolition of existing office buildings and erection of a mixed-use development comprising 49 No. flats with 3 No. commercial units (Class 1, 2 and 3 uses), amenity space, landscaping, basement level car and cycle parking and other associated infrastructure.

Item – Other Item at Committee

Application Number – 22/05886/FUL

Ward – B05 - Inverleith

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 18 material objections have been received and it is recommended for approval. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

Overall, the development is in accordance with the development plan. The proposals will deliver a sustainable and well-designed, predominantly residential scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place and is consistent with the six qualities of successful places as set out in NPF4. The development is also in keeping with the overall aims of the Edinburgh Local Development Plan 2016 (LDP).

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

Other material considerations support the presumption to grant planning permission.

SECTION A – Application Background

Site Description

The application relates to a site measuring approximately 0.167 hectares in area located at the north-west corner of Dundas Street and Fettes Row, bounded by Henderson Place to the rear (west).

The existing buildings on site comprises two adjoining office blocks: 108-114 Dundas Street 116 Dundas Street, dating from the 1980s. Both blocks are seven storeys high in total with a combined internal floor area of approximately 4,600sqm and two below ground levels including a car park with 35 spaces at basement level.

Several category B listed buildings are in proximity to the site, the nearest being the adjacent buildings to the south at 13-24 Fettes Row (inclusive numbers) and 104 and 106 Dundas Street (reference LB28755, listed on 10 November 1966). The other listed buildings are on the opposite corner to the site at 1-12 Fettes Row (inclusive numbers) and 99-103 Dundas Street (reference LB28754, listed on 15 July 1965), 87-97A Dundas Street (reference LB28712, listed on 13 September 1964) and 79-85 Dundas Street and 34B Cumberland Street (reference LB28711, listed on 13 September 1964). All these buildings are category B listed.

The site is within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site boundary runs adjacent to the southern edge of the site.

The former Royal Bank of Scotland offices occupy the corner site opposite on the east side of Dundas Street and north side of Fettes Row. A recent residential development at 120 Dundas Street, built around 15 years ago, adjoins the site to the north and there are residential flats to the north-west of the site on Henderson Row.

The site is mainly level, with a gradual rise from north to south up Dundas Street. There are nine street trees located within the hard landscaping of the basement lightwell to the front of the buildings which is enclosed by a plinth with railings. The land to the rear of the site comprises a tarmac car park and the north boundary is marked by a residential block and its communal garden wall.

The main pedestrian access to the site is via a level bridge over the basement well on Dundas Street and vehicles have access from Henderson Row.

The surrounding area is predominantly residential with mixed commercial uses, including retail and cafes at ground level on Dundas Street. There are also office blocks in the vicinity, notably a modern office development at the west end of Fettes Row.

Description of the Proposal

The application is for the demolition of the existing buildings on the site and erection of a mixed-use development comprising 49 flats, including 12 affordable units, with three commercial units in Class 1 (retail), 2 (office) and 3 (café/restaurant) uses at ground and lower ground level, private and communal amenity space, landscaping and basement level car and cycle parking.

The residential accommodation is as follows:

- general housing - five-bedroom x 2, three-bedroom x 15, two-bedroom x 19 and one-bedroom x 1 = 37
- affordable - two-bedroom x 4 and one-bedroom x 8 = 12

The commercial units are as follows: Unit A 121sqm Unit 165sqm Unit C 538sqm at ground and basement level.

An associated application for conservation area consent has been submitted for the demolition of the existing buildings on the site (application number 22/05884/CON).

Building

The proposed building is L-shape in plan with a feature corner element to Fettes Row and comprises eight levels in total with a basement, lower ground floor and top storey set back from the front building lines. On Dundas Street, the building line will follow that of the Victorian tenements to the north, with a 1.4 m set-back section adjacent to the recent residential development at no. 120. The proposed building line on Fettes Row will continue that of the modern residential blocks to the west, including the basement lightwell.

The architectural style of the proposed building is contemporary with three distinct sections and two stair/lift cores, incorporating modern interpretations of traditional tenemental detailing and ground floor shopfronts. The principal elevations to Dundas Street and Fettes Row will be finished in natural blonde coloured ashlar sandstone, with a rusticated lower ground façade on Fettes Row and the rear elevation will be in blonde coloured brick with natural sandstone string courses. The top floor will have extensive areas of glazing within dark-grey finished, rusticated aluminium clad framing with chamfered perimeter edges. The windows and door frames will be formed in dark-grey finished aluminium and this material will also be used for the window fascia panels between the first and second floors and recessed infill bay on Fettes Row. All safety balustrades will be in dark-grey coloured metal.

The stone and aluminium window reveals on Dundas Street will have chamfer detailing and the shopfronts and commercial unit frontage to the rear will be framed in dark-grey coloured aluminium with stone piers for the shopfronts within the section furthest north on Dundas Street. A biodiverse brown roof will occupy most of the flat roof surface and there will be two plant/lift cap enclosures at either end of the Dundas Street section formed in dark-grey coloured aluminium acoustic louvres. An extensive array of photovoltaic panels will occupy a large area of the Fettes Row section of the roof.

Landscaping/Amenity

All the existing street trees will be removed. A raised communal garden will be formed over part of the basement car park to the rear with a blonde coloured brick elevation incorporating a dark-grey coloured aluminium garage door and central flight of steps. A brick boundary wall will be erected on the north boundary where the existing building stood extending approximately 2.2 metres high from the garden terrace level. The commercial unit occupying the lower ground floor will have access to two private rear courtyards on this level and there are two private rear gardens serving the rear-facing and dual-aspect flat at lower ground level on Fettes Row.

The latter flat and two remaining flats at this level facing Fettes Row will have private terraces within the front basement lightwell and the flats at top floor level will have private external terraces facing Dundas Street and Fettes Row.

The rear landscaping will comprise areas of porous clay paving in blonde and red tones laid in stretcher bond and herringbone patterns respectively. Evergreen hedges and shrubs will form boundaries between the private and public areas and climbing plants will be trained up the boundary walls. Six trees will be planted within the area. A Siberian Larch pergola will run along the west edge of the terrace with communal seating areas and a barbeque area at the north end. The seats and tables will also be in larch.

The private courtyards to the front will be formed in natural sandstone (Yorkstone) pavers, including the cladding of the car park ventilation louvres and the private courtyard of commercial Unit C facing Fettes Row.

Access

The residential flats will be accessed via a level bridge link on Fettes Row and a level access within the north block on Dundas Street. The flats will also have accesses from the rear terrace. The three commercial units will have level access from Dundas Street and the lower floor of commercial Unit C will be accessed from Fettes Row. Vehicular access to the car/cycle park will be via Henderson Row and there are two stair/lift accesses from the basement to the upper levels.

Services

Centralised heating and hot water plant, cold water storage and electrical plant will be housed within the basement car park and rainwater attenuation tanks will also be located in this area. A waste store will be provided at side of the vehicular ramp access to the basement.

Car/Cycle Parking

Within the basement car park, a total of 32 car parking spaces, including three accessible and seven with electric vehicle charging spaces and 118 cycle parking spaces are proposed.

Scheme 1

The original scheme proposed a roof terrace for Flat 07-01 on Dundas Street extending the whole width of the flat and full depth of the area between the penthouse building line and main building line.

Previous Planning Application (reference 20/05645/FUL)

The 2020 application proposed 50 flats within an almost identically designed building to one currently proposed, but with two key amendments:

1. the facade of the corner block on Fettes Row has been pushed back by 1 metre to align with the main facade on Fettes Row and the cantilevered element at ground floor now comprises a continuation of the stone facade to ground level as piers framing the commercial shopfronts.
2. the north section of the building on Dundas Street has been moved back from the building line of 120 Dundas Street line by 1.4 metres to maintain the immediate outlook of the south facing windows in the latter block.

Supporting Information

- Planning Statement.
- NPF4 Policy Response.
- Sustainability Statement and S1 Form.
- Drainage Strategy and Flood Risk Assessment.
- Landscape Management and Maintenance Plan.
- Tree Survey and Report.
- Heritage Statement.
- Design and Access Statement.
- Air Quality Screening Assessment.
- Noise Impact Assessment.
- Daylight and Sunlight Report.
- Affordable Housing Statement; and
- Transport Statement.

Relevant Site History

20/05645/FUL
Centrum House
108 - 114 Dundas Street
Edinburgh

Proposed demolition of existing office buildings and erection of a mixed-use development comprising 50 flats with 3 commercial units (Class 1, 2 and 3 uses), amenity space, landscaping, basement level car and cycle parking and other associated infrastructure (as amended).

Refused
7 October 2021

20/05646/CON
Centrum House
108 - 114 And 116 Dundas Street
Edinburgh

Complete demolition of existing buildings
Refused
7 October 2021

Other Relevant Site History

Appeals against refusal of above planning permission (application number 20/05645/FUL) and conservation area consent (application number 20/05646/CON) dismissed on 7 July 2022 (DPEA references PPA-230-2364 and CAC-230-2005). The Reporter concluded that the general principle of the proposed mixture of uses within the appeal site is supported. However, the Reporter dismissed the appeal on the following specific grounds that tip the balance out of favour of the development:

- the detrimental impact on the amenity of the neighbouring properties on 120 Dundas Street due to blocking the existing unimpaired outlook from the gable windows and specifically, the severe impact on the outlook from the large feature windows of the top floor property; and
- the negative effects that the floating corner projection element of the design would have on the setting of the listed buildings and special character and appearance of the surrounding area.

Related Planning History

Former RBS site (on the opposite corner of Dundas Street/Fettes Row)

1 September 2021 - planning permission granted for demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office, and other commercial uses, with associated landscaping/public realm, car parking and access arrangements at 34 Fettes Row (application number 20/03034/FUL).

26 February 2021 - conservation area consent granted for complete demolition in a conservation area at 34 Fettes Row (application number 20/03661/CON).

120 Dundas Street (adjacent the application site to the north)

19 January 2009 - planning permission granted to demolish office building and erect mixed use residential development (24 units) and commercial development (classes 1, 2 and 4) at 118 Dundas Street (formerly 120 Dundas Street) (application number 06/00946/FUL).

18 July 2006 - conservation area consent granted for demolition of office building at 118 Dundas Street (formerly 120 Dundas Street) (application number 06/00946/CON).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeologist

New Town/Broughton Community Council

Historic Environment Scotland

Affordable Housing

Environment Protection

Communities and Families

Edinburgh World Heritage

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

Publicity and Public Engagement

Date of Neighbour Notification: 29 November 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 9 December 2022

Site Notices Date(s): 6 December 2022

Number of Contributors: 42

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 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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?

In the assessment of material considerations this report will consider:

- 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) Compliance with Planning Legislation on Listed Buildings and Conservation Areas

Setting of Listed Buildings

Section 59 (1) of the Planning (Listed Building and Conservation Areas (Scotland) Act 1997 states: -

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

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

The document states that 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 on this".*

The listed buildings affected to any significant extent by this development in terms of setting comprise those at 13-24 Fettes Row (inclusive numbers) and 104 and 106 Dundas Street, 1-12 Fettes Row and 99-103 Dundas Street, 87-97A Dundas Street and 79-85 Dundas Street and 34B Cumberland Street. All these buildings are category B listed.

The south side of Fettes Row/Royal Crescent represents the northern most expansion of the Second New Town in its completed form. The corner blocks within Dundas Street form a visual 'gateway' into the Second New Town from the north.

The character of the south side of Fettes Row is that of a planned classical style residential development built in blonde Craigleith sandstone, dating from the 1820s, with the key characteristics of a monumental palace block with unifying symmetrical and rhythmic elevational treatment, no projecting elements in the wall planes and shallow roof pitches and slightly advanced terminal pavilions that are a storey higher.

The monumental palace designs of the east-west streets of the Second New Town were not possible to achieve on its steep south-north slopes, so the buildings on these streets are mostly tenement blocks. Whilst there is regularity and symmetry within the blocks, they step down as on Dundas Street as emphasised by the eaves and cornice.

The corner blocks of the east-west streets facing Dundas Street are usually on a level and of the same height (for example, in Great King Street). In order to deal with the Dundas Street slope, some east-west streets did not include terminal pavilion blocks, such as Cumberland and Northumberland Streets and the downwards 'step' continues on the north side of the street.

In contrast, the current and previous buildings on this site have not formed part of any planned development, although a residential development was planned for the area between Fettes Row and Henderson Row, probably by William Burn in the 1820s. Only a small part of this scheme was built, and the remainder of the area became occupied by an assortment of light industrial buildings constructed in the later 19th century and replaced by the current offices in the 1980s.

The existing buildings forming Centrum House form part of a small group of early 1980's structures of corporate character that are at odds with their predominantly residential context. BUPA house and Centrum House were design by Ian Burke Associates. The group includes the former Royal Bank of Scotland Computer Centre by Michael Laird and Partners, dating from 1978 on the opposite side of Dundas Street and Fettes Row, the subject of a recently granted application for conservation area consent to demolish the building (reference 20/03661/CON). "The Buildings of Scotland: Edinburgh" by Gifford, McWilliam and Walker, 1985 describes Centrum House and its adjoining office BUPA House as parodies of the RBS Computer Centre.

Some features of the buildings are unsympathetic to their location, particularly in terms of building lines design and landscaping. On Dundas Street, the two buildings are set back approximately 9.5 metres from the building line of the recent flatted block at No. 120. Whilst this line equates to that of the RBS Computer Centre opposite, it does not relate to the historic building line of the late Victorian tenements at 122-160 Dundas Street, nor to the Second New Town tenements at 78-106 Dundas Street. The mansard roofs are out of character with the shallow-pitch roofs of the listed Georgian buildings and later tenements.

The existing structures on the site are not without merit in terms of the setback building line on Fettes Row, natural sandstone frontages and inclusion of modern interpretations of traditional features, including basement lightwells, entrance platts and boundary railings. However, they are not particularly sensitive to the setting of the nearby listed tenements and should not provide design precedents for any replacement buildings.

The proposed building will create an appropriate setting for the listed buildings in keeping with the 1820's planned layout for the area, through the establishment of building lines on Dundas Street and Fettes Row which relate to the historic context, matching that of the circa 1900 tenement on Dundas Street, except for the set-back section, and the recently established building line at 26-29 Fettes Row, which takes its reference from the listed Georgian buildings on the south side of Fettes Row.

The proposed development of the former RBS office site directly opposite (reference 20/03034/FUL) includes building lines advanced from the existing set back structures to establish a layout more characteristic of the historic context. The cumulative effect of these over-extensive setbacks is to create a gap in the built enclosure of the street entrances to Fettes Row and stepping down effect along Dundas Street, contrary to the form originally planned for these streets. The 1.4-metres set back section of the proposed building on Dundas Street is an acceptable deviation of the established building line in order to protect the immediate outlook of the adjacent flats at no. 120.

The eaves line of the new structure will relate better to the historic eaves line of Dundas Street and Fettes Row than that of Centrum House which is too low in this context. The eaves line is the defining feature of the roofscape of the 1820's tenements rather than the roof line and whilst there is no 'correct' solution to establishing a new eaves line, it relates more successfully to that of 104-106 Dundas Street opposite the development to the south. In the case of the palace façade on the south-west side of Fettes Row there is no mirror image block on the north side of the street, so there is no necessity for the new building to match the eaves line of 104-106 Dundas Street.

In terms of height, massing, form and detailing the proposed scheme loosely reflects the original 1820's buildings opposite incorporating visually distinct sections, sandstone frontages, a feature corner pavilion with double height first/second floors, a recessed penthouse storey, rhythmic fenestration, a basement lightwell on Fettes Row and rusticated stone tooling at lower ground level to reflect the elevational hierarchy of the nearby listed buildings. These design elements, along with the proposed building lines will result in a new structure that will cause no harm to the setting of the listed building and enhance it instead.

The current landscaping includes large specimen trees in front of the buildings. Street front trees are not characteristic of the New Town Conservation Area where trees are restricted to the planned communal gardens and back greens. In this respect, the removal of these trees will have no adverse impact on the setting of the listed buildings.

Historic Environment Scotland (HES) did not consider the proposals in the previous application to have an adverse impact on any of the category A listed buildings in the vicinity and had no concerns with the siting of the new building.

In the appeal decision for this application, the Reporter is satisfied that the overall design of the proposed buildings would respond positively to the listed buildings through the use of sympathetic materials, proportions, and the proposed rhythm of the architectural bays with their stronger vertical emphasis. However, the Reporter specifically states that the projecting corner element would have an adverse impact on the street scene and would diminish the status of the listed buildings due to its prominence. This projection is omitted in the current scheme which proposes a corner building line matching that of the main section on Fettes Row. The fenestration pattern has also been amended on the Dundas Street section of the corner block to be less formal, in keeping with that of the Victorian tenements to the north. This further reduces the visual prominent of the corner block.

Conclusion in relation to the listed building

The proposals preserve the setting of the adjacent listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

Character and Appearance of Conservation Area

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

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

The New Town Conservation Area Character Appraisal identifies the key characteristics of the Second New Town as:

- *grand formal streets lined by fine terraced buildings expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views.*
- *the generally uniform height ensuring that the skyline is distinct and punctuated only by church spires, steeples, and monuments; and*
- *the important feature of terminated vistas within the grid layouts and the long-distance views across and out of the conservation area.*

The proposed demolition of the existing buildings is assessed in associated application for conservation area consent. However, it should be noted that in the appeal decision for the previous planning application, the Reporter concludes that the existing buildings do not contribute to the special character and appearance of the conservation area.

The key aspects that are assessed below are the impacts of the proposed development on the formal planned alignment, setting and edges, height and skyline, design quality, materials palette, and land use of the New Town.

The assessment of the existing buildings in terms of their contribution to the character and appearance of the conservation area is assessed thoroughly in the associated application for conservation area consent.

Formal Planned Alignment, Setting and Edges

There are various existing building façade lines around the site, although the predominant building line of Dundas Street is the Georgian building line running from Heriot Row to Fettes Row where it terminates, marking the northern extent of the Second New Town.

The building line of the block in which this site is located, between the north side of Fettes Row and Henderson Row, is dominated by that of the late Victorian tenements which are positioned closer to the street edge.

The existing buildings on the site do not follow either of these historic building lines, sitting approximately 9.5 metres back from the Victorian building line and approximately 7 metres back from the Georgian building line. The Victorian industrial building that once stood on the site followed the same line as the tenements to the north. Whilst the 1820's listed buildings of Fettes Row and Dundas Street provide the most significant historic contexts, the site is part of a later block that was never constructed to its original plan, so following the building line of the Victorian tenements on Dundas Street is appropriate for the proposed building and in keeping with the building line of the recent development at 120 Dundas Street. The existing building line on both sides of this section of Dundas Street deviates at present, so the proposed set back section of the new building is acceptable.

The proposed building line on Fettes Row follows that of the modern neo-classical developments on the north side of Fettes Row, dating from the late 1990s. Centrum House and the adjoining contemporary flats at 30-31 Fettes Row are the only parts of the street that do not have a consistent building line or neo-classical design. The new development will complete this side of the street, leaving the adjacent flatted block as the only anomaly. Although the basement areas of 26-29 Fettes Row are wider than those of the 1820s buildings on the opposite side of the street, they are not excessively so and are now consistent for much of the north side of the street which includes a neo-classical style office development by Reiach and Hall, dating from 2000-2010, at 5-6 St Vincent Place which continues from Fettes Row at its west end.

In the appeal decision against the previous application, the Reporter singles out the projecting corner element of the building onto Fettes Row as being incongruous and out of place in the streetscape, undermining the positive characteristics of the proposed building. The omission of this projection in the current scheme and inclusion of stone piers at ground floor level will negate the detrimental impacts of this projecting, "floating" corner element.

The depth of the proposed development at its widest part matches that of the neighbouring building at 120 Dundas Street and is keeping with the various depths of the buildings on the north side of Fettes Row.

In terms of setting and edges, the impact of the development on these aspects has been set out in the section on the impact on the setting of the adjacent listed buildings.

The proposed building will establish a building alignment on this important street corner that is appropriate within the context of the Second New Town, which is lacking in the existing buildings on the site.

Height, Skyline and Views

The proposed building height is approximately 0.58 metres higher than the existing buildings on the site, but lower than the Georgian building on the opposite corner of Fettes Row in order to continue the characteristic stepping of buildings down Dundas Street. The eaves height of the new building is only slightly higher with that of the modern neo-classical blocks on the north side of Fettes Row and lower than that of the later office development at 5-6 St Vincent Place. The proposed structure's ridge height is marginally lower than the ridge height of 26-29 Fettes Row.

The revised scheme has increased the setback of the penthouse storey to further alleviate the overall massing and reflect the subservience of the Georgian roofs. The development will be most visually prominent within the views up and down Dundas Street. These views contribute to the clarity of the urban structure of the Second New Town and alignment of key buildings.

Verified views of the proposed development have been produced from a series of key vantage points. The two locations which best illustrate the effect of the development on views up and down Dundas Street are View 1 from the east side of Dundas Street opposite the Victorian tenements looking south and View 2 from Hanover Street looking north.

At present, views of the corner pavilion of the Georgian building on the west corner of Dundas Street and Fettes Row is uninterrupted, apart from the street trees which are deciduous. From this viewpoint, the proposed structure will obscure the Fettes Row façade of this pavilion, with the exception of the outer edge and top of the gable end. However, the existing view of this corner pavilion is completely at odds with views of the equivalent corner pavilions within Dundas Street. The plan and built form of this section of the Second New Town provides the equivalent level of sight of its pavilion ends from views up and down Dundas Street to that proposed by this development. The current visual exposure of the Dundas Street/Fettes Row pavilion corner is not in keeping with this historic pattern or the planned extension of the Second New Town northwards to Henderson Row in similar fashion. Whilst the current 'gateway' status provided by the existing buildings on site is an attractive feature in terms of views southwards, it is not an essential characteristic of the New Town Conservation Area, so its retention is not required in order to preserve the character of the historic environment.

The proposed building is visible in View 2, but not in any intrusive way in terms of the historic street scene. The corner block will be more prominent than the equivalent Georgian corner pavilions, but only due to the fact that it will sit on the building line of the Victorian tenements on Dundas Street which is further forward than that of the buildings to the south on Dundas Street.

The new structure will be virtually imperceptible from the other two viewpoints (the west side of Calton Hill and east side of Inverleith House) which illustrates the fact that the height and roof treatment has been carefully considered to ensure that the building will sit inconspicuously within elevated views.

Design Quality

The New Town Conservation Area Character Appraisal states that new buildings should be a stimulus to imaginative, high-quality design and seen as an opportunity to enhance the area. Direct imitation of earlier styles is not encouraged, but rather new buildings should be designed with respect for their context.

The proposed design is a contemporary interpretation of the Georgian and Victorian tenements in the immediate vicinity in terms of spatial pattern, height, massing, proportions, and detailing.

The block facing Fettes Row and turning the corner into Dundas Street reflects the 1820's buildings opposite in terms of height and prominence of the end pavilion (the latter on Fettes Row only), double height detailing of the first/second floor piano nobile and windows ordered within a horizontal hierarchy.

The adjoining section on Fettes Row is visually subservient to the corner block, although greater in height than the Georgian terrace directly opposite. The deviation in height between the north and south sides of Fettes Row is acceptable given that a north side matching the original south side was never constructed and the modern established building height on the north side varies. The vertical break on the lower Fettes Row block will enhance the prominent and separation of the corner piece and add visual interest to this section. At lower ground level, the rustication tooling of the stone façade will reflect the hierarchy of stonework detailing typical of the Second New Town terraces.

The design of the block facing Dundas Street takes its lead from the Victorian tenements to the north which are of repetitive design without any overall architectural conception and the key elements of ground floor shopfronts hard on the building line and prominent vertically aligned window bays are included. The proposed structure incorporates four storeys and a fifth recessed storey above the shopfront where the Victorian tenements only have three, but the overall height is appropriate in terms of stepping up the street and the number and arrangement of storeys matches that of the adjacent modern tenement at 120 Dundas Street. The composition of the façade includes a visual step to reflect the gently sloping topography of this section of Dundas Street and characteristic historic feu pattern of the area, although this pattern was never established on this site. The sandstone shopfront piers help to break up the massing of the Dundas Street block and provide visual support for the upper floors.

In general terms, the top storey is conceived as a visually lightweight structure in comparison to the masonry elevations, with the massing in the revised scheme split into distinct elements to respond to the rhythm of chimney stacks on Dundas Street. The setback has been increased to ensure that the penthouse level reflects the subservience of the shallow roofs of the Georgian and Victorian tenements. The chamfered metal edge detail at the perimeter of each capping box gives depth and definition to the façades.

The proposed sawtooth chamfers and cassette panelling within the Dundas Street windows reveals are contemporary design elements but are interesting features which are an acceptable means of refining the mass of the stone elevation.

The rear elevations are different in design and material to the principal facades, and this is appropriate to reflect the distinct character of the area to the rear of the site, which was formerly industrial and is now mainly occupied by flatted blocks, many with rendered elevations. The proposed random arrangement of windows is acceptable as a modern interpretation of the less regular fenestration patterns of the rear elevations of Victorian tenements.

Materials Palette

The prevailing materials within the Second New Town are natural sandstone, slate and timber and the palette is limited.

The specified materials palette is appropriate and suitably restrained in this context, using a blend of traditional and contemporary materials, including natural blonde sandstone, dark-grey aluminium, and glass.

A similar blend of materials has been used in other modern developments within the New Town Conservation Area, including those on the east side of Dundas Street. The dark-grey tone for the aluminium elements has been selected to ensure that the penthouse floor visually blends in with the historic slate roofs.

Whilst brick is not characteristic of the Georgian terraces and Victorian tenements within this area, the area between Fettes Row and Henderson Row was occupied by industrial buildings in the late 19th century, some of which were likely to have been constructed in brick, although there is no definitive photographic evidence. Red brick has been used in the 1980s redevelopment of the Silvermills area, so the use of buff coloured brick to tone in with the blonde sandstone street elevations of the proposed building is acceptable in this context. The specified brick is more likely to produce a higher quality finish than render and will break up the visual monotony and white tone of the neighbouring buildings to the rear which does not blend in with the grey-buff tones of the Second New Town.

The proposed brown roof will not be visible from street level, nor be highly conspicuous from elevated views. This is a suitable location to incorporate such a roof to assist with rainwater attenuation and encourage biodiversity, without it having a detrimental impact on the historic environment. The same applies to the arrays of photovoltaic panels to be installed on the flat roof in terms of minimal visual impact and environmental benefits.

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

The Reporter concludes in the appeal decision for the previous application that the scale, massing, alignment, and materials of the proposed development would respect the special character of the surrounding conservation area. The Reporter also accepts the removal of the nine street trees on Fettes Row and Dundas Street, despite stating that the trees, whilst not a common characteristic of the conservation area and in poor condition, have a positive impact on the amenity of the area. However, the Reporter makes the case that the redevelopment of the former RBS Data Centre on the opposite side of Dundas Street includes replacement buildings closer to the street than the former buildings on the site, so the proposed building line for the Centrum House site would have a positive year-round effect on the views from the north. On balance, therefore, the removal of the trees is justified.

Land Use

The proposed residential flats with commercial uses at ground and lower ground level are in keeping with the predominantly residential character and built form of the Second New Town and will contribute to the vitality of the conservation area.

Conclusion in relation to the conservation area

The proposals preserve the character and appearance of the conservation area in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) Compliance with the Development Plan

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 climate and nature crises policies 1, 2, 3 and 9
- NPF4 historic assets and places policy 7
- NPF4 infrastructure policy 18
- NPF4 successful places policies 14 and 15
- NPF4 affordable housing policy 16
- NPF4 infrastructure policy 18
- LDP environment policies Env 12 and Env 16
- LDP Des 1, Des 3, Des 4, Des 5, Des 6, Des 7 and Des 8
- LDP housing policies Hou 1, Hou 2, Hou 3 and Hou 4
- LDP shopping and leisure policies Ret 5 and Ret 11
- LDP transport policies Tra 2, Tra 3 and Tra 4
- LDP delivery policy Del 1
- LDP employment policy Emp 10

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF4 Policy 7.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD housing, design, shopping and leisure and transport policies.

Uses

NPF4 Policy 27 supports development proposals that enhance and improve the vitality and viability of city, town, and local centres, including proposals that increase the mix of uses. The site lies within an urban area and Local Centre as defined in the Edinburgh Local Development Plan (LDP). The proposed mix of uses in this application is appropriate within this urban location.

In terms of office use, the viability of this site for large-scale office accommodation is rapidly approaching an end as there is now greater demand for office locations within the city centre where all public transport networks converge and there are key nodal locations which benefit from suitable infrastructure and scale.

The loss of the existing office use complies with Policy Emp 9 as the proposed residential development will contribute to the regeneration and improvement of the site and wider area and will not prejudice or inhibit the activities of any nearby employment use. While the site is smaller than one hectare and does not trigger the need for business floorspace, the proposed floorspace at ground and lower ground level is designed to provide for a range of business users.

Policy Hou 1 gives priority to the delivery of the housing land supply on suitable sites within the urban area provided proposals are compatible with other policies in the plan. Given the surrounding residential character, this is a suitable site for housing. Compatibility with other policies is assessed elsewhere in this report.

Policy Ret 5 supports retail development in a Local Centre which can be satisfactorily integrated into the centre, is compatible, in terms of scale and type, with the character and function of the centre and makes a positive contribution to the shopping environment and appearance of the centre.

The proposed commercial units are integrated into the development at ground and lower ground level on Dundas Street and on the corner of Fettes Row, which is keeping with the established pattern of the centre in terms of retail below residential. The extensive glazing of the units enclosed by modern interpretations of traditional shopfront piers will create active frontages which contribute to the character and vitality of the area. The proposed Class 2 (office) use would contribute to the appearance of the Local Centre in the same manner.

Policy Ret 11: Food and Drink Establishments presumes against the change of use to Class 3 if likely to lead to an unacceptable increase in noise, disturbance, on-street activity, or anti-social behaviour to the detriment of living conditions for nearby residents, or in an area where there is considered to be an excessive concentration of such uses to the detriment of living conditions for nearby residents.

There are café, restaurants, and bars within this area, but not in any concentrated sense and Environmental Protection is satisfied that Class 3 use would not cause any significant disruption for residents, if taken up in any, or all, of the proposed commercial units.

Conclusion in relation to uses

The proposed development is in accordance with NPF4 Policy 27 as it will enhance and improve the vitality and viability of this area. The uses proposed are sustainable in terms of allowing people to live and stay in their area with access to local shops, services, and facilities. This will reduce car dependency and is consistent with NPF4 Policy 15 which supports developments that contribute to local living, including 20-minute neighbourhoods. The location of housing on a prominent and frequented north-south route within the city will support the prioritisation of women's safety.

Climate Mitigation and Adaptation

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions.

The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient housing within an existing community.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. NPF4 Policy 9 intends to encourage, promote, and facilitate the reuse of brownfield, vacant and derelict land, and empty buildings, and to help reduce the need for greenfield development. Part d) supports development proposals for the reuse of existing buildings, taking into account their suitability for conversion to other uses and emphasises the need to conserve embodied energy, with demolition regarded as the least preferred option.

The Sustainability Statement submitted compares the embodied and operational carbon of the re-use of the existing building (stripping back to the bare structure and extending to suit the proposed layouts), with the proposed new-build option (involving demolition of the existing building and erection of a new building of an appropriate height within this sensitive historic environment) over a 60-year life cycle.

Whilst the existing buildings are in reasonable structural condition, due to their age the mechanical and electrical systems are at the end of their service life and require replacement. If the buildings were to remain in office use, such a comprehensive refurbishment to meet modern occupational specification requirements would involve a considerable cost that could not be justified without a significant increase in the rental values, and this would render office use unviable in this location. Even if it were, the build performance would preclude optimum air tightness, thermal bridging, and use of Air Source Heat Pumps (ASHPs) and Solar/Photovoltaic energy sources. There would also be no option to provide a brown self-seeding roof to reduce rainwater runoff, allow rainwater harvesting and promote biodiversity, due to the load-bearing capacity of the existing structures.

Apart from the build performance identified above, the conversion to residential would result in nine less apartments than proposed in the new-build option, given that an additional storey would have to be added to the existing structure, and this would result in a harmful impact on the setting of the adjacent listed buildings. Also, the existing buildings are set back significantly from the established building line on Dundas Street, so the new residences would lack high-quality amenity space, as there would be a disproportionate amount of open space to the front of the buildings. Similarly, there is also no opportunity to extend outwards whilst retaining an acceptable level of external amenity space.

In terms of embodied carbon, the proposed all-electric new build option is far more efficient than the retained buildings with a gas or part-gas heating system, creating less total carbon emissions, and targeting an Energy Performance Certificate (EPC) 'A' rating. The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision of low and zero carbon air source heat pump technology for heating and hot water for the residential properties and no fossil fuel use is proposed on site. In addition, roof mounted photovoltaic (PV) arrays will facilitate on-site electricity generation and the installation will serve the communal areas of the development with any excess energy generated being exported to the grid.

The proposal meets the essential criteria with additional desirable measures including communal recycling and rainwater harvesting. A further sustainability measure will be the provision of dedicated recycling holding areas within the development in accordance with the requirements of the Edinburgh Design Guidance.

The development site is near the city centre Air Quality Management Area (AQMA) which has been declared for exceedances in NO₂ and traffic from this development could feed into this AQMA and the Inverleith Row AQMA to the north.

Whilst 32 parking spaces are being provided, the site is close to local services and the city centre commercial core and will be well served by local public transport, so many local journeys by private car will not be necessary. Also, 118 cycle parking spaces will be provided to encourage active travel. The provision of seven electric vehicle charging points within the basement car park is an additional measure to encourage the use of electric vehicles where car journeys are made.

In addition, the development proposes sustainable spatial and water heating systems which will assist with air quality management.

The proposed development is therefore appropriate in terms of sustainability as it involves the location of housing on an accessible brownfield location and the replacement of the existing buildings, which are poor in terms of current environment standards, with a new structure conforming to current standards. This will contribute to climate change mitigation in the short and long term.

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

Flooding and Drainage

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposal includes permeable paving within the rear landscaping, a brown roof and storage tanks in the basement parking area.

As regards surface water management, there will be no increase in the volume of surface water discharged from the site as the existing footprint will not increase and Scottish Water has accepted this approach. Surface water will be discharged via gravity to a rainwater harvesting tank with an overflow connection to the public combined sewer on Henderson Place and foul water will be discharged to the combined sewer network. Scottish Water has confirmed that there is capacity in both Glencorse and Edinburgh PFI Water Treatment Works to service the development.

The proposals satisfy the Council's Flood Prevention requirements.

Biodiversity

NPF4 Policy 3 requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.

The loss of the existing nine perimeter trees on the site is unfortunate, but the tree survey concludes that these trees, comprising seven Limes and two Elms, all Category C, semi-mature and between six and eight metres high, are in poor condition. The trees were planted as part of office development within retained structures below street level and have been subjected to major crown reduction from heavy pruning. The quality and longevity of these trees is limited, so their removal is acceptable.

To mitigate this loss, six small deciduous, ornamental trees will be planted within the rear terrace area. The species proposed are of appropriate scale and type to provide visual interest and shelter within this relatively shaded area without the capability of growing to height and spread where heavy pruning would be required. These new trees will encourage and support biodiversity along with the proposed low-level planting which will suit the local environment.

The proposed brown self-seeding roof will further enhance local biodiversity by creating a natural habitat that supports various plants, invertebrates, and birds.

A condition has been applied to ensure that swift bricks are included on the rear elevation.

No bat survey was required given that there is virtually no likelihood of roosting bats on this site.

The development will therefore support and encourage local biodiversity and have no adverse impact on protected species or significant trees, in accordance with NPF4 Policy 3 and LDP Policies Env 12 and Env 16.

Conclusion in relation to climate mitigation and adaptation

In conclusion, the development will meet the sustainability requirements of NPF4 Policies 1, 2 and 9 and LDP Policy 6 in terms of location on a brownfield site, energy efficiency and surface water management. The development will also support and encourage local biodiversity and will have no adverse impact on protected species or significant trees, in accordance with NPF4 Policy 3 and LDP Policies Env 12 and Env 16.

Historic Assets and Places

NPF4 Policy 7 requires that proposals with a potentially significant impact on historic assets or places should be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

Setting of Listed Buildings

NPF4 Policy 7 c) supports proposals for the alteration or extension of a listed building, or works that impact on its setting, where its character, special architectural or historic interest are not adversely affected.

This has been assessed in section a) and the proposals comply with NPF4 Policy 7.

Character and Appearance of Conservation Area

NPF4 Policy 7 d) only supports development proposals in conservation areas where they preserve or enhance the character and appearance of the conservation area and its setting.

This has been assessed in section a) and the proposals comply with NPF4 Policy 7.

Outstanding Universal Value of World Heritage Site

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

NPF4 Policy 7 l) only supports development proposals affecting a World Heritage Site or its setting where their Outstanding Universal Value is protected and preserved.

The site is on a prominent corner within the New Town Conservation Area and sits to the immediate north of the World Heritage Site boundary.

Edinburgh World Heritage Trust EWH identifies five overarching themes of the key qualities of the OUV and considers the two most likely to be affected are as follows:

- *'A Model City': the Old and New Towns embody the changes in European urban planning from inward looking, defensive walled medieval cities, through 18th and 19th centuries formal Enlightenment planning, to the 19th century revival of the Old Town with its adaptation of a Baronial style of architecture in an urban setting.*

The site is within the Second New Town developed in the earlier half of the 19th century, and its character is a continuation and development of the planning ideals established in the First New Town, including the grid-iron urban plan, aesthetic and spatial hierarchy of 'streets and storeys', consistent building lines and spatial character, architectural character informed by classical forms and ideals, residential use, separation of entrances from public realm over basement level and consistent/high quality materials.

- *'Iconic Skyline': The dramatic hills and green spaces of the landscape, plus key buildings of the Old and New Towns give Edinburgh its iconic skyline that has inspired generations of artists, writers, visitors, and residents.*

Edinburgh's architectural form responds to the dynamic views and topography on approach/exit from the World Heritage Site, in a manner that reinforces the New Town planning ideals and character, including the stepping down of eaves levels in response to topographical slope, heights consistent with local character and the traditional forms of roofscapes which are more visible due to the topography.

EWH does not object to the principle of developing this site, on the basis that the existing buildings do not make a positive contribution to the OUV and supports the proposed building lines which reinforce local character.

However, EWH considers that important elements of the design do not adequately respond to local character and, as a result, would disrupt the key qualities outlined above, causing harm to the OUV through insensitive development within its setting.

HES, in contrast, did not consider that the previous, similar scheme would impact significantly on the OUV of the adjacent World Heritage Site, even although the proposed building was clearly more pronounced and visible than the existing 1980's development.

EWH acknowledges the improvement of using more contextual materials for the ground floor commercial space but maintains that the proposed scheme does not adequately address the insensitivity of the development within its setting.

Conclusion in relation to the World Heritage Site

The development will therefore have no detrimental impact on the character or appearance of the Georgian New Town, nor its relationship with the medieval Old Town and will cause no harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with NPF4 Policy 7.

Archaeological Remains

NPF4 Policy 7 o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible.

The site is within an area associated with medieval industry and farming, but it is highly likely that the construction of the 1980's office blocks removed any significant archaeology across the site, so the development will have no adverse impact on any important remains.

Conclusion in relation to Historic Assets and Places

The proposed development will have an acceptable impact on the historic assets affected, in accordance with NPF4 Policy 7 c), d), l) and o).

Design, Quality and Place

NPF4 Policy 14 supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places.

Built and Landscape Design

LDP Policy Des 1 provides that the design of a development should be based on an overall concept which draws upon the positive characteristics of the surrounding area, to create or reinforce a sense of place, security, and vitality. It further provides that planning permission will not be granted for poor quality or inappropriate design, or for proposals which would be damaging to the area's character or appearance, particularly where this has a special importance. Likewise, LDP Policy Des 3 supports development where it is demonstrated that the existing characteristics and features worthy of retention on the site and in the surrounding area have been identified, incorporated, and enhanced through its design.

LDP Policy Des 4 states that development should have a positive impact on its surroundings in terms of height and form, scale and proportions and materials and detailing.

The proposed scheme will contribute to a sense of place by reinforcing the established pattern of development and uses within this Dundas Street block between Henderson Row and Fettes Row which comprises residential uses on the upper floors with active uses at street level.

The design concept seeks to address the different architectural conditions between Dundas Street and Fettes Row whilst at the same time creating an elegant building that compliments its surroundings at the edge of the Second New Town. Centrum House and the contemporary flats at 30-31 Fettes Row are the only parts of these streets that do not have a consistent building line or neo-classical influenced design. Whilst the proposed development cannot resolve all issues arising from the competing conditions surrounding the site, the building's key function of turning the corner from Dundas Street into Fettes Row in a way that is both elegant and sensitive to its context will be achieved.

The site's existing office use along with the deep setback from the Victorian building line creates a significant break in the otherwise unified building uses and frontages, so the proposed development will complete the block and restore the urban grain, creating active frontages at street level. The proposed building lines also provide the opportunity to improve the visual character of the rear of the site through the creation of green landscaping and this reflects the back gardens of the Second New Town.

Architecturally, the building volume is conceived as three separate forms with breaks on Fettes Row and Dundas Street. The style is contemporary and incorporates elements influenced by characteristic features of the adjacent Georgian terraces and Victorian tenements on Dundas Street and similar features to those of the modern development at 5-6 St Vincent Place which is contemporary and minimalist in style.

The importance of the development's setting within the townscape of the Second New Town has been recognised in the design and key views from the north and south, particularly with regard to the planned views up and down Dundas Street, have been considered in the proposed siting, massing, height, roof form, elevational treatment, and materials. The result is a coherent and integrated design in terms of both close up and longer views.

In the appeal decision on the previous application, the Reporter acknowledges that whilst the massing and form of the proposed scheme loosely reflects the traditional tenement buildings in the vicinity, it is not an accurate representation of the buildings that historically occupied the site. However, the Reporter finds that the design and detailing of the proposal responds positively to the surrounding environment, without being pastiche, and is clearly an innovative product of its time. The one element of the proposed building that the Reporter describes as "...jarring and discordant with the wider street scene", i.e., the projecting corner section on the Fettes Row elevation, has been omitted in the current application.

LDP Policy Des 7 supports development which enhances community safety and urban vitality and provides direct and convenient connections on foot and by cycle.

The site is in a central city location within a short distance of local bus stops and within easy walking distance of other modes of public transport, including tram and bus and rail links. Also, secure off-street cycle parking will be provided to encourage active travel.

LDP Policy Des 8 supports development where all external spaces and features have been designed as an integral part of the scheme as a whole. The containment of the proposed green landscaping to the rear of the building follows the established pattern of the area in which the streetscape is austere and private or communal gardens are either concealed to the rear of the terraces or contained within formal shared residents' gardens.

The proposed landscaping layout is designed to be in keeping with the historic context whilst, at the same time, be suited to the specific site conditions given that sunlight will be restricted within the north-facing rear gardens. The proposed sandstone paving within the private terraces on Fettes Row reflects the characteristic sandstone flagstones within the basement lightwells of the Second New Town and the hard and soft landscaping materials specified are suited in type and durability to damp and shaded conditions. Surface pavements will be porous to assist with rainwater attenuation and public safety. The proposed pergola, hedging, trees, and sunken levels will provide shelter for users of the gardens.

The design will contribute to a pleasant and distinctive place to live in terms of respecting local and wider building heights, forms, and materials, creating visual interest through the careful choice of finishes and detailing, including active frontages at street level and the creation of green outdoor amenity space where there is currently tarmac. Also, the buildings will be adaptable, allowing for flexibility so that they can meet the changing needs and accommodate different uses over time, such as hotel, office, student accommodation, co-working space, or a different mix of residential flats.

Density

LDP Policy Hou 4 states that the Council will seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility and need to encouraging local services.

The proposed 49 units is comparable in terms of density to the recent flatted development at 120 Dundas Street which contains 24 flats. Although this is higher than that of the Victorian tenements in the block, such a density is acceptable in this urban environment which is close to the city centre. Also, the number of units proposed is linked to the viability of the scheme with an affordable element included, so a higher density than that of the historic tenements is acceptable in this context.

Housing Mix and Sizes

LDP Policy Hou 2 seeks the provision of a mix of house types and sizes where practical.

The flat for sale on the open market are predominantly two- and three-bedroom units with two five-bedroom units. Seventeen of the units (46%) contain three or more bedrooms designed for growing families, which meets the requirements of the Edinburgh Design Guidance. The affordable units are two- and one-bedroom only, but this deviation from the required standards is acceptable in order to accommodate the required 25% affordable element within a viable scheme.

The Edinburgh Design Guidance includes minimal internal floor areas for flats and the units for open market sale and affordable flats all comply with these recommended minimum sizes, ranging from 52-58sqm for one-bedroom, 72-94sqm for two-bedroom, 117-150sqm for three-bedroom and 154-166sqm for five-bedroom.

The number of single aspect dwellings make up 51% of the overall units and this complies with the criterion of the Edinburgh Design Guidance.

Affordable Housing

NPF4 Policy 16 supports development proposals for new homes where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes.

LDP Policy Hou 6 states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be onsite.

The applicant has engaged early with both the Council and Registered Social Landlords (RSL) to find an onsite affordable housing solution and has submitted an Affordable Housing Statement which proposes the delivery of 12 affordable homes on-site.

There will be a mix of eight one-bedroom flats and four two-bedroom flats within a contained stairwell. The homes will be close to regular public transport links and next to local amenities. The affordable homes will be tenure blind and fully integrated with the rest of the development.

Although the proposal will not deliver a representative mix, the proposed flat sizes are most viable and terms of the overall scheme and most attractive to RSLs. The applicant has engaged with an RSL who is interested in delivering the 12 units as mid-market rent. A letter of support has been submitted by the RSL which confirms that the proposed affordable units will make a positive addition to the provision of affordable housing in the area. Also, 66% of the affordable units are dual aspect which will partly mitigate for their relatively small scale in comparison to the market rent flats.

The applicant has submitted a cost plan for review which shows that the construction costs for the revised scheme will still be higher than for other residential schemes across the city because of site constraints and that the design and materials reflect the prominent location of the development within the New Town Conservation Area and adjacent to the World Heritage Site.

Initial discussion between the developer, the RSL and Housing Management and Development has indicated that the delivery of on-site affordable housing could still be viable based on the current cost plan. However, the use of commuted sums is likely to be required. This could be justified because of the opportunity to get affordable housing in a location this close to the city centre. The site is within the Inverleith ward but immediately adjacent to the city Centre ward.

Any alteration on the delivery of the on-site affordable units would require further planning approval based on the information available at that time.

The provision of 12 on-site affordable housing units complies with LPD Policy Hou 6 and will be secured by a Section 75 legal agreement.

Residential Amenity

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

The proposed residential use and commercial uses are compatible with the predominantly residential character of this area and will not lead to an unacceptable loss of amenity for any residential properties in the vicinity.

Communal/Private Outdoor Space

Residents will have access to the communal landscaped garden at the rear which has seating and sheltered areas. In addition, some flats will have private gardens or terraces and others will have full-length windows with small balconies. Those living on the upper floors will enjoy views across the city and beyond.

Approximately 33% of the total site area will be provided as usable green space, exceeding the 20% target set out in LDP Policy Hou 3. The private rear gardens are approximately 2.6 metres deep, which is only marginally short of the 3-metre minimum specified in the Edinburgh Design Guidance. The site is also close to King George V Park opposite Royal Crescent and within easy walking/bus distance of the Royal Botanic Garden and Princes Street Gardens.

The commercial units will also have separate areas of external amenity space at lower ground floor level.

Daylighting and Sunlight

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

As regards the effect on the daylighting of the south-facing (gable) windows in 120 Dundas Street, daylight to gables and side windows is generally not protected under the standards set out in the Edinburgh Design Guidance.

This building was constructed in 2009-10 to replace a 1980's office building and the design did not anticipate the possibility of the redevelopment of the Centrum House site in its inclusion of these windows.

In the appeal decision for the previous application, the Reporter concludes that there would be an adverse impact on the levels of daylight to these south-facing gable windows lighting dining rooms/kitchens at 120 Dundas Street to the extent that the levels would fail the standards set out within the EDG, even although the additional east-facing windows lighting the same rooms would mitigate these effects to an extent. To address this situation, the current scheme proposes a 1.4 metres set back section to the Dundas Street element of the new building adjacent to 120 Dundas Street. The effect of this set back is that the extent of failure of the gable windows is reduced significantly to between a marginal range of 0.62 to 0.67% under the Vertical Sky Component (VSC) measurement. Furthermore, only one window of the east-facing windows of these rooms fails the VSC criterion and overall, this is not significant given that this room has another east-facing window on the Dundas Street elevation.

The Edinburgh Design Guidance sets out that new amenity areas should receive two hours of sunlight to at least 50% of their area at the Spring Equinox (March 21).

As the site lies to the north of existing buildings on Dundas Street and Fettes Row, overshadowing is inevitable. This is illustrated by a solar study that has been carried out to the specifications set out in the Edinburgh Design Guidance. The study shows that the minimum standard for sunlight hours will not be met, although sunlight will reach certain areas of the rear terrace at the Spring Equinox. However, this level of sunlight for the new amenity areas is acceptable, given the proximity of the site to a public park and other outdoor amenity spaces.

Privacy/Overlooking/Outlook

Only the windows in the south elevation of the new development (facing Fettes Row) will directly face the windows of neighbouring residences. Fettes Row is a relatively wide street and the separation distance between any directly facing windows will be approximately 23 metres.

There are no overlooking issues regarding the proposed raised terrace at the rear or rooftop terraces. The terminal wall of the proposed rear deck adjacent to the communal area of 120 Dundas Street is 2.2m high so this will provide adequate screening and no other existing residential amenity spaces are in sufficiently close proximity to be overlooked from the rear terrace. The revised scheme has significantly reduced the extent of the private terrace of the proposed penthouse flat immediately adjacent to the existing penthouse flat at the south end of 120 Dundas Street. This amendment, along with the introduction of a planter screen at the north end of the new terrace, will mitigate any loss of privacy to an adequate extent.

As regards outlook for the residents of 120 Dundas Street with dining room/kitchen windows facing south, the proposed building in the previous application would have blocked the immediate outlook of these windows, i.e., directly south up Dundas Street. The Reporter judges in the appeal decision that this outlook would be severely compromised, especially as it would be largely restricted to a blank wall in very close proximity to the affected windows.

The current scheme, incorporating a 1.4 metres set back section on the north part of the new building's Dundas Street elevation, will maintain an immediate south-facing outlook for these neighbours, albeit different to the current view. Sight of the west side of Dundas Street southwards beyond Fettes Row will be replaced by views of the front elevation of the new building. The immediate outlook for the top floor property at 120 Dundas Street will be further improved, compared to those in the previous application, through the reduced scale of the external terrace for the neighbouring penthouse property in the new building.

The level of impact on the immediate outlook of these south-facing windows within 120 Dundas Street is acceptable given that the proposed development seeks to reinstate the prevailing Victorian building line on Dundas Street. This would not be achieved, as well as losing vital accommodation space, were the 1.4 metres set back extended to the entire Dundas Street elevation.

Noise

The nearest residential properties are at 120 Dundas Street, 31 Fettes Row and 15 Henderson Place. A Noise Impact Assessment (NIA) has been submitted which recommends minimum wall and ceiling specifications for the commercial units and maximum plant noise levels to protect the amenity of the neighbouring residential properties and future occupiers of the development. The NIA also includes glazing specifications to address road traffic noise which could affect residents within the new flats.

Environmental Protection recommends the application of conditions to ensure that these noise reduction measures are implemented, and the specified noise levels are met. A specific issue is that the no suitable ventilation details or specific equipment has been proposed for commercial Unit C that would allow it to operate in Class 3 use without causing potential odour issues for residents. This is due to practical reasons of providing this level of detail at this stage. Conditions have therefore been applied in line with Environmental Protection's recommendations to address this specific issue and general noise/odour matters.

As regards noise generated from the proposed rooftop and rear terraces, noise can be generated at present from existing domestic and commercial external amenity spaces at present and planning legislation has no control over the behaviour of future occupiers of the development using these spaces.

Ground Contamination

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

Road Safety and Infrastructure

NPF4 Policy 18 supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs.

Access and Traffic Generation

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal. The vehicular access to the site remains as currently in place, which is a single vehicular access point from Henderson Place. The main existing pedestrian routes to the site are safe and there is level access into each proposed residential stair and commercial unit. The Roads Authority has requested the upgrading of the footway on the east side of Henderson Place to tie in with the existing concrete paved footway to the north-west of the site.

The site is in an accessible location within easy walking distance to a range of local services and the city centre amenities (approximately 0.5 miles from Princes Street) and has good linkages to public transport. The nearest bus stops are adjacent to the site on the west side of Dundas Street and approximately 100 metres away on the opposite side of Dundas Street. An informative has been applied recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes of travel. This is in keeping with the NPF4 principles of connected and healthy places that make moving around easy and reduce car dependency.

Car and Cycle Parking

LDP Policy Tra 2 requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance.

The Council's parking standards contain no minimum levels for car parking and the proposed 32 spaces for this development is a reduction of over 30% in terms of the maximum number permissible in Zone 1. Included within this total number are three accessible spaces, one motorcycle space and seven electric vehicle spaces which complies with the minimum standards.

The Roads Authority has requested that the applicant contributes the sum of £7,000 towards the provision of one car club vehicle in the area this will be secured through a Section 75 legal agreement.

LDP Policy Tra 3 requires that cycle parking and storage within the development complies with Council guidance. A total of 118 cycle parking spaces will be provided at basement level within defined secure spaces, in excess of the minimum requirement of 106 spaces.

The cycle stands will be all two-tier and no parking spaces are shown on the plans for a range of non-standard bicycles. Whilst this type of provision does not comply with the Council's cycle parking Factsheet, it was accepted in the previous application and was considered an acceptable compromise in order to accommodate 100% parking provision on this constrained site, along with a viable level of living space. However, a condition has been applied requiring the applicant to provide an area to accommodate non-standard bicycles to cater for cyclists of varying needs, even if this reduces the proposed number of cycle spaces to the minimum level required.

Waste/Serviceing

Waste will be collected via Henderson Place and a Swept Path Analysis has been provided to demonstrate that an appropriately sized vehicle can enter the site.

There are also the requirements for trade waste producers to comply with other legislation, in particular the Waste (Scotland) Regulations. The Council's Waste Planning services supports the proposed waste and recycling strategy.

Education Infrastructure

This site falls within Sub-Area CB-3 of the Craigroyston/Broughton Education Contribution Zone.

The proposed development is required to make a financial contribution of £39,200 towards the delivery of the identified education infrastructure actions and current delivery programme within this zone based on the established 'per house' and 'per flat' rates for the appropriate section. This sum is calculated on the basis of 40 proposed flats (excluding the 8 one-bedroom flats within the development) and will be secured through a Section 75 legal agreement.

Conclusion in relation to the Design, Quality and Place

The development is in accordance with NPF4 Policy 14 in terms of improving the quality of this urban area and being consistent with the six qualities of successful places.

Conclusion in relation to the Development Plan

The proposed development broadly complies with the provisions of NPF4 and the LDP and there is not considered to be any significant issues of conflict.

c) Other matters to consider

The following matters have been identified for consideration:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time 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. The scheme provides accessible access to all uses within the development and there are internal lifts to access all floors. Three accessible parking spaces are provided within the basement car park.

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 objections

New Town and Broughton Community Council (NTBCC)

Building Line

The major concern raised by local residents is with regard to the proposed bringing forward of the building line of the new development.

The set-back included in the current scheme mitigates to a degree the impact on the amenity on the majority of the residents in the adjoining 120 Dundas Street block and also improves the immediate streetscape fronting Dundas Street in terms of creating a more active frontage. NTBCC acknowledges the provision of more amenity space to the rear of the building but notes that this space is shielded by the new development and existing buildings as well as facing predominantly north, so it may not be used frequently.

Street Trees

NTBCC regrets the loss of all of the trees fronting the existing building. The trees in front of 108-116 Dundas Street have been a major feature of this part of the New Town for around forty years and are seen as a natural break in the local landscape and serve to frame the entrance from the north into the Second New Town and the World Heritage site. Street trees in an urban environment also contribute to carbon net-zero targets and improvements to biodiversity, so some trees should be retained on this lower stretch of Dundas Street - either existing or more appropriate replacements.

Residential Amenity (Daylight/Sunlight)

The set-back building line now proposed has significantly improved the daylight/sunlight assessment for the front elevation windows of 120 Dundas Street. However, the penthouse flat at 120 Dundas Street, which has deeper floor to ceiling south facing windows, will suffer in terms of outlook and privacy.

Building Height/Massing

NTBCC believes that EWH's suggestion to remove the top storey of the development and introduce a roof scape design which reinforces local character, along with a further stepping down of the height of the Fettes Row elevation after the corner block may help to address some of the concerns raised.

Active Frontage

A set-back, tree-shaded terrace at the front of the building providing outside space for the proposed commercial (Class 3) units would be more successful in this regard than the current proposal and contribute to place-making.

General

Sustainability

- the sub-structure of the existing buildings should be retained due to embodied carbon
- loss of street trees

Historic Environment

- inappropriate building lines on Fettes Row and Dundas Street that do not preserve the "gateway" to the New Town
- does not respect the character of the surrounding listed buildings
- does not take into account the architectural features of the New Town Conservation Area

Design

- does not contribute to a sense of place
- over-large height and scale
- mundane, ugly, and imposing architectural style
- does not respect the quality of the surrounding residences

Amenity

- negative impact on daylighting, privacy, and outlook of adjacent residences
- noise and disturbance from the proposed communal gardens and roof terraces

Transport

- added pressure on existing on-street parking difficulties
- increase of traffic at all times of the day and night that will cause additional noise and pollution

Services

- increased demand on recycling facilities/bins at the corner of Fettes Row/Dundas Street which are already regularly overflowing

These points have been assessed in section a) and section b) in the paragraphs on "Climate Change and Mitigation", "Biodiversity", "Architecture and Landscaping", "Residential Amenity" and "Road Safety and Infrastructure". The existing recycling facilities/bins at the corner of Fettes Row/Dundas Street will not be used by occupiers of this development and the proposals include a dedicated recycling area within the basement.

support comments

New Town and Broughton Community Council

- the retention of the undercroft/basement parking provision

- the re-instatement of basement wells along Fettes Row West
- a residential-led development on this site and inclusion of affordable housing.
- the commercial units at street level which could improve the active street frontage and the vitality of the streetscape
- the integration of refuse and recycling storage into the design

General

- the proposal will facilitate and reinvigorate a tired brownfield site and is a good use of land available
- the location is central, accessible, and highly sustainable with excellent active travel links/public transport facilities
- the inclusion of green energy sources, recycling facilities and ample cycle parking will assist with climate change mitigation
- much needed housing, including 25% affordable will be provided
- the proposed residential and commercial uses will boost the local economy
- the development will really enhance the attractiveness of the area and contribute to a sustainable community
- the re-design of the projecting corner bay along Fettes Row improves the setting of nearby listed buildings
- the character and appearance of the New Town Conservation Area will be preserved
- the outstanding universal value of Edinburgh's World Heritage Site will be maintained
- the design will create an improved 'place' at a scale/density appropriate to a city centre location
- the proposed building is better aesthetically than the existing and will align with the neighbouring buildings in style and appearance
- the building set back improves the immediate outlook and amenity for immediate neighbours.
- the amendments address the previous reasons for refusal

non-material comments

- noise and disruption during construction works
- potential damage to property as a result of construction works
- the structural stability of neighbouring properties
- payment for any damages during construction
- access to roof of 120 Dundas Street for maintenance
- access to recessed area at street level beside 120 Dundas Street
- timing of application submission

Whilst the issues raised regarding the effects of the associated construction works are non-material in planning terms, an informative has been added recommending that the proposed demolition/construction management plan is discussed with adjacent residents to identify possible impacts and mitigation measures. Dilapidation surveys are also recommended to be carried out in the adjacent properties before the works start and upon completion.

Conclusion in relation to other matters considered

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

Overall conclusion

Overall, the development is in accordance with the development plan. The proposals will deliver a sustainable and well-designed, predominantly residential scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place and is consistent with the six qualities of successful places as set out in NPF4. The development is also in keeping with the overall aims of the Edinburgh Local Development Plan 2016 (LDP).

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

Other material considerations support the presumption to grant planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to, and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. A detailed specification, including trade names where appropriate and sources, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
5. Swift bricks shall be installed on the rear elevation of the development. The proposed specification and locations shall be submitted to and approved in writing by the planning authority prior to construction works commencing on site.
6. The electric vehicle parking spaces (as shown on drawing L(PL)051 Rev D and dated 04/12/2020) shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. These points shall be installed and operational in full prior to the development being occupied.
7. Notwithstanding the cycle parking layout shown on L(PL)051 Rev D and dated 2020 12 04, an area to accommodate non-standard bicycles to cater for cyclists of varying needs, shall be provided, even if this reduces the proposed number of cycle spaces to the minimum level required. Details of this area shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

8. Noise from Commercial Units (internal)

The minimum octave band noise reductions to be provided by the partitions (walls and floors) between the proposed commercial units and the closest proposed noise sensitive receptor at each octave band shall be incorporated within the development in accordance with the levels set out in Table 9, page 16 of the ITP Energised Noise Impact Assessment (dated 14 November 2022) prior to the uptake of the approved commercial uses on site. Confirmation should be provided from a suitably qualified building engineer that the above sound insulation levels have been met.

9. Plant Noise

- a) The enclosure proposed for plant located on the roof should be continuous (close boarded with no gaps) and have a density of at least 10 kg/m³.
- b) The maximum cumulative octave band noise levels from roof plant shall comply with the levels at 1 metre as set out in Table 14, page 19 of the ITP Energised Noise Impact Assessment (dated 14 November 2022).

These measures shall be implemented prior to the uptake of the residential use on site and confirmation from a suitably qualified building engineer should be provided to confirm that the above maximum cumulative plant specifications have been met.

10. Use Classes

Unit C shall be restricted to Class 1 or 2 only. If units A and/or B are taken up as a Class 3 then the following information should be provided and agreed with Planning in advance of the premises beginning operations:

Noise

A noise impact assessment should be provided which confirms that noise from the fan, flue and extraction point will all be within NR25 noise level.

- i) inside the nearest residential property with the window open for ventilation purposes (for external noise coming into the nearest residential property) and.
- ii) within the upstairs/adjacent residential properties with the window closed (for internal noise transference through the floor/wall) and.
- iii) all noise mitigation measures required to meet the NR25 criterion are shown on a referenced and dated drawing including all specifications (including position and specification of silencers/attenuators, fan specifications including maximum noise levels).

Ventilation

In any case where Units A and/or B operate as a Class 3 premises, then the ventilation details as shown on drawing L(PL)058 Rev D and dated 2020 12 04 (including risers to roof through all floors) and drawing L(PL)059 Rev C and dated 2020 12 04 (including roof extraction area) shall be installed and operational prior to start of commercial operations on site.

Confirmation from a suitably qualified ventilation specialist which confirms the following shall also be provided:

- i) The system will be able to attain a minimum of 30 air changes per hour.
- ii) All internal ventilation system features and requirements (including fan(s) positions, specifying/showing number of fans, flue exit point from Class 3) are all shown on a referenced and dated drawing.

All noise and ventilation measures specified within a noise impact assessment and on drawings shall be installed and operational prior to the start of commercial operations beginning on site and with written confirmation provided by a suitably qualified person that the above requirements have been achieved.

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to ensure that the approved landscaping works are properly established on site.
5. In order to safeguard protected species.
6. In the interests of sustainable transport.

7. In order to cater for a range of cycle types.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.
9. In order to safeguard the amenity of neighbouring residents and other occupiers.
10. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

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

Affordable Housing

25% of the residential units to be of an agreed affordable tenure. The affordable housing within this development is intended to be delivered as mid-market rent. If there is a change to the intended tenure prior to the formation of the legal agreement the housing shall be delivered in accordance with the Council's affordable housing policy and guidance.

Transport

- the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of one car club vehicles in the area
- the upgrading of the footway on the east side of Henderson Place fronting the proposed development/existing car park to concrete pavement to tie in with the concrete paved footway to the immediate north, to the satisfaction of and at no cost to the Council.

Education

The sum of £39,200 (£980 per unit - flats with two or more bedrooms only) towards education infrastructure for Sub-Area CB-3 of the Craigroyston/Broughton Education Contribution Zone.

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

2. The proposed demolition/construction management plan should be discussed with adjacent residents to identify possible impacts and mitigation measures. Dilapidation surveys are also recommended to be carried out in the adjacent properties before the works start and upon completion.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 22 November 2022

Drawing Numbers/Scheme

01.05-07,09,10,11A-16A,17,18,19A,20A+21-23

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Archaeologist
COMMENT: No known, significant, archaeological implications regarding this application.
DATE: 6 December 2022

NAME: New Town/Broughton Community Council
COMMENT: Comments submitted as a representation (full summary within the assessment).
DATE: 30 December 2022

NAME: Historic Environment Scotland
COMMENT: No comments to make on the proposals.
DATE: 16 December 2022

NAME: Affordable Housing
COMMENT: No comments received.
DATE:

NAME: Environment Protection
COMMENT: No objection, subject to conditions on ground contamination and noise and ventilation.

DATE: 24 January 2023

NAME: Communities and Families

COMMENT: No comments received.

DATE:

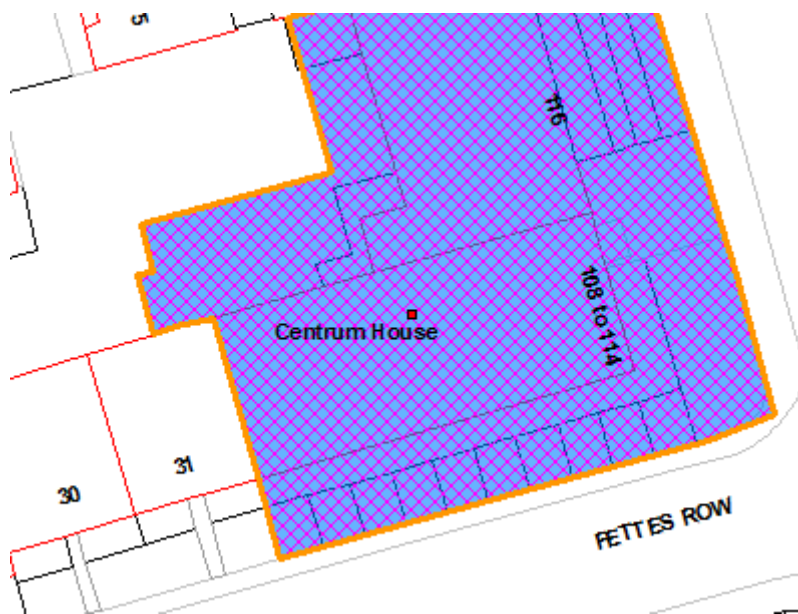
NAME: Edinburgh World Heritage

COMMENT: Acknowledges the improvement of using more contextual materials for the ground floor commercial space but cannot support the current proposals as they would cause harm to the OUV of the World Heritage Site.

DATE: 13 December 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 1 March 2023

**Application for Conservation Area Consent
Centrum House, 108 - 114 & 116 Dundas Street, Edinburgh**

Proposal: Complete demolition in a conservation area.

**Item – Other Item at Committee
Application Number – 22/05884/CON
Ward – B05 - Inverleith**

Reasons for Referral to Committee

The proposed demolition affects buildings on a sensitive site within the New Town Conservation Area around which there are several listed buildings and there is an associated application for planning permission that has received more than six objections. Therefore, the application must be determined by the Development Management Sub Committee due to being of significant public interest.

Recommendation

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

Summary

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

SECTION A – Application Background

Site Description

The application relates to a site measuring approximately 0.167 hectares in area located at the north-west corner of Dundas Street and Fettes Row, bounded by Henderson Place to the rear (west).

The existing buildings on site comprises two adjoining office blocks: 108-114 Dundas Street 116 Dundas Street, dating from the 1980s. Both blocks are seven storeys high in total with a combined internal floor area of approximately 4,600sqm and two below ground levels including a car park with 35 spaces at basement level.

Several category B listed buildings are in proximity to the site, the nearest being the adjacent buildings to the south at 13-24 Fettes Row (inclusive numbers) and 104 and 106 Dundas Street (reference LB28755, listed on 10 November 1966). The other listed buildings are on the opposite corner to the site at 1-12 Fettes Row (inclusive numbers) and 99-103 Dundas Street (reference LB28754, listed on 15 July 1965), 87-97A Dundas Street (reference LB28712, listed on 13 September 1964) and 79-85 Dundas Street and 34B Cumberland Street (reference LB28711, listed on 13 September 1964). All these buildings are category B listed.

The site is within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site boundary runs adjacent to the southern edge of the site.

The former Royal Bank of Scotland offices occupy the corner site opposite on the east side of Dundas Street and north side of Fettes Row. A recent residential development at 120 Dundas Street, built around 15 years ago, adjoins the site to the north and there are residential flats to the north-west of the site on Henderson Row.

The site is mainly level, with a gradual rise from north to south up Dundas Street. There are nine street trees located within the hard landscaping of the basement lightwell to the front of the buildings which is enclosed by a plinth with railings. The land to the rear of the site comprises a tarmac car park and the north boundary is marked by a residential block and its communal garden wall.

Description of the Proposal

The application is for the demolition of the existing buildings on the site comprises two adjoining office blocks: 108-114 Dundas Street 116 Dundas Street, dating from the 1980s.

An associated application for planning permission has been submitted for the demolition of the existing buildings on the site and erection of a mixed-use development comprising 49 flats, including 12 affordable units, with three commercial units in Class 1 (retail), 2 (office) and 3 (café/restaurant) uses at ground and lower ground level, private and communal amenity space, landscaping and basement level car and cycle parking (application number 22/05886/FUL).

Supporting Information

- Heritage Statement
- Planning Statement
- Design and Access Statement; and
- Tree Survey and Report

Relevant Site History

20/05645/FUL
Centrum House
108 - 114 Dundas Street
Edinburgh

Proposed demolition of existing office buildings and erection of a mixed-use development comprising 50 flats with 3 commercial units (Class 1, 2 and 3 uses), amenity space, landscaping, basement level car and cycle parking and other associated infrastructure (as amended).

Refused

7 October 2021

20/05646/CON

Centrum House

108 - 114 And 116 Dundas Street

Edinburgh

Complete demolition of existing buildings

Refused

7 October 2021

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Archaeologist

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

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 9 December 2022

Site Notices Date(s): 6 December 2022

Number of Contributors: 30

Section B - Assessment

Determining Issues

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

- Having due regard to HES Policy and guidance, does the proposed demolition conflict with the objective of preserving or enhancing the character or appearance of the conservation area?

- If the proposals do comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

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

a) Demolition of buildings and replacement

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

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

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

The existing buildings sit on prominent corner towards the northern edge of the New Town Conservation Area. The south side of Fettes Row/Royal Crescent represents the northern most expansion of the Second New Town in its completed form. The corner blocks within Dundas Street form a visual 'gateway' into the Second New Town from the north.

The character of the south side of Fettes Row is that of a planned classical style residential development built in blonde Craigleith sandstone, dating from the 1820s, with the key characteristics of a monumental palace block with unifying symmetrical and rhythmic elevational treatment, no projecting elements in the wall planes and shallow roof pitches and slightly advanced terminal pavilions that are a storey higher.

The monumental palace designs of the east-west streets of the Second New Town were not possible to achieve on its steep south-north slopes, so the buildings on these streets are mostly tenement blocks. Whilst there is regularity and symmetry within the blocks, they step down as on Dundas Street as emphasised by the eaves and cornice.

The corner blocks of the east-west streets facing Dundas Street are usually on a level and of the same height (for example, in Great King Street). In order to deal with the Dundas Street slope, some east-west streets did not include terminal pavilion blocks, such as Cumberland and Northumberland Streets and the downwards 'step' continues on the north side of the street.

In contrast, the current and previous buildings on this site have not formed part of any planned development, although a residential development was planned for the area between Fettes Row and Henderson Row, probably by William Burn in the 1820s. Only a small part of this scheme was built, and the remainder of the area became occupied by an assortment of light industrial buildings constructed in the later 19th century and replaced by the current offices in the 1980s.

The existing buildings forming Centrum House form part of a small group of early 1980's structures of corporate character that are at odds with their predominantly residential context. BUPA house and Centrum House were design by Ian Burke Associates. The group includes the former Royal Bank of Scotland Computer Centre by Michael Laird and Partners, dating from 1978 on the opposite side of Dundas Street and Fettes Row, the subject of a recently granted application for conservation area consent to demolish the building (reference 20/03661/CON). "The Buildings of Scotland: Edinburgh" by Gifford, McWilliam and Walker, 1985 describes Centrum House and its adjoining office BUPA House as parodies of the RBS Computer Centre.

Some features of the buildings are unsympathetic to their location, particularly in terms of building lines design and landscaping. On Dundas Street, the two buildings are set back approximately 9.5 metres from the building line of the recent flatted block at No. 120. Whilst this line equates to that of the RBS Computer Centre opposite, it does not relate to the historic building line of the late Victorian tenements at 122-160 Dundas Street, nor to the Second New Town tenements at 78-106 Dundas Street. The mansard roofs are out of character with the shallow-pitch roofs of the listed Georgian buildings and later tenements.

The existing structures on the site are not without merit in terms of the setback building line on Fettes Row, natural sandstone frontages and inclusion of modern interpretations of traditional features, including basement lightwells, entrance platts and boundary railings. However, they are not particularly sensitive to the particular character of this part of the New Town Conservation Area in terms of their relationship to the nearby listed tenements and should not provide design precedents for any replacement buildings.

It should be noted that in the appeal decision for the previous application for conservation area consent, the Reporter concludes that the existing buildings do not contribute to the special character and appearance of the conservation area.

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

Conclusion in relation to the demolition and replacement

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

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

The New Town Conservation Area Character Appraisal identifies the key characteristics of the Second New Town as:

- *grand formal streets lined by fine terraced buildings expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views.*
- *the generally uniform height ensuring that the skyline is distinct and punctuated only by church spires, steeples, and monuments; and*
- *the important feature of terminated vistas within the grid layouts and the long-distance views across and out of the conservation area.*

As detailed in the assessment for the parallel planning application (reference 22/05886/FUL), the demolition of these buildings would enable the development of the site in a coherent and positive way. The replacement hard and soft landscaping is appropriately designed and specified in terms of the overall characteristics of the site.

Conclusion in relation to the conservation area

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

c) there are any other matters to consider.

The following matters have been identified for consideration:

Archaeological remains

The site is within an area associated with medieval industry and farming, but it is highly likely that the construction of the 1980's office blocks removed any significant archaeology across the site, so the development will have no adverse impact on any important remains.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. The demolition of the buildings will enable the formation of improved access routes into the site and its facilities for people with mobility issues.

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

material objections

- Centrum House represents a specific time and style which should be preserved, adapted, and reused to maintain the history of the street and preserve the conservation area.

support comments

- the removal of the existing buildings will preserve the character and appearance of the conservation area; and
- the existing buildings have no existing features worthy of retention.

non-material comments

The majority of comments, including those from the New Town and Broughton Community Council (NTBCC), relate to the associated application for planning permission (reference 22/05886/FUL) or are non-material in planning terms.

Conclusion in relation to other matters considered

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

Overall conclusion

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation of Development for planning permission application reference 22/05886/FUL.

Reasons

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

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 22 November 2022

Drawing Numbers/Scheme

01, 02A + 03A

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No comments to make on the proposals.

DATE: 12 December 2022

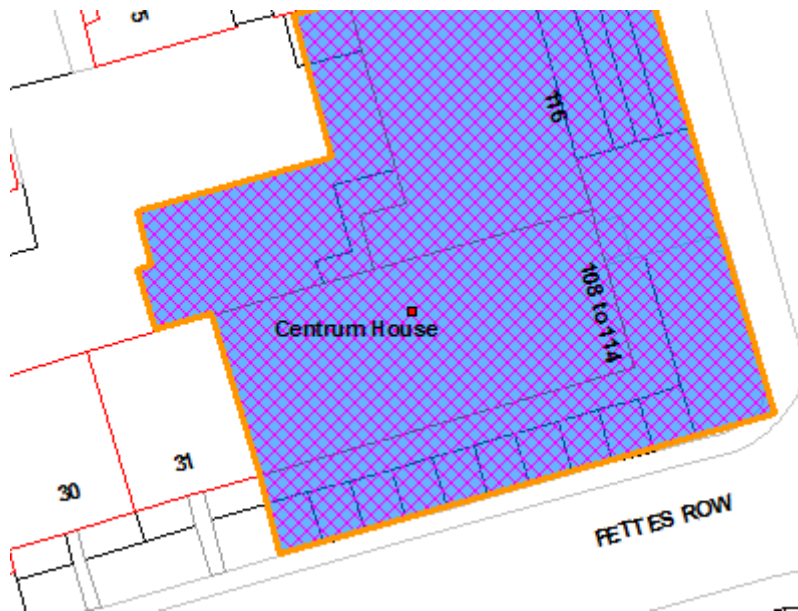
NAME: Archaeologist

COMMENT: No known, significant, archaeological implications regarding this application.

DATE: 6 December 2022

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

Location Plan



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