

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00 am Wednesday, 15th 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: [martin.scott@edinburgh.gov.uk](mailto:martin.scott@edinburgh.gov.uk) / [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk)

## 1. Order of business

---

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 13 March 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 None.

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

---

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

- 4.1** 29C Blair Street, Edinburgh, EH1 1QR - Change of use from residential to short-term let visitor accommodation (sui generis). Retrospective - application no. - 22/04393/FUL - Report by the Chief Planning Officer 9 - 18
- It is recommended that this application be **GRANTED**.
- 4.2** 12 Loch Road, Edinburgh, EH4 3PW - Proposal: Extension and alterations to house. (AS AMENDED) - application no. – 22/05907/FUL - Report by the Chief Planning Officer 19 - 30
- It is recommended that this application be **GRANTED**.
- 4.3** 31 Lothian Road, Edinburgh, EH1 2DJ - External works to facilitate use of balcony as a customer terrace - application no. – 22/06022/FUL - Report by the Chief Planning Officer 31 - 40
- It is recommended that this application be **REFUSED**.
- 4.4** 31 Lothian Road, Edinburgh, EH1 2DJ - External works to facilitate use of balcony as a terrace and internal alterations involving reconfiguration of toilets - application no. – 22/06023/LBC - Report by the Chief Planning Officer 41 - 48
- It is recommended that this application be **REFUSED**.

- 4.5** 83 Pentland View, Edinburgh, EH10 6PT - Erect 6x new houses, conversion of former farmhouse to 3x residential units and associated landscaping and alterations - application no – 22/01495/FUL - Report by the Chief Planning Officer 49 - 66
- It is recommended that this application be **GRANTED**.
- 4.6** 13 Ravelston Park, Edinburgh, EH4 3DX - Two-storey extension to east with part-wrap around to south elevation (as amended) - application no. – 22/05474/FUL - Report by the Chief Planning Officer 67 - 78
- It is recommended that this application be **GRANTED**.
- 4.7** 36 - 38 Yeaman Place, Edinburgh, EH11 1BT - Change of Use from class 1 (shop) to restricted class 3 (food and drink), alterations and refurbishment. (As amended) - application no. – 22/04369/FUL - Report by the Chief Planning Officer 79 - 86
- It is recommended that this application be **GRANTED**.

## **5. Returning Applications**

---

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

- 5.1** None.

## 6. Applications for Hearing

---

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

- |     |   |           |
|-----|---|-----------|
| 6.1 | 54 Rosslyn Crescent, Edinburgh, EH6 5AX - application no– 22/00745/FUL - Protocol Note by the Executive Director of Corporate Services  | 87 - 90   |
| 6.2 | 54 Rosslyn Crescent, Edinburgh, EH6 5AX - Proposed conversion of bowling club and bowling green to residential dwelling and garden - application no. – 22/00745/FUL<br>It is recommended that this application be <b>GRANTED</b> .  | 91 - 106  |
| 6.3 | 23 Yeaman Place, Edinburgh, EH11 1BT - application no. – 22/03556/FUL Protocol Note by the Executive Director of Corporate Services   | 107 - 110 |
| 6.4 | 23 Yeaman Place, Edinburgh, EH11 1BT - Proposed demolition of existing buildings and structures and erection of a purpose-built student accommodation development, with associated active travel routes, landscaping, cycle parking and other associated infrastructure, as amended - application no. – 22/03556/FUL<br>It is recommended that this application be <b>GRANTED</b> . | 111 - 136 |

## 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 None.

## **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 Martin Scott, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, email [martin.scott@edinburgh.gov.uk](mailto:martin.scott@edinburgh.gov.uk) / [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk).

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

## **Webcasting of Council meetings**

---

Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

The Council is a Data Controller under current Data Protection legislation. We broadcast Council meetings to fulfil our public task obligation to enable members of the public to observe the democratic process. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

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.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services ([committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk)).

This page is intentionally left blank



## Development Management Sub-Committee Report

**Wednesday 15 March 2023**

**Application for Planning Permission  
29C Blair Street, Edinburgh, EH1 1QR.**

**Proposal: Change of use from residential to short-term let visitor accommodation (sui generis). Retrospective**

**Item – Committee Decision  
Application Number – 22/04393/FUL  
Ward – B11 - City Centre**

### **Reasons for Referral to Committee**

Given the level of public interest in relation to the issue of short term lets, it is considered appropriate that this application be determined by Committee.

### **Recommendation**

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

### **Summary**

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building, or its setting and it will preserve or enhance the character or appearance of the conservation area.

It has not been sufficiently demonstrated that local economic benefits of the STL use outweigh the loss of the residential accommodation and therefore the proposal does not comply with NPF 4 policy 30(e) part (ii).

However, the site is located within a busy city centre location in close proximity to a number of leisure and commercial uses, including other STLs and late-night entertainment venues. This contributes to high ambient noise levels in the street during the day and at night. The proposal is acceptable with regard to residential amenity and the character of the area.

On balance, whilst the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), it is recognised that there is a degree of economic benefit in STL use and in this instance, the use is compatible with the surrounding area and will not have a detrimental impact of residential amenity.

Overall, the proposal complies with the provisions of the Development Plan and there are no material considerations which outweigh this proposal.

## **SECTION A – Application Background**

### **Site Description**

The application site is a basement, two bedroom flat located below other private residences on the western side of Blair Street. The property has its own access to the street.

Blair Street is of mixed character, with a wide range of uses in the street, including leisure and entertainment uses, offices, public houses and residential properties. Public transport links are easily accessible from the site.

The application property is part of a category B listed building, 27-31 (Odd Nos) Blair Street (Former Stationary Works), LB28332, 29/04/1977.

The application site is in the Old Town Conservation Area, the Edinburgh World Heritage Site and the Urban Area as defined in the adopted Edinburgh Local Development Plan (LDP).

### **Description of the Proposal**

The application is for a retrospective change of use from Residential to Short Term Let (STL) (sui-generis). No internal or external physical changes are proposed.

### **Supporting Information**

- National Planning Framework 4 Planning Statement.
- Planning Statement

### **Relevant Site History**

14/04924/LBC  
29C Blair Street  
Edinburgh  
EH1 1QR

Retain the works for internal alterations involving relocation of lounge/ kitchen/ bathroom etc.

Granted

16 January 2015

22/02338/FUL  
29B Blair Street  
Edinburgh  
EH1 1QR  
Retrospective COU from residential to short-term let visitor accommodation (sui generis).  
Granted  
10 November 2022

### **Other Relevant Site History**

No other relevant planning history was identified.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

No consultations undertaken.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 14 September 2022  
**Date of Renotification of Neighbour Notification:** Not Applicable  
**Press Publication Date(s):** 23 September 2022  
**Site Notices Date(s):** 20 September 2022  
**Number of Contributors:** 4

## **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:
- b)
  - (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?
- c) 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 or its setting?**

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

- Managing Change in the Historic Environment: Guidance on the principles of listed buildings
- Managing Change in the Historic Environment: Setting

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

There are no external or internal alterations proposed. As such, the proposal will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

## **Conclusion in relation to the listed building**

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

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

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 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 Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

As stated previously, there are no external changes proposed. Therefore, the impact on the character and appearance of the conservation area is acceptable.

## **Conclusion in relation to the conservation area**

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

### **c) The proposals comply with the development plan?**

The relevant NPF 4 and LDP 2016 policies to be considered are:

- NPF 4 Sustainable Places Tackling the climate and nature crises policies 1 and 7
- NPF 4 Productive Places Tourism policy 30
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3

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

The non-statutory 'Guidance for Businesses' is a material consideration that is relevant when considering change of use applications.

### Listed Buildings, Conservation Area and World Heritage Site

There are no external or internal works proposed and as such there will not be a significant impact on historic assets or places. The proposal complies with NPF 4 Policy 7.

## Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (b) and (e) specifically relate to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity.

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

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

In connection to short term lets it states, "The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest".

### *Amenity*

The property has its own main door access and is located on a busy thoroughfare, with considerable pedestrian footfall and vehicle traffic passing along the street. The property is in close proximity to a number of leisure and night-time uses, including restaurants, bars, nightclubs and other STLs. This contributes to high ambient noise levels in the street during the day and at night.

There are residential properties on Blair Street, however, the property has its own access and due to the character of the area being busy and of a commercial nature, the STL use will not have a detrimental impact on neighbouring amenity or the character of the area. The STL use is acceptable with regards to neighbouring amenity and the character of the area.

The proposal complies with NPF 4 30(e) part (i) and LDP policy Hou 7.

### *Loss of residential accommodation*

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant has provided a planning statement outlining the property as popular with visitors, as well as being of benefit to local shops, restaurants and the local economy, and noting that the application is unsuitable for long term residential occupation due to the substantial amenity impacts of the surrounding uses.

However, the use of the property as an STL would result in the loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh it is important to retain, where appropriate.

Furthermore, residential occupation of the property also contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, and the ability to make contributions to the local community.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

### Parking Standards

There is no vehicle parking and no cycle parking. Zero parking is acceptable as there is no parking requirements for STLs. Cycles could be parked inside the property.

The proposals comply with LDP Policies Tra 2 and Tra 3.

### **Conclusion in relation to the Development Plan**

It has not been sufficiently demonstrated that local economic benefits of the STL use outweigh the loss of the residential accommodation and therefore the proposal does not comply with NPF 4 policy 30(e) part (ii).

However, the site is located within a busy city centre location in close proximity to a number of leisure and commercial uses, including other STLs and late-night entertainment venues. This contributes to high ambient noise levels in the street during the day and at night. The proposal is acceptable with regard to amenity and the character of the area.

On balance, whilst the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), it is recognised that there is a degree of economic benefit in STL use and in this instance, the use is compatible with the surrounding area and will not have a detrimental impact of residential amenity.

Overall, the proposal complies with the provisions of the Development Plan.

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

The following material planning considerations have been identified:

### Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited 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:

4 objections  
0 in support  
0 neutral

#### *material considerations in support*

- None.

#### *material considerations in objection*

- Loss of residential accommodation. Addressed in Section C.
- Negative impact of short term lets on communities. Addressed in Section C.
- Impact on the maintenance of a Listed Building and/or buildings in a conservation area. Addressed in Section C.
- Lack of economic benefits from STLs. Addressed in Section C.
- The application site is within the World Heritage Site. Addressed in Section C.
- Negative impact on resident amenity. Addressed in Section C.

#### *non-material considerations*

- Impact on rent inflation.
- Loss of tax income.
- Sufficient tourist accommodation elsewhere.
- Place of living of the applicant.

### **Conclusion in relation to other material considerations**

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

### **Overall conclusion**

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building, or its setting and it will preserve or enhance the character or appearance of the conservation area.



It has not been sufficiently demonstrated that local economic benefits of the STL use outweigh the loss of the residential accommodation and therefore the proposal does not comply with NPF 4 policy 30(e) part (ii).

However, the site is located within a busy city centre location in close proximity to a number of leisure and commercial uses, including other STLs and late-night entertainment venues. This contributes to high ambient noise levels in the street during the day and at night. The proposal is acceptable with regard to amenity and the character of the area.

On balance, whilst the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), it is recognised that there is a degree of economic benefit in STL use and in this instance, the use is compatible with the surrounding area and will not have a detrimental impact of residential amenity.

Overall, the proposal complies with the provisions of the Development Plan and there are no material considerations which outweigh this proposal.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

1. No conditions are attached to this consent.

### **Background Reading/External References**

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

**Further Information - [Local Development Plan](#)**

**Date Registered: 2 September 2022**

### **Drawing Numbers/Scheme**

01

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

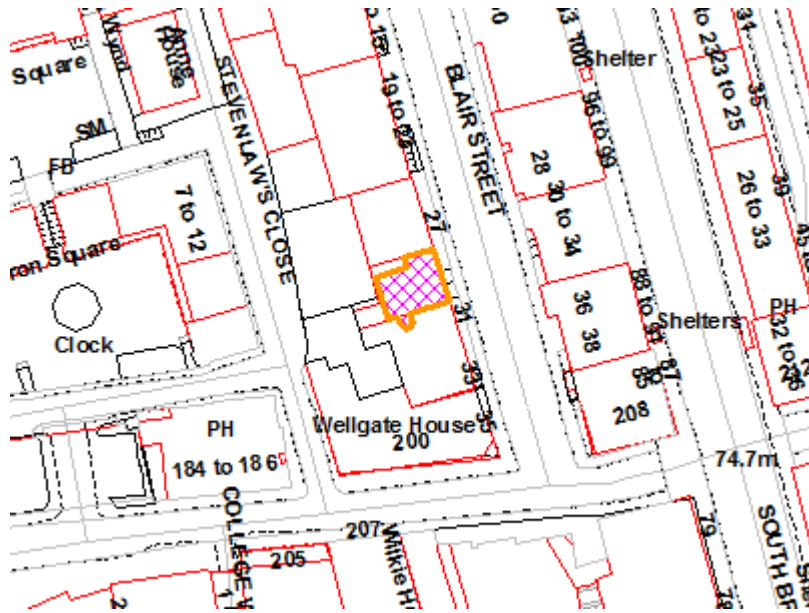
Contact: James Armstrong, Assistant Planning Officer  
E-mail:james.armstrong@edinburgh.gov.uk

Appendix 1

**Summary of Consultation Responses**

No consultations undertaken.

**Location Plan**



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

## Development Management Sub-Committee Report

**Wednesday 15 March 2023**

**Application for Planning Permission  
12 Loch Road, Edinburgh, EH4 3PW**

**Proposal: Extension and alterations to house. (AS AMENDED)**

**Item – Committee Decision  
Application Number – 22/05907/FUL  
Ward – B05 - Inverleith**

### **Reasons for Referral to Committee**

This application has been referred to the Development Management Sub-Committee because it has been called in by a councillor. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

### **Recommendation**

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

### **Summary**

The proposed works to the dwelling are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable, and it is recommended that the application be approved.

## **SECTION A – Application Background**

### **Site Description**

The application refers to a single storey bungalow with a low pitch, hipped roof. The property features a flat roof side garage, paved driveway and soft landscaping in the front garden, and triangulated rear garden with mixed soft and hard landscaping.

The immediate and wider area comprises a mix of building styles. To the north and east the character is defined by detached, hipped roof, bungalow properties, many of which feature extensions and roof alterations. To the south and west of the property, the immediate character is defined by single storey semi-detached, pitched roof properties. The wider character expands to include two storey semi-detached and terrace properties.

## **Description of the Proposal**

The application proposes the removal of the existing hipped roof, addition of a rear extension with associated access steps, addition of a larger hipped roof with flues, velux windows and solar panels, addition of a side canopy, addition of two full length side windows, addition of rear hard standing, addition of a 1m fence within the front curtilage, addition of a rear air source heat pump and replacement of driveway paving with monoblock.

### Amendments

Scheme two removes the rear raised decking from the proposal and replaced this with access steps to the rear doors. As this change will alleviate concerns raised in public representation and comply with the relevant guidance, re-notification was not required.

## **Development/Permitted Development**

Consideration as part of the assessment of the application is limited to the proposal to remove the existing hipped roof and replacement with an enlarged hipped roof, addition of rear extension, associated access steps and side canopy given that the other works are either not development or are permitted development. This means they could be carried out without the need for an application for planning permission.

## **Supporting Documents**

A design statement.  
A detailed daylight and sunlight analysis.  
An energy performance certificate; and  
An energy improvement report.

## **Relevant Site History**

02/02972/FUL  
12 Loch Road  
Edinburgh  
EH4 3PW  
Form new study, bedroom, bathroom, living/dining room, and store.  
Refused  
26 September 2002

03/02405/FUL  
12 Loch Road  
Edinburgh  
EH4 3PW  
Proposed alterations and extension  
Granted  
6 November 2003

## Other Relevant Site History

Development of neighbouring bungalows:

08/03319/FUL

10 Loch Road Edinburgh EH4 3PW

Proposed extension

Granted

08 October 2008

05/01272/FUL

45 Craigcrook Avenue Edinburgh EH4 3PY

Proposed extension and alterations to house incorporating extended roof and dormer window installation to front elevation

Withdrawn

17 May 2005

06/00134/FUL

45 Craigcrook Avenue Edinburgh EH4 3PY

Single storey extensions to both side elevations (NW and SE), and conservatory to rear

Granted

13 April 2006

13/04602/FUL

43 Craigcrook Avenue Edinburgh EH4 3PY

Demolition of garage and greenhouse to northwest and erection of stepped side extension. Extension of roof to provide 2 bedrooms on first floor

Refused

18 December 2013

14/00452/FUL

43 Craigcrook Avenue Edinburgh EH4 3PY

Demolition of garage and greenhouse to northwest and erection of stepped side extension. Extension of roof to accommodate 2 bedrooms on the first floor

Granted

04 April 2014

Roof width alterations (roof pitch retained) and extensions to nearby bungalows:

04/04596/FUL

24 Carfrae Park Edinburgh EH4 3SN

Extension and alterations to dwelling house

Granted

28 April 2005

Roof pitch alterations and extensions to nearby bungalows:

05/02772/FUL

35 Craigcrook Avenue Edinburgh EH4 3PY

Extend dwelling house to rear with new integrated garage to n.w side of house, form new pitched slated roof with 2 dormer windows to rear of house

Granted

12 January 2006

17/01712/FUL

27 Craigmock Avenue Edinburgh EH4 3QA

Extend the house to the rear. Form new roof over the larger footprint. Dormers to the front and rear

Withdrawn

31 May 2017

17/02504/FUL

27 Craigmock Avenue Edinburgh EH4 3QA

Extension to side + rear, dormers to front + rear

Granted

11 August 2017

17/05188/FUL

27 Craigmock Avenue Edinburgh EH4 3QA

Extend the pitched roof over the flat roof of the garage. Wall head of the garage will require to be built up to the same eaves level as the house. No additional floor space is created on the first floor.

Granted

22 February 2018

18/02416/FUL

21 Craigmock Avenue Edinburgh EH4 3QA

Residential ground and first floor rear extension, incorporation of a dormer window, installation of velux rooflights and internal alterations.

Refused and Upheld

16 August 2018

19/00664/FUL

21 Craigmock Avenue Edinburgh EH4 3QA

Residential ground and first floor rear extension, new front dormer window, installation of rooflights and general internal alterations.

Granted

27 March 2019

10/01813/FUL

22 Carfrae Park Edinburgh EH4 3SN

Alteration to hipped roof to form ridged roof with one and a half storey rear extension

Refused

24 August 2010

11/00525/FUL

22 Carfrae Park Edinburgh EH4 3SN

Alterations to change hipped roof to pitched roof, formation of dormers to front and one and a half storey rear extension

Refused

05 May 2011

11/03710/FUL

22 Carfrae Park Edinburgh EH4 3SN

Infill extension and alterations to existing house at ground floor level. Create accommodation within the extending roof incorporating dormer window and velux rooflights.

Granted

10 January 2012

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

No consultations undertaken.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 1 December 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 3

## **Section B - Assessment**

### **Determining Issues**

This report will consider the proposed development under Sections 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 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 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 Policy 1
- NPF 4 Policy 16g
- LDP Design Policy Des 12.

The non-statutory Householder Guidance is a material consideration that is relevant when considering NPF4 Policy 16g and LDP Policy Des 12.

Global Climate and Nature Crisis

Policy 1 of 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. The application addresses this through:

- Contributing to the circular economy by making productive use of existing residential properties and adapting them to meet the changing and diverse needs of the user.
- Maintaining a suitable scale of green infrastructure within the garden area to contribute to nature positive places and green neighbourhood networks.
- Although permitted development the proposal includes climate adaptation measures through the introduction of solar panels and air source heat pump both of which are shown in the energy improvement report to benefit the property.
- Although not considered to be development the replacement monoblock paving is a porous material which will incorporate water management in the front garden.
- Further energy saving standards and carbon reduction measures will be considered during the building standards process.

Therefore, the proposal complies with NPF4 Policy 1.

Size, Design, Materials and Neighbourhood Character

The surrounding area is defined by various build types and styles. The bungalow property is situated on the edge of an established bungalow area. However, the established character of previously developed bungalows in the area demonstrates the principle of extending and altering the roofscape would be acceptable.



For a bungalow, the overall form of the property and the hipped roof are important characteristics when viewing a bungalow from the public street. The non-statutory Guidance for Householders outlines that any extension to the original bungalow should retain the original character, not imbalance the principle elevation, and respect the hipped roof character of the original dwelling.

When looking specifically at the proposed extension, this is entirely to the rear of the property and is therefore not easily visible from the street. The Guidance for Householders requires that rear extensions do not occupy more than one third of the rear garden space. The proposed extension (62sqm) would occupy 28% of the 220 square meter garden and would therefore comply with the Guidance.

The proposed canopy to the side is of a scale that would not be readily visible from the public street and the flat roof appearance of this alongside the flat roof of the side garage would not imbalance the principle elevation of the bungalow.

The proposed alterations to the roof would remove the 30-degree pitch hipped roof and replace this with a taller, 40-degree hipped roof which extends over the proposed rear extension but retains the original width of the bungalow. While the height of the new roof would be larger than the existing roof, it would be lower than 45 Craigmock Avenue (primarily due to land variation) and would be similar to 10 Loch Road which was originally designed as a taller roof form bungalow. Therefore, the scale of the new roof would be compatible with the existing bungalows and would not impact upon the wider area.

From the street, the alterations to the roof would not imbalance the primary elevation as the original width of the bungalow would be retained. The new roof would retain the hipped roof character of a bungalow and, given the height matches the height of a larger bungalow roof form, this alteration would respect the interpretation of a bungalow property. Moreover, development in the surrounding area has included several examples of large-scale roof alterations including 40-degree roof pitch changes. Therefore, the proposed replacement of the roof would not have a detrimental impact on the character of the surrounding area.

The proposal is suitable in terms of size, design, and materials. It would not have a detrimental impact on the character of the surrounding neighbourhood. The application complies with NPF 4 policy 16g) i) and LDP Policy Des 12a).

### Neighbouring Amenity

With respect to daylight to the neighbouring property at 10 Loch Road, the side windows cannot be protected as they are not set back sufficiently from the boundary as directed by the Guidance for Householders. However, these windows serve non-habitable rooms (utility and bathroom) which are not protected by the Guidance. As the proposed extension will sit behind the rear elevation of 10 Loch Road there will be no unreasonable impact to the daylight of habitable rooms.

With respect to daylight for 45 Craigmock Avenue, the proposal complies with the 25-degree line method as described in the guidance and therefore will have no unreasonable impact to the daylight of habitable rooms.

With respect to sunlight for 10 Loch Road, due to the orientation of the properties and positioning of the proposal there will be no unreasonable impact to sunlight.

With respect to sunlight to 45 Craigmock Avenue, the existing property and boundary treatment contribute to existing levels of overshadowing. The proposal will introduce an additional 0.6 square meters of overshadowing which is minimal. This coincides with the existing and proposed hour by hour sun path analysis which demonstrates a minimal difference in sunlight impact. Therefore, there will be no unreasonable impact to sunlight.

With respect to the physical impact implications to 45 Craigmock Avenue, the existing immediate outlook comprises of the 1.9 metre boundary treatment and side elevation of the existing bungalow. Therefore, the addition of the proposed flat roof rear extension will not cause an unreasonable impact to the immediate outlook of this property.

With respect to privacy to 10 Loch Road, the side windows cannot be protected as they are not set back sufficiently from the boundary. Nevertheless, the side windows of 10 Loch Road use opaque glazing and therefore, there will be no unreasonable impact.

With respect to privacy for 45 Craigmock Avenue, one side window on the extension is designed to be a high-level window with obscure glazing which will avoid any privacy issues. The remaining two side windows proposed are permitted development and cannot be controlled. Nevertheless, these two side windows will be screened as they will have a direct outlook to the 1.9 metre boundary treatment.

With respect to overlooking, the amended scheme two removes a raised rear decking in response to overlooking concerns. To the rear the sliding doors will have a direct outlook to the applicant's own garden space and is set back from the boundary treatment. There will be no unreasonable impact from these doors or the associated access steps.

On the roofscape, there will be no direct window to window conflict as the angled design of the Velux windows will have a direct outlook to the sky. There will be no introduction of overlooking from these windows and therefore there is no unreasonable loss of neighbouring amenity.

The application complies with NPF 4 policy 16g) ii) and LDP Policy Des 12b) and c).

### **Conclusion in relation to the Development Plan**

The proposals will have due regard for the global climate and nature crisis, are of an acceptable size, design and materials which are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. Therefore, the proposal complies with NPF4 and LDP policies.

### **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

Three objections have been received, summarised as:

#### *material considerations*

Impact on the character of the immediate and wider area - addressed in section a).

Impact on neighbouring daylight, overshadowing, privacy and overlooking - addressed in section a)

Impact from hardstanding and water management - while this is a material consideration the addition of hardstanding is permitted development, further details in "Permitted Development" above.

Impact on road safety - while this is a material consideration the proposal is for a rear extension and roof alterations, so in this instance road safety is not a consideration.

#### *non-material considerations*

Impact on private views - This is a non-material planning consideration as private views cannot be protected by planning legislation.

Concerns for residential cooking smells - This is a non-material planning consideration as residential cooking smells cannot be controlled by planning legislation.

Concerns for parking issues - This is a non-material planning consideration as there are no residential parking standards for householder development.

Concerns for construction and residential noise - This is a non-material planning consideration as construction and private residential noise cannot be controlled by planning legislation. However, there are statutory provisions in order to mitigate these concerns under the Environmental Protection Act 1990.

Concerns for larger living capacity contributing to increased car use - This is a non-material planning consideration as residential car use cannot be controlled by planning legislation.

## **Conclusion in relation to identified material considerations**

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

## **Overall conclusion**

The proposed works to the dwelling are in accordance with the Development Plan. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable, and it is recommended that the application be approved.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following.

### **Conditions**

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

### **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.

3. The development proposal includes a flue. The associated solid fuel stove/burner, which does not require planning permission, should be an 'exempt appliance' in terms of the Clean Air Act 1993 and the City of Edinburgh Council's Smoke Control Area Orders. Advice on this matter is available at [http://www.edinburgh.gov.uk/info/20237/pollution/312/smoke\\_control](http://www.edinburgh.gov.uk/info/20237/pollution/312/smoke_control) or by contacting Environmental Assessment on 0131 469 5475 / email [environmentalassessment@edinburgh.gov.uk](mailto:environmentalassessment@edinburgh.gov.uk)

### **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 - 03, 04C, 05B

Scheme 2

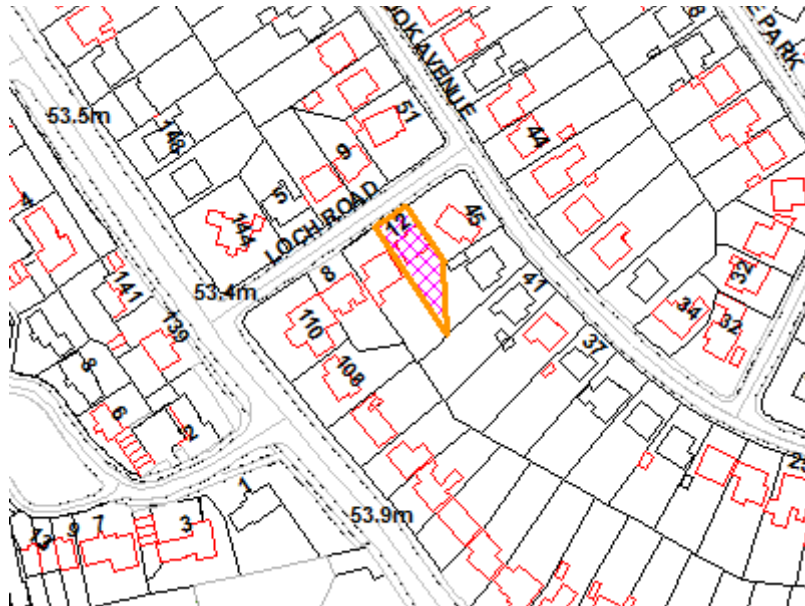
**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Blair Burnett, Assistant Planning Officer  
E-mail: [blair.burnett@edinburgh.gov.uk](mailto:blair.burnett@edinburgh.gov.uk)

## Summary of Consultation Responses

No consultations undertaken.

### Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

## Development Management Sub-Committee Report

**Wednesday 15 March 2023**

**Application for Planning Permission  
31 Lothian Road, Edinburgh, EH1 2DJ**

**Proposal: External works to facilitate use of balcony as a customer terrace.**

**Item – Committee Decision  
Application Number – 22/06022/FUL  
Ward – B11 - City Centre**

### **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 a petition with 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 proposals are not acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and are contrary to the relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan. The proposals will not preserve the character and appearance of the conservation area and will have a detrimental impact on the character of the listed building. There are no material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The site is located on the eastern side of Lothian Road. The surrounding area has a mixed residential/commercial character, which is characterised by ground floor commercial units situated within tenement buildings.

The building was designed by JS Richardson and JR Mackay in 1922. It is Category B listed and was listed on 12.12.1974.(LB ref: 30021.

The site lies in the West End Conservation Area.

### **Description of the Proposal**

External works to facilitate use of balcony as a terrace and internal alterations involving reconfiguration of toilets.

### **Supporting Information**

Heritage Statement  
Planning Statement  
Noise Impact Assessment

### **Relevant Site History**

22/06023/LBC  
31 Lothian Road  
Edinburgh  
EH1 2DJ

External works to facilitate use of balcony as a terrace and internal alterations involving reconfiguration of toilets.

19/05064/FUL  
31 Lothian Road  
Edinburgh  
EH1 2DJ

External works at first-floor level to facilitate use of existing balcony to front elevation as an external customer terrace.

withdrawn  
18 December 2019

19/05065/LBC  
31 Lothian Road  
Edinburgh  
EH1 2DJ

External works at first-floor level to facilitate use of existing balcony to front elevation as an external customer terrace and internal alterations on balcony floor level involving reconfiguration of toilets.

withdrawn  
18 December 2019

### **Other Relevant Site History**

No other relevant site history.

### **Pre-Application process**

There is no pre-application process history.



## Consultation Engagement

No consultations undertaken.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 14 December 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 23 December 2022

**Site Notices Date(s):** 19 December 2022

**Number of Contributors:** 1

## 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?

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

- Managing Change Windows
- Managing Change Roofs
- Managing Change Interiors
- Managing Change External Fixtures
- Managing Change External Walls
- Managing Change Setting
- Managing Change Use and Adaptation of Listed Buildings

The building was originally built as a cinema and has been adapted to be used as a public house, retaining the original architectural and historic features. The use of the balcony would be incidental to the main use.

Internally these alterations would result in no change to the special interest and character of the building.

Externally, it is proposed to create a terrace at first floor level by converting an existing window into a doorway to access the area above the projecting ground floor shops. The main entrance and the frontage above the ground floor retail units create a very powerful appearance, with the first floor level windows having a particularly impressive pedimented design.

The formation of the balcony would require the introduction of a stainless-steel decorative balustrade, with a Perspex barrier behind it. This would disrupt its sense of symmetry and severely reduce the ability to appreciate the composition of the building, creating an undesirable and unsympathetic focal point on the first floor.

Moreover, the creation of an accessible use of the space at first floor level would formalise an outdoor use. It would result in people being able to congregate on a very prominent location on the building, which was never intended to be accessed and used in the way that is now being proposed. The change of this part of the building from an architectural feature, positively contributing to the overall character of the building, to a functional space, occupied by individuals, would have a negative effect on the special interest and character of the listed building.

## **Conclusion in relation to the listed building**

The proposal is unacceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and HES guidance as the proposal would not preserve the character of the listed building.

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

The site lies in the West End Conservation Area. The West End Conservation Area Character Appraisal emphasises that the area is characterised by mixed, residential commercial buildings. The central section of the conservation area is a major modern financial area consisting of modern offices. The Georgian and Victorian tenements within the area are mainly 4-6 storeys, and constructed of stone with pitched, slated roofs.

The proposal would form a significant and visually intrusive external feature, which would have a detrimental and negative impact on the integrity of the listed building. The building forms an important focal point within Lothian Road and the development would erode its contribution to the streetscene, to the detriment of the character and appearance of the conservation area.

**Conclusion in relation to the conservation area**

The proposal has an adverse impact on the character and appearance of the conservation area and is unacceptable in regard 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 Design Policy 14
- NPF 4 City Centre Policy 16
- LDP Design Policies Des 1, Des 5 and Des 12

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 'Edinburgh Design Guidance' is material consideration that is relevant when considering LDP Policies Des 1, Des 5 and Des 12.

Listed Building and Conservation Area

This is assessed in sections a) and b) and the proposal does not comply with NPF4 Policy 7 as the proposal would not preserve the character, special architectural or historic interest of the building. In addition, it would not preserve the character and appearance of the conservation area.

## Design, Materials

The Caley Picture House is a grand building with Beaux-Arts detailing in a prominent location. The proposed alterations to the upper windows and formation of a balcony feature, with balustrade, would detract from the architectural style and would not be compatible with the character of the existing building. It would create an incongruous and unsympathetic addition, to the detriment of the surrounding sense of place.

The proposal does not comply with NPF4 Policy 14 and LDP Policies Des 1 and Des 12.

## Amenity/Employment

The site is located within the City Centre which is characterised by mixed, residential and commercial buildings where there are uses with the potential to generate significant footfall. Whilst the formation of an external seating area would generate additional noise, the submitted Noise Impact Assessment demonstrates that no residential amenity would be affected.

The provision of the terrace would be an incidental function of the lawful use of the building. It is recognised that the development could provide a modest increase in employment opportunities through increased customer space. However, this potential benefit does not outweigh the adverse impact on the historic assets.

The proposal is in keeping with NPF4 Policy 16 and LDP Policy Des 5.

## **Conclusion in relation to the Development Plan**

The proposal would form a significant and visually intrusive external feature, which would have a detrimental impact on the integrity of the listed building and an adverse impact on the character and appearance of the conservation area, which would be in conflict with the provisions set out in the NPF 4 and the LDP.

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

The following material planning considerations have been identified:

#### 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

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 summary of the representations is provided below

A petition in support of the application was received with 261 signatures

### *material considerations*

- use of the external space - assessed in sections a) and b)
- bringing a vacant part of listed building into use - assessed in sections a) and b)
- no loss of amenity - assessed in section c)
- increases employment - the proposal would form an incidental operation within the existing use of the building - assessed in section c)

### *non-material considerations*

None

## **Conclusion in relation to identified material considerations**

There are no other issues raised in the material considerations.

## **Overall conclusion**

The proposals are not acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 or the development plan and non-statutory guidance. The proposals will not preserve the character and appearance of the conservation area and will have a detrimental impact on the character of the listed building. The proposals are contrary to the relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan. There are no material considerations which outweigh this conclusion.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

### Reasons

1. The proposal is contrary to NPF4 Policy 7 as the proposal would not preserve the character, special architectural or historic interest of the listed building and would not preserve the special character and appearance of the conservation area.
2. The proposal is contrary to NPF4 Policy 14 and LDP Policies Des 1 and Des 12 as the proposals would detract from the local architectural style and not be compatible with the character of the existing building.

### Background Reading/External References

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

**Further Information - Local Development Plan**

**Date Registered: 13 December 2022**

### Drawing Numbers/Scheme

1-9

Scheme 1

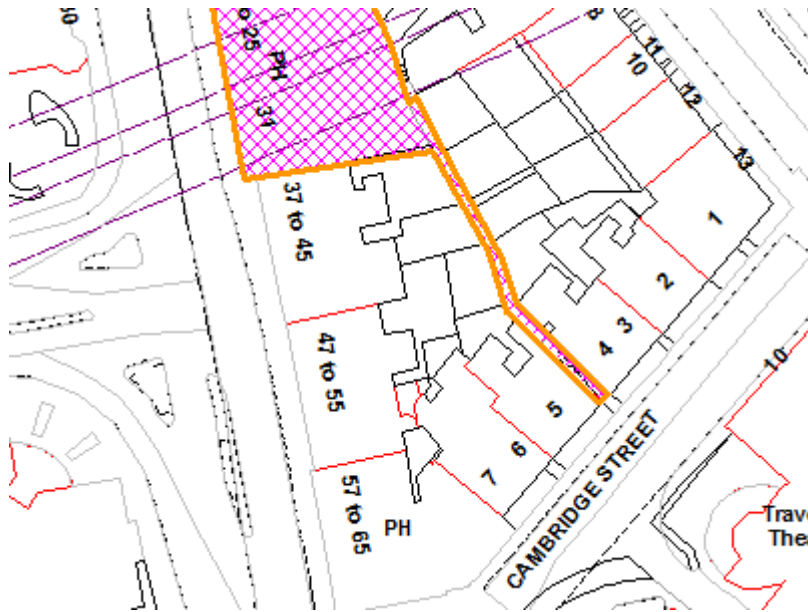
**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Jennifer Zochowska, Senior Planning Officer  
E-mail: [jennifer.zochowska@edinburgh.gov.uk](mailto:jennifer.zochowska@edinburgh.gov.uk)

## Summary of Consultation Responses

No consultations undertaken.

### Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

This page is intentionally left blank



## Development Management Sub-Committee Report

Wednesday 15 March 2023

**Application for Listed Building Consent**  
31 Lothian Road, Edinburgh, EH1 2DJ

**Proposal: External works to facilitate use of balcony as a terrace and internal alterations involving reconfiguration of toilets.**

**Item – Committee Decision**  
**Application Number – 22/06023/LBC**  
**Ward – B11 - City Centre**

### 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 a petition with more than six material representations in support and the recommendation is to refuse listed building consent.

### Recommendation

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

### Summary

The proposals are not acceptable with regards to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals will not preserve the character and appearance of the conservation area and will have a detrimental impact on the character of the listed building. There are no material considerations which outweigh this conclusion.

## SECTION A – Application Background

### Site Description

The site is located on the eastern side of Lothian Road. The surrounding area has a mixed residential/commercial character which is predominantly characterised by ground floor commercial units situated within tenement buildings.

The building was designed by JS Richardson and JR Mackay in 1922. It is Category B listed and was listed on 12.12.1974. LB ref: 30021.

The site lies in the West End Conservation Area.

### **Description of the Proposal**

External works to facilitate use of balcony as a terrace and internal alterations involving reconfiguration of toilets.

### **Supporting Information**

Heritage Statement  
Planning Statement

### **Relevant Site History**

22/06022/FUL  
31 Lothian Road  
Edinburgh  
EH1 2DJ

External works to facilitate use of balcony as a customer terrace.

19/05065/LBC  
31 Lothian Road  
Edinburgh  
EH1 2DJ

External works at first-floor level to facilitate use of existing balcony to front elevation as an external customer terrace and internal alterations on balcony floor level involving reconfiguration of toilets.

withdrawn

18 December 2019

19/05064/FUL  
31 Lothian Road  
Edinburgh  
EH1 2DJ

External works at first-floor level to facilitate use of existing balcony to front elevation as an external customer terrace.

withdrawn

18 December 2019

### **Other Relevant Site History**

No other relevant planning history.

### **Pre-Application process**

There is no pre-application process history.

## Consultation Engagement

Historic Environment Scotland

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** Not Applicable

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 23 December 2022

**Site Notices Date(s):** 19 December 2022

**Number of Contributors:** 1

## 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:
  - harm a listed building or its setting? or
  - 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 Windows
- Managing Change Roofs
- Managing Change Interiors
- Managing Change External Fixtures
- Managing Change External Walls

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

The building was originally built as a cinema and has been adapted to be used as a public house, retaining the original architectural and historic features. The use of the balcony would be incidental to the main use.

The main entrance and the frontage above the ground floor retail units create a very powerful appearance, with the first floor level windows having a particularly impressive pedimented design.

The formation of the balcony would require the introduction of a stainless-steel decorative balustrade, with a Perspex barrier behind it. This would disrupt its sense of symmetry and severely reduce the ability to appreciate the composition of the building, creating an undesirable and unsympathetic focal point on the first floor.

Moreover, the creation of an accessible space at first floor level would formalise an outdoor use. It would result in people being able to congregate on a very prominent location on the building, which was never intended to be accessed and used in the way that is now being proposed. The change of this part of the building from an architectural feature, positively contributing to the overall character of the building, to a functional space, occupied by individuals, would have a negative effect on the special interest and character of the listed building.

Internally, it is likely that the addition of a new staircase to access the terrace would not be significant.

The proposed alterations to the toilets and staff room will affect only modern stud-wall divisions, which make no contribution to the special interest of the Caley Picture house. As a result, these alterations would result in no change to the special interest and character of the building

Overall, this would have a negative effect on the special interest and character of the listed building.

### **Conclusion in relation to the listed building**

The proposal is unacceptable with regard to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and HES guidance as the proposal would not preserve the character of the listed building.

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

The site lies in the West End Conservation Area. The West End Conservation Area Character Appraisal emphasises that the area is characterised by mixed, residential commercial buildings. The central section of the conservation area is a major modern financial area consisting of modern offices. The Georgian and Victorian tenements within the area are mainly 4-6 storeys, and constructed of stone with pitched, slated roofs.

The proposal would form a significant and visually intrusive external feature, which would have a detrimental and negative impact on the integrity of the listed building. The building forms an important focal point within Lothian Road and the development would erode its contribution to the streetscene, to the detriment of the character and appearance of the conservation area.

### **Conclusion in relation to the conservation area**

The proposal has an adverse impact on the character and appearance of the conservation area and is unacceptable in regard 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:

A petition in support of the proposal has been submitted with 261 signatures.

#### *material considerations*

- use of the external space - assessed in sections a) and b)
- bringing a vacant part of listed building into use - assessed in sections a) and b)
- *non-material considerations*
- increases employment
- no loss of amenity

### **Conclusion in relation to other matters considered**

All other matters have been considered.

## Overall conclusion

The proposals are not acceptable with regards to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals will not preserve the character and appearance of the conservation area, will have a detrimental impact on the character of the listed building. There are no material considerations which outweigh this conclusion.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Reasons

1. The application is not acceptable with regards to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and does not comply with HES guidance as the alterations would adversely affect the character of the listed building.
2. The application is not acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and HES guidance as the alterations fail to preserve the character or appearance of the conservation area

### Background Reading/External References

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

**Further Information - [Local Development Plan](#)**

**Date Registered: 13 December 2022**

### Drawing Numbers/Scheme

1-9

Scheme 1

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

Contact: Jennifer Zochowska, Senior Planning Officer  
E-mail:jennifer.zochowska@edinburgh.gov.uk

## Appendix 1

### Summary of Consultation Responses

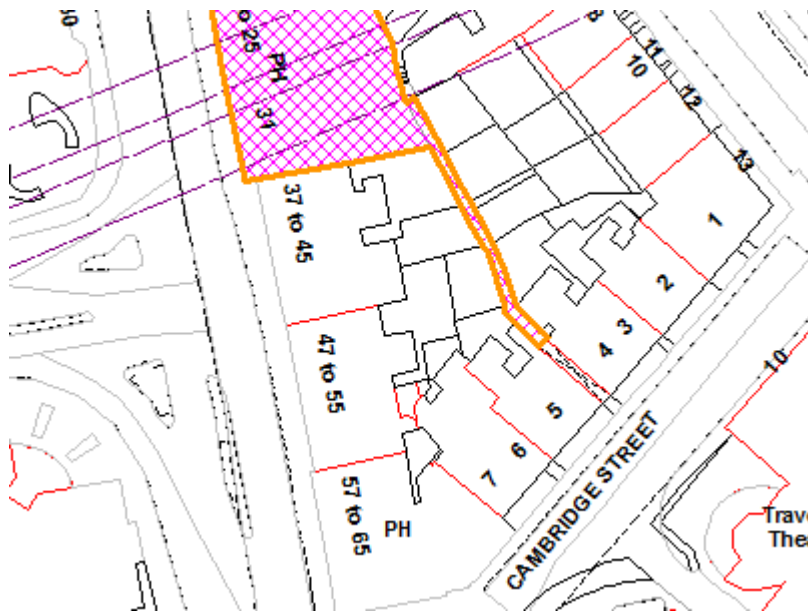
NAME: Historic Environment Scotland

COMMENT: We consider the proposals would have a negative impact on the special interest and character of the listed building.

DATE: 22 December 2022

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

### Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

This page is intentionally left blank



## Development Management Sub-Committee Report

**Wednesday 15 March 2023**

**Application for Planning Permission  
83 Pentland View, Edinburgh, EH10 6PT**

**Proposal: Erect 6x new houses, conversion of former farmhouse to 3x residential units and associated landscaping and alterations.**

**Item – Committee Decision  
Application Number – 22/01495/FUL  
Ward – B08 - Colinton/Fairmilehead**

### **Reasons for Referral to Committee**

The application has been referred to the Development Management Sub Committee as the site is owned by the Council.

#### **Recommendation**

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

#### **Summary**

The proposed development complies with NPF4 policies in relation to sustainable, liveable, and productive places. The proposed development complies with the Edinburgh Local Development Plan policies as the proposed development design is acceptable, future occupiers will have acceptable level of living amenity within the development and neighbouring amenity will not be adversely affected. Conditions relating to trees, landscaping, cycle parking, archaeology and material specifications have been applied. This is to address matters in more detail and to ensure that a policy compliant scheme is delivered. A legal agreement is required to secure contributions for education infrastructure. The proposals are acceptable and there are no material considerations that would outweigh this conclusion.

### **SECTION A – Application Background**

#### **Site Description**

The application site is known as Comiston Farm, located east of Pentland View. Access to the site is between Swan Spring Avenue and Pentland Drive that leads to a circular track road within the site. At the centre of the site, there is an unlisted two-storey stone-built farmhouse and the garden to the front, landscaped with mature trees. Five trees within the site are protected by a Tree Preservation Order. The farmhouse has been extended to the rear and the site includes a standalone outbuilding.

A paddock area is located to the rear of the farmhouse. The site is enclosed by stone walling and mature trees.

The site was last in use as a residential care home by the City of Edinburgh Council before it became vacant in 2016.

The site lies within a large suburban residential area with Buckstone Terrace Local Centre located just over 500 yards from the site. The immediate area is characterised by one and two storeys, detached and semi-detached houses. On Pentland Drive, there are two six storey apartment blocks. Pentland Nursery and Pentland Primary School is located to the southwest of the site.

## **Description of the Proposal**

The application seeks to convert the existing farmhouse building to form three flats, and to erect six new semi-detached houses with associated landscaping and alterations.

### *New builds*

The new builds will be two storeys, semi-detached with pitched roofs. They will have four bedrooms with private garden grounds.

The finishing treatment includes two brick types, natural slate roof, aluclad windows/doors, timber entrance door and timber fence.

### *Farmhouse conversion*

It is proposed to remove additions to the rear of the building, and to remove a standalone outbuilding within the site. It is proposed to erect two contemporary-styled, single storey extensions on the west and south elevation on the existing building. The flatted units will have two bedrooms, and two of the flatted units will have private gardens.

### *Site*

The existing access road is to be upgraded with 'Geogrid gravel' and an additional access created with permeable block pavers.

All units will have one dedicated private car parking space.

Bin stores will be positioned near to the site entrance.

It is proposed to remove 20 trees within the site, to be replaced with 28 compensatory planting. The amenity space to the front of the existing farmhouse building is to be furnished with outdoor seating.

## **Supporting Information**

- Design Statement
- Flood Risk Assessment and Drainage Strategy
- Transport Statement
- Tree Survey

– Preliminary Ecology Assessment

Scheme one

The original scheme was revised to address impacts on trees as a result of the proposed upgrade of the existing track road.

**Relevant Site History**

16/02397/FUL

83 Pentland View

Edinburgh

EH10 6PT

Demolition of existing building, erection of 37 Flats, formation of new site entrance and parking area, landscaping works and all other associated works. (As amended)

Refused

28 April 2017

19/02636/FUL

83 Pentland View

Edinburgh

EH10 6PT

Alter and change the use of Comiston farmhouse to residential (4 Flats) and erect 4 dwelling houses in the grounds.

withdrawn

4 February 2020

22/06443/TPO

83 Pentland View

Edinburgh

EH10 6PT

234 Common Lime - removal of basal epicormic growth. 235 Common Lime - removal of basal epicormic growth. 238 Common Lime - removal of basal epicormic growth.

Granted

29 December 2022

**Other Relevant Site History**

None.

**Pre-Application process**

There is no pre-application process history.

**Consultation Engagement**

Transport Planning

Archaeology

Aerodrome Safeguarding

Flood Prevention

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 5 April 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 7

## **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 Sustainable Places policies 1, 2, 3, 4, 6, 7, 9, 12 and 13.
- NPF4 Liveable Place policies 14, 15, 16, 18 and 22.
- NPF4 Productive Place policies 25.
- LDP Design policies Des 1, Des 3, Des 4, Des 5 and Des 12.
- LDP Environment policies Env 12 and Env 21.
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4 and Hou 5.
- LDP Transport policies Tra 2, Tra 3 and Tra 4; and
- LDP Delivering the Strategy policy Del 1

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

## **SUSTAINABLE PLACES**

### Climate Mitigation and Adaption

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 'Conserving and recycling assets' and 'Compact urban growth' through conversion of an historic farmhouse building with associated paddock grounds for development within an established residential area.

NPF 4 policy 2 requires development proposals to be sited and designed to minimise lifecycle greenhouse emission as far as possible, and to adapt to current and future risks from climate change.

The incorporation of existing features within the site has influenced the siting and design of the proposed development. The retention of the farmhouse building makes best use of embodied carbon by conserving and recycling assets through adaptation. Materials from the demolition are to be re-used for the boundary walls (compliant with NPF4 policy 12 on zero waste) and a condition is applied to ensure the materials are re-used within the site. The preservation and enhancement of trees within the site will provide tree cover. Energy demand will be met via air source heat pumps and low carbon technology includes ventilation recovery systems and electrical charging ready parking. Flood water from storms up to and including 200-year storms plus 40% climate change are to be contained within the site, with localised above ground flooding accepted. Retrofitting the farmhouse building to reduce energy emissions will be addressed in more detail through the building warrant process.

The proposed development complies with NPF4 policies 1 and 2.

### Biodiversity

NFP3 policy 3 a) states development proposals will contribute to the enhancement of biodiversity. Criterion 3 c) local development proposals to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

The proposed development incorporates existing features on the site, including the farmhouse building, boundary walls, open space and trees that will contribute to the enhance of existing biodiversity on the site. The removal of identified trees will be replaced with acceptable compensatory tree planting and landscaping. An informative is applied to encourage the installation of swift nests/swift bricks.

The proposed development complies with NPF4 policy 3a) and LDP policy Des 3.

### Natural Places

NPF4 policy 4 f) states that where a proposed development is likely to have an adverse effect on species protected by legislation, it will only be supported where the proposal meets the relevant statutory tests.

The submitted Preliminary Ecological Appraisal (PEA) demonstrates that protected species are not a constraint to the proposed development.

The proposed development complies with NPF4 policy 4 f).

### Trees

NPF4 policy 6 a) supports development proposals that enhance, expand, and improve woodland and tree cover.

LDP policy Env 12 states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order (TPO) or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where appropriate, replacement planting will be required to offset the loss to amenity.

Five category A trees to the front of the existing farmhouse building are protected by a TPO, and there are being retained. The existing tarmac driveway is to be retained and a no-dig construction method is proposed to upgrade the driveway with 'Geogrid gravel'. Drawings have been amended to move the road further back from trees 238, 234 and 236 to reduce disruption to the rooting zones of these category A trees. This will result in the removal of trees 207, 206 and 228 (1 category B and 2 category C trees) which is necessary to protect the trees covered by a TPO and to facilitate the development.

A total of 20 trees are to be removed within the site. This relates to seven category U trees on grounds of safety. To facilitate the access road and the positioning of the house plots, this relates to two category B trees and eleven category C trees.

The site is brownfield land which has lain vacant since 2016. The proposed scheme allows the existing unlisted farmhouse and layout of the site to be retained and enhanced in line with LDP policy Des 3. The trees identified for removal will have a neutral impact on the landscape character and setting of the site as the important trees to the front of the farmhouse will be protected and enhanced.

The tree report outlines a total of 28 replacement tree replanting. This includes seven rowan trees and five small-leafed lime trees. Understory plants include eight common holly trees and eight common yew trees. The proposed replacement planting would be acceptable as it will have a positive impact on the landscape character of the site. A condition is applied to ensure that a revised landscape drawing is submitted to reflect changes made to the site plan drawings.

Daylight studies have demonstrated that future occupiers will have adequate daylight levels and that the proposal will not result in a future pressure for trees out with the application to be thinned or felled.

In summary, the proposed development will have an acceptable impact on the landscape character of the site where important trees will be protected and enhanced, and replacement tree planting will comfortably offset loss to amenity. Conditions relating to the no dig construction method and the landscaping scheme are applied. This is to safeguard existing trees and to ensure that the site is landscaped to a high standard upon completion.

The proposed development complies with NPF4 policy 6a) and LDP policy Env 12.

#### Historic Assets - Archaeology

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 historic farmhouse for the Comiston Estate was constructed early 19th century. Occupation of the Comiston Estate dates to the medieval period with the first records dating to 1337 where the site formed part of the larger Redhall Estate. The remains of the 16th century tower house still survive within the grounds of the B-listed Comiston House, dating to 1815 to the south. Therefore, it is likely that the farmhouse was constructed around this time.

Although unlisted, the former farmhouse and its grounds are of local archaeological and historic significance. The proposed development will require significant ground-breaking works which could disturb archaeological remains. A condition is therefore applied to ensure that a programme of archaeological work is undertaken prior to development. This is to fully excavate, analyse and record any archaeological remains that may be affected and that they are protected and preserved in situ where feasible.

#### Brownfield, vacant and derelict land

NPF4 policy 9 a) supports development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings. In determining whether the reuse is sustainable, the biodiversity value of the brownfield land which has naturalised should be taken into account.

The site has been vacant since 2016 where it was last used as a residential care home. The proposed conversion of the farmhouse to residential flats building and redevelopment of the paddock area to the rear with housing will result in the sustainable reuse of a vacant building within an established residential area that is compliant with NPF4 15 20-minutes neighbourhood principles. The biodiversity value of the site is addressed under NPF4 policy 3 a) and c) above.

The proposed development complies with LDP policy Des 3 in terms of incorporating and enhancing existing features on the site.

The proposed development complies with NPF4 policy 9a) and LDP policy Des 3.

### Transport

NPF4 policy 13 e) supports development proposals that are ambitious in terms of low/no car parking, particularly in locations that are well-served by sustainable modes and where they do not create barriers to access by disabled people.

Each unit will have a maximum of one car parking space on the site and this complies with the maximum car parking standard contained in the Edinburgh Design Guidance. Representations have raised concerns that the proposed parking is not representative of the number of bedrooms proposed within the units and would result in an overspill of on-street car parking. Irrespective of the number of bedrooms proposed, the car parking standards only permits one car parking space per house in this location.

As all the units will have private car parking, there is not a requirement to provide additional disabled parking under the car parking standards.

Representations have raised concerns with the accuracy of the Transport Statement submitted. The Roads Authority was consulted on the proposals and raised no objections.

Within 500 metres from the site on Comiston Road, there are nearby amenities within Buckstone Terrace local centre and local bus services (No. 11, 15 and N11). This is consistent with local living and 20-minute neighbourhood principles under NPF4 policy 15.

Within the revised scheme, the size of hard landscaping was reduced to remove the potential opportunity for excess parking.

Six of the units are to have future electric vehicle charging and this is acceptable.

Cycle storage can be accommodated within the private grounds of eight units. Internally, a cycle store is to be located on the ground floor in the existing farmhouse. A condition is applied to secure further details of the proposed cycle parking strategy and design. This is to address compliance with LDP policy Tra 3 and Tra 4.

The proposal development complies with NPF4 13 e) and LDP policies Tra 2, Tra 3 and Tra 4.

### Flooding

NPF4 policy 22 c) states development proposals will (i) not increase the risk of surface water flooding to others or be at risk; (ii) manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue green infrastructure. All proposals should presume no surface water connection to the combined sewer; and (iii) seek to minimise the area of impermeable surface.



SEPA flood map shows that the site is not within a flood risk area. The application was accompanied by a Flood Risk Assessment and Drainage Strategy Report. CEC Flood Prevention were consulted on the proposed development and advised that the application can proceed without further comments.

The proposal complies with NPF policy 22 c) and LDP policy Env 21.

### ***Conclusion in relation to sustainable places***

The proposal complies with NPF4 policies in relation to sustainable places.

## **LIVEABLE PLACES**

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.

### Use

The site lies within an urban area as defined in the Edinburgh Local Development Plan (LDP). Subject to the proposed development being compatible with other policies in the plan, the principle of housing on the site is acceptable.

The proposed development complies with LDP policy Hou 1.

### Development Design

The site lies within a large suburban residential on the south side of the city. The area is characterised by single and double storey detached and semi-detached houses of mixed designs. There are blocks of flats with a pinwheel layout on Pentland Drive.

The proposed development layout draws on the positive characteristic of the site. It will incorporate existing features on the site, including the farmhouse building, open space, trees, boundary walls and access layout. The retention and enhancement of important features on the site will enable the proposed development to contribute and enhance towards a sense of place.

The proposed build will be sited to the rear of the existing farmhouse building, providing a clear separation between existing and new features on the site. While the proposed pitched roof type is not reflective of hipped roof on the existing farmhouse, it allows the design of the development to have a neat scale and massing, allowing its design to be positively read within this enclosed site. The proposed design will not be detrimental to neighbourhood character.

The accompanying Design Statement indicates dark buff brick with red hues to respond (but not to copy) the colour tones of the farmhouse stone. A secondary darker brick is suggested around corner and entrance elements of the new build facades. Materials found on neighbouring developments outside the site are mixed, including different colours and different types of rendering and brickworks. While the proposed brick would contrast with the main stone material on the farmhouse, a condition is applied to ensure that sample details of all finishing treatment is provided. This is to address this matter in more detail.

The proposed single storey extensions on the existing farmhouse are contemporary in design. The scale and form of the extensions will not adversely harm the architectural composition of its host building. The use of brick will contrast with the existing stone on the farmhouse building. A condition is applied to ensure that further details of the brick finish (type, colour, and size) is provided. This is to address this matter in more detail and to ensure a positive contrast between the existing and new.

Informative is applied to ensure that the proposed development is barrier free.

The proposed development complies with LDP policies Des 1, Des 3, Des 4 and Des 12.

### Neighbouring Amenity

The proposed development will not adversely impact on neighbouring residential developments in terms of daylight, sunlight, privacy, or immediate outlook.

Potential noise from air source heat pump will not be adverse.

The proposed development is compliant with LDP policy Des 5.

### Housing Mix and Density

The proposed development will provide three flats and six semi-detached dwellings with two- and four-bedroom units. This would provide housing choice in the area and to meet a range of housing needs. The proposed development complies with NPF4 policy 16 c) (v) and LDP policy Hou 2.

The site is approximately 0.43 ha. The proposed development density, including the units within the existing farmhouse equates to 21 per ha (9 units /0.43ha). While the proposed development layout is not reflective of neighbouring development plot sizes, the proposed development density is acceptable for this enclosed site in a suburban context. The proposed development is compliant with LDP policy Hou 4.

### Residential Amenity

#### *New builds*

Future occupiers of the new builds will have acceptable level of living amenity within the proposed development in terms of daylight, sunlight, privacy, and outlook. The proposed units will have private garden grounds and will exceed the minimum floorspace standard contained in the Edinburgh Design Guidance. The proposed development is compliant with LDP Des 5.

#### *Farmhouse conversion*

The conversion of the farmhouse to form three residential flats will achieve acceptable level of living amenity for future occupiers and is compliant with LDP policy Hou 5.

Two units on the ground floor will have private gardens while unit 3 on the first floor will not. The open space amenity to the front of the farmhouse building comfortably exceeds the open space standard and this is compliant with LDP policy Hou 3 a).

## Waste

Bin stores are to be located near to site entrance for collection. Due to the need to safeguard protected trees within the site, it is not operationally viable for a large waste fleet to enter the site without the need to reconfigure the existing access road. The resultant impact would involve future occupiers disposing their waste at a distance between 50 metres and 105 metres from their homes, creating potential barriers for older people and disabled people. The applicant will be required to liaise with waste services and further consideration to reduce barriers is encouraged. An informative is therefore applied.

## Infrastructure

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

The application site is within Sub-Area 1 of the Firrhill Education Contribution Zone. The Edinburgh Local Development Plan Action Programme was updated in December 2021 and has identified the requirement for secondary school capacity in this area. This action is in the early stages of feasibility and design development. The Action Programme estimates the overall cost of achieving this action at £420,872 with contributions to be secured through Section 75 agreement.

Supplementary Guidance set out in the Council's Developer Contributions and Infrastructure Delivery document states if a proposed development will generate more than one secondary school pupil and more than one primary school pupil then a full contribution will be required. Using the pupil generation rates, the proposed development (6 houses) will generate 2.4 primary school pupils and 1.44 secondary school pupils. A full contribution is required at rate of £6,536 per house.

The conversion of the farmhouse to three flats will not generate primary or secondary pupils.

The proposed development will be required to contribute a sum of £39,216 (No.6 x £6,536) towards education infrastructure. A legal agreement will be required to secure this sum in compliance with NPF4 18 and LDP policy Del 1.

### ***Conclusion in relation to liveable places***

The proposal complies with NPF4 policies in relation to liveable places.

### **PRODUCTIVE PLACES**

NPF4 policy 25 gives support to development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities.

Buckstone Terrace Local Centre is located approximately 460 metres from the application site. The redevelopment of the site for housing has the potential to result in more localised spending to sustain existing goods and services. This would enhance the vitality and vibrancy of Buckstone Terrace Local Centre for community benefit. It is considered that the proposed development is compliant with NPF4 policy 25.

### ***Conclusion in relation to productive places***

The proposal complies with NPF4 policies in relation to productive places

### **Conclusion in relation to the Development Plan**

The proposed development complies with the policies contained in the Edinburgh Local Development Plan.

#### **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. Impacts have been identified and addressed in the assessment section of the report.

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*

- Reference to Transport Statement being inaccurate - Addressed in Section B.
- Parking (inadequate/overspill) - Addressed in Section B.
- Provision for disabled parking - Addressed in Section B.
- Impact on trees - Addressed in Section B.
- Re-use of sandstone recovered from the demolished outbuildings- Addressed in Section B
- Old boundary wall should be retained and if possible repaired/refurbished - Addressed in Section B
- Potential overlooking concerns - Addressed in Section B.
- Surface should be porous - Addressed in Section B.
- Sound output of heat-pump-based energy devices should not be audible beyond boundary of the site - Addressed in Section B.
- Provision of swift boxes - Addressed in Section B.

### *non-material considerations*

- Removal of boundary wall on Pentland Drive side will impact on wildlife - It is proposed to enlarge the entrance gate to the site only. The boundary wall is to be retained.

### **Conclusion in relation to identified material considerations**

The material considerations have been identified and addressed. There are no new material considerations to resolve.

### **Overall conclusion**

The proposed development complies with NPF4 policies in relation to sustainable, liveable, and productive places. The proposed development complies with the Edinburgh Local Development Plan policies as the proposed development design is acceptable, future occupiers will have acceptable level of living amenity within the development and neighbouring amenity will not be adversely affected. Conditions relating to trees, landscaping, cycle parking, archaeology and material specifications have been applied. This is to address matters in more detail and to ensure that a policy compliant scheme is delivered. A legal agreement is required to secure contributions for education infrastructure. The proposals are acceptable and There are no material considerations that would outweigh this conclusion. It is recommended that the application be approved.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following.

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
4. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to, and approved in writing by the Planning Authority before work is commenced on site.

5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
6. Notwithstanding the approved drawings and prior to commencement of development, details of cycle parking and design (numbers and type) shall be submitted to and approved in writing by the Planning Authority.
7. Notwithstanding the approved drawings, the stone recovered from the demolished outbuilding shall be reused within the site.
8. No tree work to be carried out unless in accordance with the approved Arboricultural Method Statement (BLEBO TREE Surgery -BS 5837 Arboricultural Method Statement Tree Survey Report, dated 20/01/2023) or with separate consent from the planning authority.
9. Prior to the commencement of development, the name of the nominated person responsible for the Arboricultural supervision on site, along with the programme of supervision and reporting must be submitted to and agreed with the planning authority.
10. Prior to the commencement of development all tree protection measures proposed in the approved Arboricultural Method Statement (BLEBO TREE Surgery -BS 5837 Arboricultural Method Statement Tree Survey Report, dated 20/01/2023) must be implemented in full. These measures must not be removed or altered in any way unless with the consent of the planning authority.
11. The construction of the approved driveway, paths, parking areas and bin store to the east of the former farmhouse must be carried out in full accordance with the no-dig method detailed in the approved Arboricultural Method Statement (BLEBO TREE Surgery -BS 5837 Arboricultural Method Statement Tree Survey Report, dated 20/01/2023) and Drawing No. 05A (BDC(PL)005 Rev A).

## **Reasons**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of archaeological heritage.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. To ensure that assets within the site are conserved and recycled in compliant with NPF4 policy 2.
8. In order to safeguard protected trees.

9. In order to safeguard protected trees.
10. In order to safeguard protected trees.
11. In order to safeguard protected trees.

## **Informatives**

It should be noted that:

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

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

This matter relates to:

Education - £39,216 (Sub-Area 1 of the Firrhill Education Contribution Zone).

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant should liaise with Waste and Cleansing Service to develop a waste management strategy for the site on [wasteplanning@edinburgh.gov.uk](mailto:wasteplanning@edinburgh.gov.uk). Consideration should be given to ensure that the proposed waste strategy is barrier free for users.
5. The applicant should ensure that the proposed development is barrier free for all.
6. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at [www.edinburgh.gov.uk/biodiversity](http://www.edinburgh.gov.uk/biodiversity)
7. The landscape plan should reflect changes to the site plan.
8. Prior to commencement of the development, a CCTV survey should be conducted to confirm the condition of the culvert and confirm whether any mitigation measures are required. The proposed culvert diversion should maintain any existing connections.

9. The applicant should ensure that the development is barrier free for users.

### **Background Reading/External References**

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

**Further Information - Local Development Plan**

**Date Registered: 30 March 2022**

### **Drawing Numbers/Scheme**

01-02, 03A, 04, 05A-07A, 08-15, 17-20.

Scheme 2

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

Contact: Laura Marshall, Planning Officer  
E-mail: [laura.marshall@edinburgh.gov.uk](mailto:laura.marshall@edinburgh.gov.uk)



## Appendix 1

### Summary of Consultation Responses

NAME: Transport Planning  
COMMENT: No objections.  
DATE: 9 November 2022

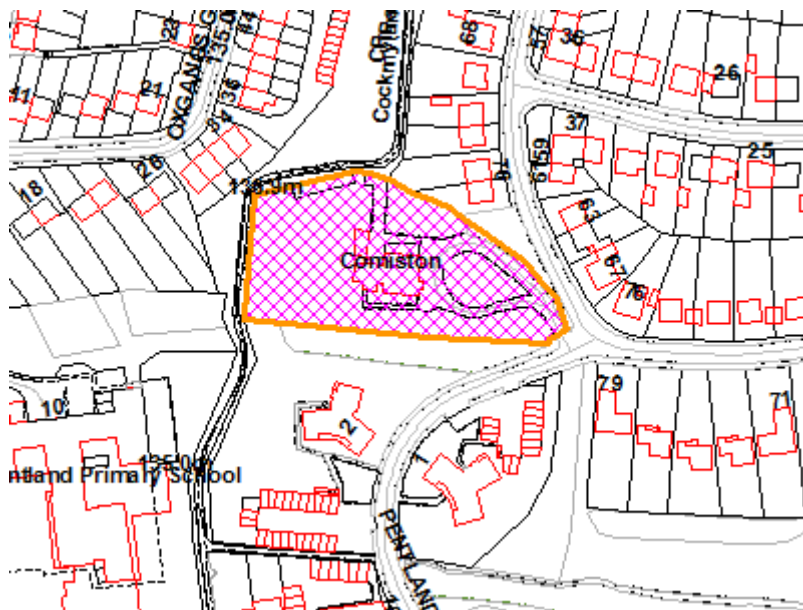
NAME: Archaeology  
COMMENT: Programme of archaeology works required.  
DATE: 28 April 2022

NAME: Aerodrome Safeguarding  
COMMENT: No objection.  
DATE: 18 April 2022

NAME: Flood Prevention  
COMMENT: Proceed to determination with no further comments.  
DATE: 12 July 2022

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

### Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

This page is intentionally left blank

## Development Management Sub-Committee Report

**Wednesday 15 March 2023**

**Application for Planning Permission  
13 Ravelston Park, Edinburgh, EH4 3DX**

**Proposal: Two-storey extension to east with part-wrap around to south elevation (as amended).**

**Item – Committee Decision  
Application Number – 22/05474/FUL  
Ward – B06 - Corstorphine/Murrayfield**

### **Reasons for Referral to Committee**

This application has been referred to the Development Management Sub-Committee because 33 letters of representation objecting to the proposals have been received, and the recommendation is that the application be granted. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

### **Recommendation**

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

### **Summary**

The proposed works to the dwelling will preserve the character and appearance of the conservation area and are acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. The application is in accordance with the Development Plan. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable, and it is recommended that the application be granted.

## **SECTION A – Application Background**

### **Site Description**

The property is a two storey, detached, sandstone villa, located within an established residential area. The area primarily consists of detached villas of similar styles, with the north-east neighbouring property being subdivided into flats. The property is located within the Dean Conservation Area.

The surrounding properties have well defined boundaries along the street, as well as to the side and rear of the properties. These are formed primarily of large stone walls with several examples of timber fencing to the front, and other boundary screening in the form of trees and vegetation. This results in a spatial structure that is made up of private and enclosed individual properties, with restricted permeability. The majority of properties have large driveways to the front and side, with large rear and side gardens.

The area has been heavily developed with numerous examples of single storey, and storey and a half, side and front extensions and garages. There are also numerous examples of two storey side and rear outshoots, similar to that proposed as part of this application.

### **Description of the Proposal**

This application is for the formation of a new two storey side and rear extension. The materials proposed are natural stone, slate, and lead. The design proposes a hipped roof style to the side and a contemporary flat roof design to the rear. The extension will be set back from the primary elevation and sit below the ridge height of the existing building. A new terrace area is proposed to the rear.

The proposals have been amended in scheme two, altering the roof design and profile of the side extension.

### **Relevant Site History**

15/01875/TCO  
13 Ravelston Park  
Edinburgh  
EH4 3DX  
Permission for tree works.  
raise no objection  
30 April 2015

19/03121/TCO  
13 Ravelston Park  
Edinburgh  
EH4 3DX  
Yellow cypress next to driveway remove. East side of house, remove 1 self-seeded elm and 2 green cypress and crown reduction of purple beech which was repeatedly badly pruned in the past.  
Not make a Tree Preservation Order  
5 July 2019

20/00311/FUL  
13 Ravelston Park  
Edinburgh  
EH4 3DX  
Formation of new dormer windows and conservation type roof light windows; existing rear window opening altered to form new door opening.  
Granted  
5 May 2020

## **Other Relevant Site History**

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

No consultations undertaken.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 9 November 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 18 November 2022

**Site Notices Date(s):** 15 November 2022

**Number of Contributors:** 33

## **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 character or appearance of the conservation area.**

The application is located within the Dean Conservation Area. The Character Appraisal emphasises the distinctive village character of the streetscape within Dean Village, the heritage of high-quality buildings, the limited range of building materials, the predominance of residential uses, and the importance of the Water of Leith and its corridor.

The Dean Conservation Area has been extended to its current limits which includes the area of Ravelston Park. Ravelston Park is a late Victorian stone villa area, reflecting a suburban style and regular layout pattern with its villas set along an 'L' shape road. Ravelston Park maintains significant trees within generous gardens, having mature and leafy landscapes and open space settings, with stone boundary walls and railings, enclosing generous gardens.

The area contains a variety of new additions to existing villa properties, as well as examples of two storey side and rear outshoots. Therefore, the proposals are in keeping with the existing character and appearance of the area. Furthermore, the development proposes materials that match those of the existing building and the surrounding conservation area. The side extension will be constructed of Ashlar blonde sandstone, with slate and lead roofing and timber framed sash and case windows to the front and side elevations. These match the existing property and reflect the character and appearance of the conservation area.

The proposals have been amended in scheme two, altering the roof design and profile of the side extension to more closely reflect the design of the original property. It is also noted that the proposal will be set back from the principal elevation and dropped down in height, when compared to the existing property, to ensure that whilst the extension is in keeping with the existing property and those of the surrounding area, it is clearly subservient and reads as a new addition.

The rear section of the proposal proposes a more modern, contemporary flat roof design and includes aluminium windows. These works are located to the rear and will not be overly visible from public views. In this regard, it is not considered to harm the character and appearance of the conservation area.

Whilst the rear of the property will be visible from the Scottish National Gallery of Modern Art, a combination of the rear boundary wall and existing tree line will screen the majority of the proposed works. Furthermore, the property backs onto the carpark to the rear of the gallery, and it is not considered that the proposals will have an

unreasonable impact on the outlook from the Gallery, from which several examples of rear development of adjacent houses are visible.

### **Conclusion in relation to the conservation area**

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

#### **b) 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 Policy 1.
- NPF4 Policy 7d and 7e.
- NPF4 Policy 16g.
- LDP Design Policy Des 12.
- LDP Environment Policy Env 12.

The non-statutory 'Listed Building and Conservation Area' guidance and 'Guidance for Householder' is a material consideration that is relevant when considering NPF4 policies 1, 7d, 7e and 16g and LDP polices Des 12 and Env 12.

#### Global climate and nature crisis

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 application addresses this through:

- Enabling development and empowering people to shape their places.
- Contributing to the circular economy by making productive use of existing residential properties and adapting them to meet the changing and diverse needs of the user; and
- Further energy saving standards and carbon reduction measures will be considered during the building standards process.

The proposed development does not conflict with the intended outcomes of NPF4 and there is not considered to be any significant conflict with Policy 1 of NPF4.

## Conservation Area

This is assessed in section a) and the proposal complies with NPF4 Policy 7 as the proposal would preserve and enhance the character and appearance of the conservation area.

## Scale, form, design, and neighbourhood character

The surrounding area has undergone significant development with examples of extended roofs and single storey, and storey and a half, extensions, and garages, as well as significant areas of hardstanding, primarily large driveways to the front and side of neighbouring villa properties. There are also multiple examples of existing two storey outshoots. The property immediately opposite the site at number 12 has an existing two storey side and rear outshot, as does the property to the west, at number 17.

The sub-divided property to the east, at number 11, has a two-storey side outshot, which sits almost flush with the primary elevation. The building also has a two-storey rear projection and a large portion of hard landscaping for parking to the side.

The proposed application will retain a large rear garden alongside some soft landscaping to the front and side. As such, the proposals would not result in overdevelopment of the site and is in keeping with the surrounding area.

Whilst it is noted that the proposal will reduce the space between the original house and the neighbouring property at number 11, a distance of two metres will still be retained either side of the common boundary wall. This is acceptable and reflects the spatial pattern of the surrounding area.

The application proposes a hipped roof style to the front and side of the extension, which has been amended to match the roof profile of the existing dwelling. The extension will be set back from the primary elevation and dropped below the ridge height of the existing building, ensuring that, whilst the extension will match the original property in terms of design and profile, it will appear subservient to the existing dwelling. As such, the proposed extension is acceptable in terms of design and form and provides a sympathetic addition to the existing building.

The extension proposes materials which will match the existing dwelling and those of the surrounding area. The roof proposes slate and lead, with walls of Ashlar blonde sandstone and timber framed sash and case windows to the front and side elevations. These materials are considered acceptable and in keeping with those used in the original property and surrounding area.

In this regard the amended proposals are of an acceptable scale, form and design and are compatible with the existing dwelling. The application will also preserve the character and appearance of the conservation area as assessed in section a) of the report. The application, therefore, complies with NPF4 policy 16g) i), NPF4 policy 7d) and e) and LDP Policy Des 12a).



## Neighbouring Amenity

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

It should be noted that, as per the non-statutory 'Guidance for Householders,' daylighting to side or gable windows is not normally protected and the sunlight of spaces between gables will not be protected unless the affected space is of particular amenity value in comparison with the remainder of the garden for example, a patio. However, as the neighbouring building at number 11 is sub-divided into flats, impacts on daylight and sunlight were considered and assessed.

The application has provided drawings demonstrating that the proposal will comply with the 45-degree line assessment with regards to daylight, demonstrating that the 45-degree line will not enclose half of the neighbouring windows, actually falling below the window openings. As such, the proposals will not result in an unreasonable impact in terms of daylight to neighbouring windows.

Additionally, sun path diagrams have been provided which demonstrates that the proposed side extension will not result in an unreasonable increase in overshadowing/loss of sunlight to the neighbouring sub-divided property at number 11. This is primarily a result of the area already being overshadowed by the existing building at number 11, the original house of number 13 and the existing boundary treatment.

With regards to privacy, the non-statutory 'Guidance for Householders,' states that side windows will only be protected for privacy and light if they themselves accord with policies in terms of distance to the boundary. Windows on side walls or gables will not normally be protected as they are not set back sufficiently from the boundary to be "good neighbours" themselves, taking only their fair share of light. Although the application proposes two new side elevation windows, the ground floor window is considered to be sufficiently screened by the existing boundary treatment. Furthermore, it is noted that the neighbouring windows are only set two meters back from the boundary treatment themselves and would not comply with the recommended distance of nine meters. As such, the proposals are acceptable.

In addition, the proposed windows and terrace, on the other side of the proposed extension, facing onto the applicant's own rear garden, are over nine meters from the boundary which comprises of trees that restrict inward and outward views.

It can be concluded that the proposed development will not result in any unreasonable loss to neighbouring amenity, including physical impact, overshadowing, daylight and overlooking the application complies with NPF 4 policy 16g) ii) and LDP Policy Des 12b) and c).

## Trees

Concerns were raised regarding trees which were removed from the site where the extension is proposed to be built. Consent for the removal of these trees were granted under two separate TCO applications (application reference numbers: 15/01875/TCO and 19/03121/TCO). No trees are proposed to be removed as part of this application. Only the proposals submitted as part of this application can be assessed.

The proposals have been assessed regarding potential impact to the surrounding trees, which are protected due to their location within the Dean Conservation Area. Arboricultural officers have been consulted and the proposals are considered to have no impact on the surrounding trees. The application complies with LDP Policy Env 12.

## **Conclusion in relation to the Development Plan**

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling and will preserve the special character and appearance of the conservation area.

Therefore, the proposals comply broadly with NPF4 and LDP policies and the overall objectives of the Development Plan.

### **c) 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

Thirty-three comments have been received, objecting to the application. One comment was duplicated and there were three comments received from one objector. All comments are summarised below:

### *material considerations*

- Impact on the character and appearance of the conservation area - addressed in section a) and b)
- Impact of the proposed design and materials of the extension on the character and appearance of the original house - addressed in section a) and b) - scale, form, design, and neighbourhood character.
- Impact of the proposed scale, size, and position of the proposed extension - addressed in section a) and b) - scale, form, design, and neighbourhood character.
- Impact of the proposed extension from the Scottish National Gallery of Modern Art - addressed in section a)
- Loss of garden area - addressed in section a) and b) - scale, form, design, and neighbourhood character
- Impact of sunlight, daylight, and privacy to neighbouring properties - addressed in section b) - Neighbouring Amenity
- Impact on trees - addressed in section b) - Trees
- Concerns over missing elevations - The planning authority has assessed the submitted documents and considers that they are sufficient to accord with the requirements of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

### *non-material considerations*

- Concerns regarding children safety and additional vehicular traffic - These comments cannot be considered at Planning stage. The application does not propose any driveway works and additional traffic during construction is a matter to be dealt with during the Building Warrant process or as a private/civil matter between the applicant/contractors and neighbours.
- Concerns that the proposal will set a precedent - Every planning application is assessed on its own merits and on a case-by-case basis.
- Concerns regarding noise impacts - Noise during construction is a civil matter to be dealt with between the applicant/contractors and neighbours. Noise during occupation is not considered to be unreasonable due to the distance from the neighbouring corner property. The neighbouring subdivided property at 11 Ravelston Park will be screened from noise by the side extension itself. It is not considered that the proposed extension, more specifically roof terrace, will unreasonably increase noise, or result in any further impact than the use of the existing garden space. Further, should a nuisance or noise disturbance be reported from the site then there are statutory provisions in order to mitigate these concerns under the Environmental Protection Act 1990.

- Concerns regarding title deeds for the properties along Ravelston Park - Titles and deeds are a private matter to be dealt with between neighbours and cannot be considered as Planning stage.
- Concerns regarding previously approved dormers and existing front elevation fence - The dormers are not part of this planning application, and it is noted that these dormers already have approval under a separate planning application (application reference number: 20/00311/FUL). The fence is also not part of this planning application and as such neither can be assessed.
- Questioning whether the extension is required for a single-family home - Planning only assesses whether proposals comply with Planning guidance and legislation. This application is for a house extension and as such the use of the extension is not assessed.

### **Conclusion in relation to identified material considerations**

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

### **Overall conclusion**

The proposed works to the dwelling will preserve the character and appearance of the conservation area and are acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The works are compatible with the existing dwelling and surrounding neighbourhood character and will not result in an unreasonable loss of neighbouring amenity. The application is in accordance with the Development Plan. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable, and it is recommended that the application be granted.

## **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 October 2022**

## **Drawing Numbers/Scheme**

01, 02, 03, 04, 05, 06, 07B, 08B, 09A, 10A

Scheme 2

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

Contact: Tom Hutchinson, Planning Officer  
E-mail: tom.hutchinson1@edinburgh.gov.uk

## Summary of Consultation Responses

No consultations undertaken.

### Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

## Development Management Sub-Committee Report

**Wednesday 15 March 2023**

**Application for Planning Permission  
36 - 38 Yeaman Place, Edinburgh, EH11 1BT**

**Proposal: Change of Use from class 1 (shop) to restricted class 3 (food and drink), alterations and refurbishment. (As amended)**

**Item – Committee Decision  
Application Number – 22/04369/FUL  
Ward – B09 - Fountainbridge/Craiglockhart**

### **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 grant planning permission.

### **Recommendation**

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

### **Summary**

The proposal, as amended, would form an appropriate development that would have no adverse effect on neighbouring residential amenity, subject to the application of conditions in relation to noise, cooking equipment and hours of operation.

## **SECTION A – Application Background**

### **Site Description**

The application site is a single storey, commercial unit with a basement level. It is located on the north side of the Union Canal and its south elevation is adjacent to the canal towpath. There are tenements to the north of the building on Yeaman Place and Watson Crescent. The west elevation of the building abuts the rear gardens of the tenements. A scrap merchant's yard is located on the opposite side of Yeaman Place.

### **Description of the Proposal**

Change of Use from class 1 (shop) to restricted class 3 (food and drink) (Cooking would be restricted to a microwave, panini press/toaster and soup urn), alterations and refurbishment. The works would include the formation of a serving window onto the canal towpath, which is adjacent to the south elevation of the building.

The scheme has been amended to re-position windows on the west elevation and delete a serving hatch from the front elevation.

### **Supporting Information**

The application was submitted with a supporting statement.

### **Relevant Site History**

22/02166/FUL

36 - 38 Yeaman Place

Edinburgh

EH11 1BT

Internal and external alterations and change of use from Class 1 (shop) to Class 3 (food and drink) establishment.

withdrawn

13 July 2022

21/06791/FUL

36 - 38 Yeaman Place

Edinburgh

EH11 1BT

Change of use from Class 1 (retail) to Class 3 (food and drink) with associated alterations.

withdrawn

7 March 2022

### **Other Relevant Site History**

No other relevant planning site history.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Environmental Protection

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 16 September 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 23 September 2022

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 19



## 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:

- NPF 4 Climate and Nature Crises Policy 1
- NPF 4 Liveable Places Policy 14
- NPF 4 Liveable Places Policy 15
- NPF 4 Productive Places Policy 27
- LDP Design Policy Des 1
- LDP Retail Policy Ret 10
- LDP Retail Policy Ret 11
- LDP Housing Policy Hou 7

The non-statutory Guidance for Business is a material consideration that is relevant when considering LDP Policies Hou 7, Ret 10 and Ret 11 and NPF 4 Policies 15 and 27.

### Principle

The property is effectively a standalone unit and has been vacant for over two years. There are a number of shops on Dundee Street and Polwarth Terrace, located at either end of Yeaman Place, which serve the local community. The loss of the shop use would have no adverse effect on the vitality of the area's retail function. The provision of a cafe would increase the vibrancy of the area and ensure the re-use of a vacant building. Its capability of serving users of the canal towpath would improve the experience for members of the public using that facility and would mirror a similar provision that exists near the canal basin. The development would comply with LDP Policy Ret 10 and NPF 4 Policies 1, 15 and 27.

### Amenity

The street is a thoroughfare and has two public houses that have the potential to create noise and disturbance within the immediate area. The proposed hours of operation for the unit would be 08:00-18:00, thereby preventing the possibility of the use generating late night noise. The scheme has been amended to remove the serving hatch onto Yeaman Place, which would have had the potential to create localised noise on the street, having particular regard to the adjacent ground floor flat. In addition, the windows that would be formed on the lower ground floor have been amended to create high level fenestration to prevent conflict and overlooking into the nearby tenement gardens. Environmental Protection has no objections, subject to the imposition of conditions relating to noise and restrictions on methods of cooking.

The scheme, as amended, would have no adverse effect on neighbouring residential amenity. It complies with LDP Policies Hou 7 and Ret 11.

### Design

The design principally relates to increased and new areas of glazing to the south and west elevations of the building. The creation of large windows on the south elevation would create an interesting and active frontage onto the canal. The alterations would sit comfortably within the architecture composition of the building and would create a greater degree of visual interest than presently exists.

The development would be a compatible addition to the building and to the surrounding streetscape and would comply with LDP Policy Des 1 and NPF 4 Policy 27.

### Transport

The amended scheme, which removed the serving hatch from the front elevation, would remove the potential for obstruction of the pavement

A previous scheme raised concerns due to the proposal occupying part of the towpath. This application addresses these concerns by deleting that projection. The window is adjacent to a section of the path where it curves away from the building due to the position of the Walker Bridge pier.

Therefore, the potential for obstruction between customers using the serving window and other users of the canal towpath would be greatly reduced due to the form of the serving window and its location, relative to the bridge pier. The provision of the serving window would introduce an active frontage onto this section of the canal. It would encourage greater use of that facility and provide a degree of surveillance to that section of the canal.

The re-use of the building as a cafe, rather than a shop, would not necessarily introduce a greater level of vehicular traffic and has the potential to attract customers from the surrounding area.

The proposal would have no adverse effect on road safety. It would be in compliance with NPF 4 Policies 14 and 15.

### **Conclusion in relation to the Development Plan**

The proposal would form a compatible addition to the area, and with the appropriate conditions attached, would have no adverse effect on amenity. The changes to the building would be modest and acceptable.

#### **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:

##### *material considerations*

Noise: this is assessed in section (b)

Congestion: this is addressed in section (b)

Cooking odours: this is assessed in section (b)

*non-material considerations*

Competition

Litter

Internal waste management

Use as a takeaway

### **Conclusion in relation to identified material considerations**

These have been addressed above. It has been demonstrated that the proposal would not have an unacceptable effect on residential amenity or on road safety and would be an acceptable development within the area.

### **Overall conclusion**

The proposal would not adversely affect the retail vitality of the area. The changes to the building would be modest and would form a compatible addition to the vicinity. With the appropriate conditions attached, it would have no adverse effect on residential amenity.

## **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. The design specifications for the party wall, glazing and ventilation plan shall be as specified within sections 4.5, 4.8 and 4.16 respectively of Technical Report No. R-9501-LH-RGM by RMP, dated 24th October 2022.
3. Cooking operations on the premises shall be restricted to reheating involving the use of a microwave, panini press/toaster and soup urn; no other forms of cooking shall take place without the prior written approval of the planning authority.
4. The hours of operation shall be restricted to between 08:00-18:00.

## **Reasons**

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

## **Background Reading/External References**

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

**Further Information - Local Development Plan**

**Date Registered: 14 September 2022**

## **Drawing Numbers/Scheme**

01-02, 03B, 4A

Scheme 2

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

Contact: Murray Couston, Planning Officer  
E-mail: [murray.couston@edinburgh.gov.uk](mailto:murray.couston@edinburgh.gov.uk)

Appendix 1

**Summary of Consultation Responses**

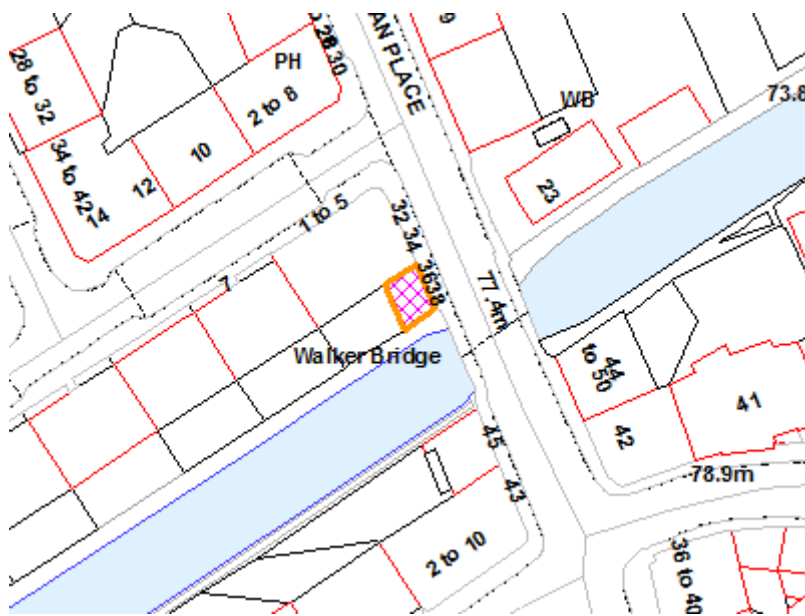
NAME: Environmental Protection

COMMENT: No objections, subject to conditions

DATE:

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

**Location Plan**



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

## Development Management Sub-Committee

**10.00am, Wednesday 15 March 2023**

### **Protocol Note for Hearing**

**54 Rosslyn Crescent, Proposed conversion of bowling club and bowling green to residential dwelling and garden, – application no. 20/02916/FUL**

<b>Report number</b>	<b>6.1</b>
<b>Wards</b>	<b>B12 – Leith Walk</b>

#### **Nick Smith**

Service Director – Legal and Assurance

Contacts: Martin Scott, Committee Services

Email: [martin.scott@edinburgh.gov.uk](mailto:martin.scott@edinburgh.gov.uk)

# Summary

## Protocol Note for Hearing

### Summary

---

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

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

### Committee Protocol for Hearings

---

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

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



## Order of Speakers for this Hearing

---

1	<b>Chief Planning Officer</b> - presentation of report	10.10 - 10.30
2	<b>Representors or Consultees</b> Leith Central Community Council Cramond Tramways Community Garden (Jennifer Broadley) Benjamin Twist Terence Anthony Simone Daminelli (TBC) Sarah Ross (TBC) Paul McAdam (TBC) Mary Blackford	10.40 - 10.45 10.50 - 10.55 11.00 - 11.05 11.10 - 11.15 11.20 - 11.25 11.30 - 11.35 11.40 - 11.45 11.50 - 11.55
3	<b>Ward Councillors</b> Councillor Jack Caldwell Councillor Susan Rae (TBC)	12.00 - 12.05 12:05 – 12:10
4	<b>Break</b>	12.10 - 12.20
5	<b>Applicant and Applicant's Agent</b> Alan Farningham (Farnmac) Eliza Waye (Home Start Edinburgh) John Campbell (Abor Green)	12.20 - 12.35
6	<b>Debate and Decision on Application by Sub-Committee</b>	12.40

Scheduled times are approximate but within this the time limits for speakers will be enforced – speakers will be reminded when they have 1 minute remaining. Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. Decisions will generally be to approve or refuse. Conditions of approval or reasons for refusal may be considered at a subsequent meeting. If the application is continued for further information, the Hearing will not be re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can view the meeting via the webcast to observe the discussion.

This page is intentionally left blank

## Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 15 March 2023**

**Application for Planning Permission  
54 Rosslyn Crescent, Edinburgh, EH6 5AX.**

**Proposal: Proposed conversion of bowling club and bowling green to residential dwelling and garden.**

**Item – Committee Decision  
Application Number – 22/00745/FUL  
Ward – B12 - Leith Walk**

**Report Returning to Committee**

The application was considered by the Development Management Sub-Committee on 11 January 2023, where it was continued for a site visit and a hearing.

Due to NPF4 being adopted by Scottish Ministers on 13 February 2023, 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 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: 7 (Historic Assets and Places), 9 (Brownfield, Vacant and Derelict Land and Empty Buildings), 13 (Sustainable Transport), 15 (Local Living and 20 Minute Neighbourhoods) and Policy 21 (Play, Recreation and Sport)

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 9 supports the sustainable reuse of empty buildings. As stated in the original report, the building and the land, which were not open for general public use, have been vacant for a number of years. The development is for the reuse of an existing and empty building, in line with this policy. The proposal would meet the objectives of this policy.

Policy 21 states, amongst other things, that the loss of outdoor sports facilities may be acceptable where it can be demonstrated that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision. Given the length of time since the land was last used as a bowling club, it is concluded that the loss of outdoor recreation space would be acceptable and would not conflict with Policy 21.

## Historic Environment and Design

Policy 7 aims to protect and enhance historic environment assets and places. 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. As set out in the original report, the proposed changes to the building are modest, appropriate and largely screened from public view. The development complies with Policy 7.

## Transport and Local Living

Policy 13 seeks to encourage development that would have easy access to public transport. The location of the site is in close proximity bus services on Leith Walk and the city centre, thereby reducing reliance on private car use.

Policy 15 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 a wide range of facilities, such as shops and public transport.

## Conclusion

The development would comply with the aims and objectives of the above policies, providing a sustainable home in, with good access to local facilities, without reliance on private car use. It is in compliance with Policy 1, which underpins NPF 4 in seeking to tackle global climate crises.

## Other Material Considerations

There are no new material considerations arising from those previously considered on 11 January 2023 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: Murray Couston, Planning Officer  
E-mail: [murray.couston@edinburgh.gov.uk](mailto:murray.couston@edinburgh.gov.uk)

This page is intentionally left blank

# Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission**  
**54 Rosslyn Crescent, Edinburgh, EH6 5AX**

**Proposal: Proposed conversion of bowling club and bowling green to residential dwelling and garden.**

**Item – Committee Decision**  
**Application Number – 22/00745/FUL**  
**Ward – B12 - Leith Walk**

## 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 proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

The proposal complies with the local development plan and associated guidance. The proposal is acceptable in principle, in terms of its impact on open space and on the conservation area. The proposal will provide adequate levels of amenity for future occupiers and will not adversely impact on neighbouring residential amenity. There are no material considerations that outweigh this conclusion.

## SECTION A – Application Background

### Site Description

The application site comprises the former Tramways Bowling Club, including a bowling green and a single storey clubhouse. The site is located within a residential area, with neighbouring properties to the north-west, south-east, and north-east of the boundary. Private gardens of properties at Pilrig Heights are separated to the north of the site by a boundary wall and the neighbouring Pilrig Bowling Club is located at the north-east boundary.

The site is partly located within the Pilrig Conservation Area.

### **Description of the Proposal**

The applicant proposes a change of use from a bowling green (Class 11) to residential use (Class 9) with amendments to the existing building. The existing bowling green would be private garden ground.

No extension(s) to the clubhouse building or new development within the garden area is proposed.

### **Supporting Information**

A Design and Access Statement and a Planning Supporting Statement have been submitted. Full details can be viewed online on the Planning and Building Standards Portal.

### **Relevant Site History**

21/00528/FUL  
54 Rosslyn Crescent  
Edinburgh  
EH6 5AX  
Change of use from leisure class 11 to residential class 9.  
Refused  
3 May 2021

### **Other Relevant Site History**

No other relevant site history.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

Archaeologist

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 22 February 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 25 February 2022.

**Site Notices Date(s):** 22 February 2022.

**Number of Contributors:** 77



## Section B - Assessment

### Determining Issues

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

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?
- This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):
- Do the proposals comply with the development plan?
- If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?
- If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?
- In the assessment of material considerations this report will consider:
  - the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old.
  - equalities and human rights.
  - public representations; and
  - any other identified material considerations.

### Assessment

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

#### **a) The proposals harm the character or appearance of the conservation area.**

The bowling green which would form the proposed garden ground for this proposal is not within the conservation area. The clubhouse is not listed and appears to be a later addition to the area in comparison with surrounding buildings which date from the late 1800s.

The Pilrig Conservation Area Character Appraisal notes that the Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery.

There would be no alteration to the pattern of development as a result of the change of use and the application proposes modest amendments to the clubhouse building. The clubhouse building is largely screened from views within the conservation area and proposed physical alterations and use of the bowling green as private garden space would not be injurious to the character or 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.

#### **b) The proposals comply with the development plan.**

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

- LDP Environment policies Env 6, Env 9, Env 16 and Env 18
- LDP Housing policies Hou 3 and Hou 5
- LDP Transport policies Tra 2 and Tra 3
- LDP Design policies Des 1, Des 5 and Des 12

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policy Env 6. The Edinburgh Design Guidance is a material consideration in the assessment of this application.

#### Principle

Changes of use to residential must be considered in the context of LDP Policy Hou 5 (Conversion to Housing). The LDP proposals map shows that the existing bowling green is designated as Open Space (Name: BG72 - Pilrig Bowling Green) therefore the application must also be considered in the context of LDP Policy Env 18 (Open Space Protection).

Criteria a) to d) of LDP Policy Hou 5 list the requirements that must be satisfied for a proposed change of use at this application site. Supporting floor plans demonstrate that the applicant proposes a three-bedroom property, including an open plan kitchen and lounge space with other utility spaces.

The proposed floor space of 177 sqm. would exceed the recommended area of 81 sqm. for a three-bedroom unit as specified in the Edinburgh Design Guidance (EDG). Privacy and general outlook are appropriate, whilst daylight to the property would be secured through enlarged window openings to the north-west elevation of the property and a series of rooflights that would be added to the clubhouse building's south-eastern roof area. Further rooflights would be introduced to the area of flat roof. A satisfactory residential environment would be achieved. Amenity for future residents is considered further in this assessment in Section B part c).

Criterion b) of LDP Policy Hou 5 requires housing to be compatible with surrounding uses. The area is residential in character and within the Urban Area as shown in the LDP Proposals Map. The introduction of housing to the area is compatible with surrounding uses.

Criterion c) of LDP Policy Hou 5 requires that appropriate external open space, amenity and car and cycle parking standards are met. Suitable external and garden space would be available to the rear of the property and cycle parking would be within the curtilage of the property. Car parking would be available in the local area, if necessary, in line with council policy.

Criterion d) of LDP Policy Hou 5) requires a change of use to comply other policies in the LDP including safeguarding of other important land uses. In this case the application site includes protected open space. An assessment of compliance with other relevant LDP policies is provided below in the context of LDP Policy Env 18 (Open Space Protection).

Subject to compliance with other LDP policies, the proposal complies with LDP Policy Hou 5 and is acceptable in principle.

### Open Space

Local Development Plan Policy Env 18 (Open Space Protection) sets out the criteria for applications that would result in the loss of designated open space. The proposed garden ground at this application site is classified as open space in the LDP Proposals Map. The Council's Open Space Strategy is used to inform the value of open space in the context of this policy.

The application complies with criterion a) of LDP Policy Env 18, as there would be no significant impact on the quality or character of the local environment by converting a bowling green to garden space or changing the clubhouse to a residence.

The open space forms part of the 'Pilrig Bowling Green' and approximates to 50% of this open space as shown in the Council's Open Space Strategy. The Pilrig Bowling Green open space includes two bowling greens: the application site which was used as Tramways Bowling Club; and Pilrig Bowling Club, which is adjacent to the application site boundary. The proposed change of use would result in the loss of one bowling green which is currently closed to the public, as the club has been disbanded in recent years. In the context of LDP Policy Env 18 criterion b), the site is of limited leisure value at present and there is good quality open space provision in the local area at Pilrig Park, as well as the neighbouring Pilrig Bowling Green at the site's northeast boundary. The proposal complies with criterion b) of LDP Policy Env 18.

The existing bowling green would be used as garden space for the proposed residential use and no building work or extension is proposed on this space. There would be no loss to the biodiversity value of the site from a change of use from a bowling green to garden space. The proposal complies with criterion c) of LDP Policy Env 18.

The application complies with criteria a) to c) of LDP Policy Env 18; however, it must also accord with either qualifying criteria d) or e) of the policy to meet the requirements for any loss of protected open space.

Criterion d) of LDP Policy Env 18 does not apply as it would not be proportionate to request contributions to improve an existing public park or open space as Pilrig Park is approximately 215 metres away and no actions to improve the park are identified in the Open Space Strategy. The ability of the proposal to comply with the loss of protected open space is therefore contingent upon compliance with criterion e) of LDP Policy Env 18.

Criterion e) of LDP Policy Env 18 states that development must be for a *community purpose and the benefits to the local community outweigh the loss*. The applicant has submitted details of agreements with two community groups who would use the area on a weekly basis, one being a children's nursery and the other a family-orientated garden group. Although there is no mechanism to enforce such an agreement, the land is in private ownership and not open to the public. There is no reasonable ability for the Council to change the status of the land, which remains out of use to the wider public, in this context, the opportunity for some form of community benefit is available and in these very particular circumstances, the proposal partially achieves the objectives of criterion e).

The proposal complies with LDP Policy Env 18.

#### Conservation Area

This has been addressed above. The proposal complies with policy Env 6.

#### Amenity

##### *Future Occupiers*

LDP Policy Des 5 (Development Design-Amenity) requires future occupiers to have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy, or immediate outlook. Criterion a) of LDP Policy Hou 5 requires new development to create an attractive residential environment for future residents in housing development. In addition, LDP Policy Hou 3 (Private Green Space in Housing Development) requires the adequate provision of green space to meet the needs of future residents. The non-statutory EDG also offers advice regarding the amenity of future occupants and neighbours.

The proposed private external space, in the form of the former bowling green, provides an acceptable standard and quantity of open space for future residents in compliance with criterion c) of LDP Policy Hou 5 and LDP Policy Hou 3.

The EDG requires a minimum internal floor area of 81 sqm for a three-bedroom unit. The proposed internal floor space measures 177 sqm. and exceeds the recommended area for a three-bedroom unit which is acceptable.

The EDG establishes standards relating to daylighting for new dwellings. The addition of new openings would provide adequate daylight to the proposed dwelling.

Future occupants would enjoy adequate privacy despite neighbouring gable windows from number 50 Rosslyn Crescent being located at the mutual boundary beside the external garden space as planting is proposed to screen the garden.

In terms of floorspace, external amenity space, privacy, outlook, and daylight provision the proposal complies with LDP policies Des 5-criterion a), Hou 5 criterion a), Hou 3 and the Edinburgh Design Guidance.

### *Neighbouring Residents*

LDP Policy Des 12 (Alterations and Extensions) of the LDP seeks to protect the amenity and privacy of neighbours where alterations and extensions to existing buildings are proposed.

Representations raise concern with regard to privacy for neighbouring properties. The proposed change to a residential use would alter the nature of activity at this site from a leisure club to a private residence with a rear garden.

It is likely that there would be a reduction in the number and frequency of visitors to the site based on the site's previous use as a bowling club. The use of garden space by future residents would not cause any intensification or worsening of privacy for immediate neighbours at number 50 Rosslyn Crescent, despite gable windows being located on the mutual boundary. Similarly, properties at Pilrig Heights at the foot of the proposed garden space are separated by a boundary wall and the window-to-window distance between these properties and the clubhouse building is approximately 47 metres; this is an acceptable distance in the context of privacy or overlooking. The proposal would not result in any additions that would impact 45 Rosslyn Crescent as only roof lights are proposed facing this boundary.

Overshadowing plans to consider any impact(s) for neighbouring properties are not required as there are no new structures, buildings or extensions proposed at the site.

The proposal complies with LDP Policy Des 12 and the Edinburgh Design Guidance.

### Proposed amendments to the property

The proposed physical alterations are of a minor scale and involve the addition of new windows and rooflights. These are in keeping with the site and will not impact on the character of the area in compliance with LDP policies Des 1 and Des 12.

### Other Matters

#### *Transportation*

Zero parking at this location complies with the Council's parking standards. Street parking is available in the local area if required and the property is capable of storing bicycles within its curtilage. As an alternative to private transport modes the property is within walking distance of the city's public transport network where bus service routes 10 and 11 operate along Pilrig Street.

The proposal complies with LDP policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking).

### *Protected species*

The applicant proposes the introduction of several small roof lights and other alterations to the existing clubhouse building. An ecological survey has been submitted. No protected species have been found and mitigation measures have been proposed.

The proposal complies with policy Env 16.

### *Archaeology*

Given the lack of groundworks the Council Archaeologist has no objection to the proposal.

The proposal complies with policy Env 9.

### **Conclusion in relation to the Development Plan**

The proposal complies with the local development plan.

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

The following material planning considerations have been identified:

#### SPP - Sustainable development

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

The proposal complies with Paragraph 29 of SPP.

#### Emerging policy context

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

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

The application received a total of 77 comments. Of these, 46 objected, 3 were neutral and 28 were in support. A summary of the representations is provided below:

### *material considerations*

- principle: this has been addressed above.
- overdevelopment: no new structures are proposed.
- loss of open space: this has been addressed above.
- loss of privacy: this has been addressed above.
- amenity for future occupiers: this has been addressed above.
- protected species: this has been addressed above.

### *non-material considerations*

- future development: the proposal is assessed on the submission at hand. Any further proposals would require further planning permission.

## **Conclusion in relation to identified material considerations**

The proposal is acceptable with regards to the above.

## **Overall conclusion**

The proposal complies with the local development plan and associated guidance. The proposal is acceptable in principle, in terms of its impact on open space and on the conservation area. The proposal will provide adequate levels of amenity for future occupiers and will not adversely impact on neighbouring residential amenity. 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: 16 February 2022**

## **Drawing Numbers/Scheme**

01-10

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](mailto:murray.couston@edinburgh.gov.uk)



## Appendix 1

### Summary of Consultation Responses

NAME: Archaeologist

COMMENT: No objection to the proposal.

DATE: 7 March 2022

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

### Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

This page is intentionally left blank

## Development Management Sub-Committee

**10.00am, Wednesday 15 March 2023**

### **Protocol Note for Hearing**

**23 Yeaman Place, Edinburgh, EH11 1BT. Proposed demolition of existing buildings and structures and erection of a purpose-built student accommodation development, with associated active travel routes, landscaping, cycle parking and other associated infrastructure, as amended. – application no. 22/03556/FUL**

<b>Report number</b>	<b>6.1</b>
<b>Wards</b>	<b>B9 – Fountainbridge/Craiglockhart</b>

#### **Nick Smith**

Service Director – Legal and Assurance

Contacts: Martin Scott, Committee Services

Email: [martin.scott@edinburgh.gov.uk](mailto:martin.scott@edinburgh.gov.uk)

# Summary

## Protocol Note for Hearing

### Summary

---

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

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

### Committee Protocol for Hearings

---

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

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

## Order of Speakers for this Hearing

---

1	<b>Chief Planning Officer</b> - presentation of report	14:00 - 14.30
2	<b>Representors or Consultees</b> Merchiston Community Council Living Streets Edinburgh (TBC) Living Rent Gorgie Dalry (TBC)	14.40 - 14.45 14.50 - 14.55 15:00 – 15:05
3	<b>Ward Councillors</b> Councillor Christopher Cowdy Councillor Val Walker Councillor David Key Joanna Cherry MP (TBC)	15.10 - 15.15 15:20 – 15:25 15:30 – 15:35 15:40 – 15:45
4	<b>Break</b>	15:50 - 16:00
5	<b>Applicant and Applicant's Agent</b> Varshini Gorjala (Scott Hobbs Planning) Paul Scott (Scott Hobbs Planning) Paul Harkin from Fletcher Joseph Architects	16:00 – 16:15
6	<b>Debate and Decision on Application by Sub-Committee</b>	16:20

Scheduled times are approximate but within this the time limits for speakers will be enforced – speakers will be reminded when they have 1 minute remaining. Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. Decisions will generally be to approve or refuse. Conditions of approval or reasons for refusal may be considered at a subsequent meeting. If the application is continued for further information, the Hearing will not be re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can view the meeting via the webcast to observe the discussion.

This page is intentionally left blank

## Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 15 March 2023.**

**Application for Planning Permission  
23 Yeaman Place, Edinburgh, EH11 1BT.**

**Proposal: Proposed demolition of existing buildings and structures and erection of a purpose-built student accommodation development, with associated active travel routes, landscaping, cycle parking and other associated infrastructure, as amended.**

**Item – Committee Decision  
Application Number – 22/03556/FUL  
Ward – B09 - Fountainbridge/Craiglockhart**

### **Report Returning to Committee**

This application was continued at the Development Management Sub-Committee on 11 January 2023 for a site visit and hearing.

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and now forms part of the Council's Development Plan, against which the proposed development 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 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 policies of NPF4 to be considered are: 2 (Lifecycle Greenhouse Gases); 3 (Biodiversity); 4 (Natural Places); 7 (Historic Assets and Places); 9 (Brownfield, Vacant and Derelict Land); 12 (Zero Waste); 13 (Sustainable Transport); 14 (Liveable Places); 15 (20 Minute Neighbourhoods); 21 (Sports, Play and Outdoor Recreation); 23 (Health Inequalities); and 27 (Town Centres).

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 of Use

The development proposal is for the reuse of a brownfield site of little biodiversity value in a location that will minimise lifecycle greenhouse gas emissions. A condition is attached to ensure the acceptability of the proposal in regard to contaminated land given the current use of the site as a scrapyards. The proposal is therefore acceptable in principle.

### *Biodiversity and Natural Places*

The proposal will make a limited contribution to the enhancement of biodiversity on the site and is unlikely to have a negative impact on the Local Nature Conservation site to its immediate south, making use of planting, green roofs and a small number of new trees to improve on the site's currently limited contribution to biodiversity in the local area. Preliminary bat roosting assessment and bat surveys were conducted and demonstrate no evidence of bat roosts.

### *Heritage and Archaeology*

The applicant has provided a heritage statement identifying the likely impacts of the development on heritage assets. Three historic assets have been identified in proximity to the site, the Category C listed Walker Bridge (LB27293, 03/02/1993), the Category B listed Fountainbridge Public Library (LB30322, 21/04/1995), and the Union Canal, a Scheduled Ancient Monument. The proposal will not be of detriment to the setting of the listed Buildings, whilst Historic Environment Scotland, Scottish Canals and Edinburgh Council's archaeologist have raised no objections to the demolition of a section of retaining wall forming part of the Union Canal to enable to acceptability of the development in respect of other considerations.

Conditions have been attached to ensure the submission and approval of a programme of archaeological works given the potential for non-designated buried archaeological remains to exist below the site.

### *Zero Waste*

The applicant has submitted a Sustainability Statement Form detailing how the proposal seeks to reduce, reuse, or recycle materials, scoring maximal points for both the essential and desirable requirements in the "use of materials from local and/or sustainable sources" section. Similarly, the Waste Management Plan and Design and Access Statement describe how waste generated once the site is operational will be managed. It can also reasonably be accepted that the reuse of the existing buildings on site would be impracticable and demolition necessary.



### *Sustainable Transport*

The proposal will encourage, promote and facilitate active and public transport use in line with the sustainable travel and investment hierarchies. This is achieved through the provision of the new active travel route from Dundee Street to the Union Canal towpath; the new active travel route from Yeaman place to the Union Canal towpath, including the delivery of the ramped access safeguard; the provision of 148 cycle parking spaces; and by the zero motor vehicle parking spaces to be provided.

The location of the development is also favourable, as it is in close proximity to several well-served public transport routes, whilst the design of the development is such that road safety and the needs of diverse groups, including those with protected characteristics, have been taken into account.

### *Design, quality and place*

Policy 14 requires development proposals to improve the quality of an area regardless of scale or location, and to be consistent with the six qualities of successful places. The site is within the urban area, on previously developed land, adjacent to the Dundee Street Local Centre and in close proximity to public transport links. It will improve pedestrian permeability by providing new, fully accessible, access routes, including delivering on a ramped access safeguard. These will be attractive, activated spaces, that make use of the site's heritage and character to create a sense of place, overall improving the quality of the area. With reference to policies 15 and 21e, the proposal will contribute to local living and the creation of a 20 minute neighbourhood in the area, whilst the new public realm created is inclusive and enables children and young people to play and move around safely and independently. The proposed pend is however noted as presenting potential security issues, though as noted in the original report, mitigation measures have been put in place.

### *Health and safety*

The development is expected to have a neutral impact on health. The Air Quality Impact Assessment and Noise Impact Assessment demonstrate that impacts on local air quality and noise are acceptable, typically improving on the amenity impacts of the former scrapyard use. The development cannot reasonably be understood as contributing to suicide risk.

### *City, town, local and commercial centres*

The proposals will contribute to the adjacent Dundee Street Local Centre adding to its vitality and viability, contributing to the nearby mix of uses. The new residents are likely to visit local shops, restaurants and other local businesses, contributing to their continued viability. The design and location of the development encourages this, as it is expected that few of the students will access to cars, whilst the availability of public transport and encouragement of active travel modes enables local living.

### Conclusion in relation to NPF4

In conclusion, the proposed development is considered to broadly comply with the provisions of NPF 4.

## Other Material Considerations

There are no other new material considerations arising from those previously considered on 11 January by this Committee, however Scottish Planning Policy is no longer a material consideration. It is 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: James Armstrong, Assistant Planning Officer  
E-mail: james.armstrong@edinburgh.gov.uk

# Development Management Sub-Committee Report

**Wednesday 11 January 2023**

**Application for Planning Permission  
23 Yeaman Place, Edinburgh, EH11 1BT.**

**Proposal: Proposed demolition of existing buildings and structures and erection of a purpose-built student accommodation development, with associated active travel routes, landscaping, cycle parking and other associated infrastructure, as amended.**

**Item – Committee Decision  
Application Number – 22/03556/FUL  
Ward – B09 - Fountainbridge/Craiglockhart**

## **Reasons for Referral to Committee**

The application has been referred to the Development Management Sub-Committee at the request of a local ward councillor, and 176 letters of objection have been received and it is recommended for approval. Consequently under the Council's Scheme of Delegation the application must be determined by the Development Management Sub-Committee.

## **Recommendation**

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

## **Summary**

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals will deliver Purpose Built Student Accommodation on a site which has a number of constraints, and though it infringes certain aspects of non-statutory guidance regarding neighbouring, sunlighting, cycle parking and student housing, the extent of this infringement is limited, and overall the proposals are acceptable subject to conditions. The proposals will deliver on a ramped access safeguard, replace the existing scrapyard use with another use of lesser impact on neighbouring amenity, encourage active and sustainable transport use, preserve the setting of nearby listed buildings, and contribute to the vitality of the Dundee Street Local Centre and to the regeneration of the wider area.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP), and is acceptable in relation to the development plan. No other material considerations outweigh the presumption to grant planning permission.

## **SECTION A – Application Background**

### **Site Description**

The application site comprises 2,787 sqm of land, located to the north of the Union Canal and bounded to the North, East and West by the rear gardens of tenements located on Dundee Street, Yeaman Place and Murdoch Terrace, with accesses onto Dundee Street and the southern end of Yeaman Place. The site is currently used as a scrap yard, is bounded by a boundary wall varying in height between approximately 3.9m and 1.6m to the North, East and West of the site, at different parts of the site boundary. A retaining wall is present to the south, forming part of the Union Canal, a Scheduled Ancient Monument. Three 1 to 2 storey buildings are present on site, used for both storage and office purposes, whilst tenement flats of between four and five storeys surround the site to the North, East and West. The Union Canal towpath is to the south of the site, between it and the Union Canal.

There are few natural features present on the site, though there are substantial level differences, including an approximately 2m level difference between the canal side and the Yeaman Place access, resolved by a substantial gradient between these areas and the centre of the site, and another substantial gradient between the central area and Dundee Street.

Two Listed Buildings are in proximity to the site, the Category C listed Walker Bridge (LB27293, 03/02/1993) to the southwest, and the Category B listed Fountainbridge Public Library (LB30322, 21/04/1995), which forms the North East corner of the rectangular block of buildings that surround the site.

The surrounding area contains a mix of uses, with commercial uses (including retail, restaurants, hot food takeaways and public houses) placed on the ground floor where present, and residential units above. Across Dundee Street from the site the Fountain Park shopping and entertainment centre, as well as a large office block. Several other Purpose Built Student Accommodation (PBSA) schemes are in close proximity to the site.

### **Description of the Proposal**

The proposal is for the demolition of the existing buildings on the site, and the construction of 148 studio flats, ancillary uses, and associated infrastructure and landscaping. The flats will be purpose built student accommodation (PBSA), organised into four blocks of flats of between 3 and 5 storeys in height. Block 1 in the south east corner of the site is five storeys in height while block 2 in the south west corner of the site is four storeys in height. Blocks 3 and 4 which sit to the rear of tenements in Yeaman Place are predominantly three storeys in height with a step down to two storeys along their respective boundaries with properties in Murdoch Terrace and Yeaman Place. Two new access routes from the Union Canal towpath to Dundee Street, and to the southern end of Yeaman Place are proposed.

Ramped access to Yeaman Place will be facilitated by a path running under Block 1 from Yeaman Place into the centre of the site, and the access to Dundee Street from the towpath will pass through a central courtyard/amenity area. Amenity spaces will be provided, including three roof terraces, two enclosed courtyards, the central courtyard, and space by the canal, as well as internal amenity spaces.

### **Supporting Information**

- Design and Access Statement (Revised)
- Planning Statement
- Waste Management Plan
- Surface Water Management Plan (Revised)
- Tree Survey
- Daylighting Study (Revised)
- Sustainability Statement
- Noise Impact Assessment (Revised)
- Air Quality Impact Assessment
- Bat Roosting Potential Survey
- Bat Survey and Assessment
- Union Canal Wall Survey Letter
- Archaeological Desk Based Assessment
- Heritage Assessment
- Transport Statement
- Materials Statement
- Landscaping Details Planting Tables
- Soil Volumes Arrangement
- Typical Soil Volume Buildups

### **Relevant Site History**

93/00526/CLU

23 Yeaman Place

Edinburgh

EH11 1BT

Certificate of lawfulness for the use as a scrap recycling yard

Granted

12 May 1993

### **Other Relevant Site History**

No other relevant site history was identified.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Natural Environment

Archaeology

Scottish Canals

Historic Environment Scotland

Merchiston Community Council

Policy

Transportation

Environmental Protection

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 4 November 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 11 November 2022 29 July 2022

**Site Notices Date(s):** 8 November 2022 26 July 2022

**Number of Contributors:** 188

## **Section B - Assessment**

### **Determining Issues**

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## **Assessment**

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

### **a) The proposals harm the setting of the listed buildings?**

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

- Managing Change in the Historic Environment: Setting
- Managing Change in the Historic Environment: Works on Scheduled Monuments

Historic Environment Scotland were consulted on the proposals and have raised no objections.

#### *Walker Bridge*

Constructed in 1896, Walker Bridge is a single span plate girder canal bridge, with a pierced arcaded cast-iron parapet and ashlar end piers with ball finials finished in Ashlar sandstone. Its setting is largely defined by the bridge's functional relationship to the Union Canal and the resulting street alignment.

The proposals will not detract from this functional relationship, and to a limited extent contribute to reinforcing the street alignment. The height and scale of the development matches with other buildings of tenemental scale directly across the canal and Yeaman Place from the site, whilst the placement of Blocks 1 and 2 contribute to the defined street pattern.

#### *Fountainbridge Public Library*

Constructed between 1937 and 1940 the Fountainbridge Public Library will be impacted by the proposed changes to the southwest and southeast of the building. The setting of the building however is largely defined by its status as the building on the northeast corner of the block of tenements that surrounds the application site. This status is respected by the scale, massing and location of the buildings proposed, and will provide new public access to areas that the rear of the building can be viewed from.

Cumulatively, the modern design of the new buildings creates a clear distinction from nearby buildings of more traditional design, whilst the new building's scale avoids challenging the prominence of the neighbouring townscape, which is the clearest expression of the setting of the library.

## **Conclusion in relation to the listed building**

In light of the above, the proposal will not be of detriment of the setting of these listed buildings. The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

### **b) The proposals comply with the development plan?**

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

- LDP Design policies: Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8 and Des 10;
- LDP Environment policies: Env 3, Env 8, Env 9, Env 15, Env 16 and Env 22;
- LDP Employment and Economic Development policy: Emp 9;
- LDP Shopping and Leisure policy: Ret 5;
- LDP Housing policy: Hou 8;
- LDP Transport policies: Tra 2, Tra 3, Tra 4 and Tra 9.

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

The non-statutory Student Housing Guidance is a material consideration that is relevant when considering LDP policy Hou 8.

The non-statutory Listed Buildings and Conservation Area Guidance is a material consideration that is relevant when considering LDP policy Env 3.

### Setting of Listed Buildings

The impact on setting of neighbouring listed buildings has been assessed in section a) above which concluded that the setting of the listed buildings would be preserved. As the proposal complies with the statutory test, it therefore also complies with LDP policy Env 3.

### Principle of development

#### *Location of Student Housing*

The site has appropriate access to educational facilities via a range of sustainable transport modes.

Edinburgh Napier's Merchiston Campus is a 12-minute walk, whilst the Edinburgh College of Art is a 21-minute walk. Additionally, Edinburgh Napier's Craiglockhart Campus, Edinburgh University's Old College and George Square are all within approximately 10-minute cycle. National cycle route 75 passes along the Union Canal towpath to the immediate south of the site.

Bus routes pass along Dundee Street to the site's immediate north, 5-minute walk away on the Western Approach Road and 5-minute walk away along Polwarth Gardens/Gilmore place.



Whilst the site is not located within or adjacent to a main student campus, the site has a developable area of less than 0.25ha and is not identified as having high probability of delivering housing. As such criteria c) of the Student Housing Guidance does not apply.

### *Student concentration*

The Student Housing Guidance states that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community. While there is no definition of what constitutes an area for the purposes of calculating student population, the data zones from the 2011 census area provide a reasonable basis for determining this, however as these data zones are tightly drawn, considering them in isolation does not give an accurate reflection of the population demographic within the local area. As such it is normal procedure to use the data zones that fall within an 800m radius, an approximate 10 minute walk from the application site. Using this method considers a wider catchment and provides a more accurate representation of the local population.

When considering this area, the 2011 census shows an overall population of 24,077, and a student population of 5,729, or 23.8%. Post-2011 however, population estimates become less certain, and so only a maximum concentration of students can reasonably be arrived at. Adjusting for consented developments in the area to 2020, and therefore not accounting for any displacement impact from new housing and assuming all new development is fully occupied, results in a 2020 estimated overall population of 27,288 and a maximum estimated student population of 7,707, or 28.2%.

Post-2020, assuming that overall population change is equal only to newly constructed PBSA, not accounting for any displacement impact from the introduction of new PBSA, and assuming all PBSA is fully occupied, results in an estimated overall November 2022 population of 27,928, and an estimated student population of 8,347, or 29.9%. Should the application be granted the estimated population would therefore rise to 28,076, and the estimated student population rise to 8,495, or 30.3%, a percentage increase of 0.4%.

This is below the 50% threshold at which CEC's Student Housing Guidance states there will be a greater potential imbalance within the community and therefore an excessive concentration of students.

### *Accommodation type mix*

100% of the proposed units are studio accommodation. This is contrary to the requirement in CEC's Student Housing Guidance which encourages a mix of studio and cluster units to meet the varying needs of students.

In an Explanatory Note submitted on the 27th October, the applicant notes the proportion of studio apartments granted in other PBSA nearby, arguing the addition of greater numbers of studio flats will compliment the available housing mix in the area, as well as citing applications at 7-9 Lower Gilmore Place (20/02976/FUL) and at 4B East Newington Place (21/06470/FUL) which have been granted planning permission despite containing only studio flats.

It should be noted that the Student Housing Guidance is non-statutory guidance. Whilst it is a material consideration, it is not part of the development plan, and therefore has less weight than the statutory provisions of the LDP, specifically Policy Hou 8.

### *Coordinated development & the Dundee Street Local Centre*

The proposals will not result in compromising the effective development of adjacent land or the comprehensive development and regeneration of a wider area. Indeed, the improved pedestrian permeability provided by the site, particularly in delivering ramped access from The Union Canal towpath to the southern end of Yeaman Place, is an aspect of planning gain, increasing the accessibility of nearby land.

Part of the site is included in a defined Local Centre, and the proposal is likely to have a positive impact on the Local Centre's function, helping to increase the number of people visiting local businesses. Taken together, the development is likely to contribute to the regeneration and improvement of the local area, due to the economic benefit to local businesses and the proposals not prohibiting or inhibiting the activities of any nearby employment use.

The application therefore complies with LDP policies Des 2, Emp 9, Ret 5 and Hou 8. However, it must be noted that it infringes Student Housing Guidance in regard to mix of type of accommodation.

### Design

The site is primarily designed around a proposed new link from the Union Canal to Dundee Street, referred to as Yeaman Place Lane, and the construction of a terminating tenement to the Yeaman Place terrace. This terminating terrace, Block 1, respects a continuation of the increase in ridge height and eaves established on Yeaman Place and onto Polwarth Crescent, whilst matching the height of buildings across the road. Block 2 continues the arrangement of buildings along the canal, matching in scale the terminating tenements of Murdoch Terrace, Gibson Terrace and other buildings across the canal. Blocks 3 and 4 will be of a smaller scale and massing, three storeys high when facing the middle of the site and proposed lane, and two storeys high when abutting the boundary wall. This reflects the backland nature of the site, and represents an attempt to balance townscape, character, density and neighbouring amenity.

The buildings will be finished with a mix of brick, sandstone, and aluminium cladding, materials that are common in the surrounding area. Sandstone is used where Blocks 1 and 2 face Yeaman Place and the Union Canal, which contrasts well with the proposed use of brick towards the middle of the site for the internal Yeaman Place Lane elevations of Blocks 1 and 2, and for Blocks 3 and 4, helping to differentiate Yeaman Place Lane from the surrounding roads. The aluminium metal roof and windows mirror the modern nature of the design and are typical of other more modern buildings in the area.

The layout of the Active Travel route encourages ease of movement, meets design standards described in the Edinburgh Design Guidance, and meets applicable standards for emergency service vehicle access. Level access will be provided for active travel modes from the Union Canal to Dundee Street, passing through a courtyard area in the centre of the site, whilst the pend on the new ramped access route between Yeaman Place and the Union Canal improves permeability. The site's design reflects its historic environment and uses this and other design treatments as an element in the creation of a sense of place for the development, making use of the canal retaining wall that will remain, and reusing material from the retaining wall at prominent ground floor locations where it will be most visible. A mix of hard and soft landscaping throughout the site is provided to help enhance the publicly accessible amenity space and will result in attractive areas of public realm that link well with the canal.

Security considerations have been incorporated into the design as it is noted that the pend in particular may present issues. Mitigation measures include the use of a glazed frontage along the pend's southern wall, aiming to activate the area as much as possible with the placement of an ancillary office area and main staircase in Block 1 so that they have visibility into the pend, through the result is somewhat limited. Street lighting is to be provided throughout the site, and a condition has been attached to ensure this will be for 24 hours a day. The additional foot traffic that is likely to pass through the area given the number of people that will be living on the site, and the link to the Union Canal will additionally help mitigate security concerns.

A sustainability statement has been provided, showing that the development complies with points a) and b) of policy Env 6, exceeding the minimum sustainability standards.

In light of the above, the design concept draws upon positive characteristics of the site and its surroundings, responding effectively to design constraints posed by site specific factors. Its response to scale, form and position is appropriate to the townscape character and will help create a sense of place. Overall, it complies with LDP policy Des 1, Des 3, Des 4, Des 6, Des 7, Des 8, and Des 10.

## Amenity

### *Daylight*

The development will result in a reduction in the amount of daylight that many neighbouring residential properties receive. However, the applicant has been able to demonstrate that where the new buildings rise above a 25° line drawn in section from the horizontal at the mid-point of the existing windows, a Vertical Sky Component of greater than 0.8 of the window's former value is maintained, or, as the site is within one of the more densely planned parts of Edinburgh, the minimum Average Daylight Factor specified in the Edinburgh Design Guidance is met.

### *Sunlighting*

The development will result in a reduction in the amount of sunlight that many of the surrounding gardens receive. The Design and Access Statement demonstrates that four of the seventeen surrounding gardens are brought below the requirement described in the Edinburgh Design Guidance. Public comments note the amenity value residents derive from the use of their gardens and the importance they place on sunlight to enable the amenity benefits of these spaces.

However, this should be understood in the context of the high-density characteristics of the townscape, and the impact that planting has on the sunlight that currently reaches the gardens, not quantitatively accounted for in the applicable calculations in the Design and Access Statement.

The proposals include several areas of new amenity space. The canal side amenity area and roof terraces meet the requirements described in the Edinburgh Design Guidance, however the central square marginally fails to do so.

On balance this degree of impact and the level of infringement of guidance is acceptable.

### *Privacy*

Many public representations raise concerns about privacy, noting their concern that new residents will be able to see into windows and rear gardens. However, on balance the development is designed such that the privacy of neighbours is not unreasonably impacted. New windows are arranged so that bedroom windows either face away from neighbouring windows, or are generally set back 16.2m away from the nearest existing window, with four bedroom windows being less than this, two 14.8m away, and two 14.6m away. Windows providing light to circulation areas are closer than this however, the closest being 14.2m away.

Regarding gardens, whilst there will be a level of overlooking caused, windows overlooking gardens are set back appropriately, and the gardens in question are not spaces where total privacy can be reasonably expected, as they are communally shared with other properties in the respective tenement block and are already overlooked by other properties along the terrace.

Additionally, screening is provided in many of the gardens which helps mitigate potential privacy impacts, as many feature substantial planting and mature trees. The roof terraces to be provided are also arranged such that they overlook the canal or other publicly accessible spaces rather than gardens.

### *Noise, air and water quality, and contaminated land*

The Air Quality Impact Assessment, Noise Impact Assessment and Surface Water Management Plan provided demonstrate that impacts on local air quality, water quality and noise are acceptable, typically improving on the amenity impacts of the former scrapyards use. A condition has been attached to account for any potential land contamination that may have resulted from the former uses of the land.

When considering the different aspects of LDP policy Des 5 overall, and assessing the proposals against the Edinburgh Design Guidance, the development will result in limited adverse amenity impacts on neighbours. However, when taken in the round, and set against the amenity impacts of the site's current use as a scrapyards, it can reasonably be concluded that there will be a neutral impact on amenity, despite the infringement of guidance. The policy complies with LDP policy Des 5.

## Transport

### *Motor vehicle parking*

No motor vehicle parking is proposed, which complies with the relevant standards for PBSA in the Edinburgh Design Guidance. The site has good levels of access to public transport, education and local amenities, adding credibility to the anticipation in the submitted Transport Statement that trips generated will mostly be by public and active transport modes.

The proposal discourages reliance on private car use through no car parking provision in a sustainable location. Public representations note their concern that the development will have a detrimental impact on nearby traffic flow and motor vehicle parking availability, particularly with regard to deliveries. However, given that the previous use of the land, and that it is anticipated that low numbers of motor vehicle movements will be generated, it is likely that the proposals will result in a net loss in vehicular trips, whilst as the site lies within Controlled Parking Zone S4 it is unlikely that there will be substantive amounts of additional motor vehicle parking in neighbouring streets resulting from the development.

### *Cycle parking*

The proposal includes 148 long-stay cycle spaces internally on the ground floor of Block 2, which complies with Edinburgh Design Guidance standards of one space per one bed and location. A range of cycle parking is proposed including 67% two-tier cycle racks, 22% Sheffield stands, and 11% vertical racks. Greater than 20% of cycle racks will be suitable for non-standard cycles. The proportion of two-tier cycle racks is a deviation from guidance set out in CEC's Technical Manual factsheet C.7 Cycle Parking in New Developments, and as such a condition has been attached to ensure the acceptability of the application in this regard.

In addition, provision for 6 short-stay cycle spaces is included via 3 Sheffield stands in canal side area at ground floor.

### *Road and pedestrian safety*

Public representations note their concern that there are potential safety issues in regard to the new active travel route provided. Transport officers have been consulted on the proposal and have raised no objections, whilst no new accesses to Dundee Street or Yeaman Place are to be created. Danger resulting from the new access created onto the Union Canal towpath has also been considered, however the applicant has demonstrated that there is sufficient visibility and sightlines at the site's egress onto the Union Canal towpath to mitigate the risk.

### *Access Safeguard*

The development site includes land which is designated as a ramped access Cycleway / Footpath Access Safeguard in the LDP. This will be delivered by the proposals, providing ramped access from Yeaman Place to the Union Canal towpath, via the pend delivered under Block 1.

The proposal complies with LDP policies Tra 2, Tra 3, Tra 4, and Tra 9.

### Archaeology and Scheduled Ancient Monument

The site has been identified as within an area of archaeological significance both in terms of its nationally important built/archaeological heritage and buried archaeological potential. Edinburgh Council's Archaeologist notes the potential impact on Walker Bridge; any remains of the former mission hall and its early 20th century replacement, given the current building shares the same footprint as these; and remains relating to the 19th and 20th century industrialisation of Fountainbridge and the construction of the Union Canal.

The proposals include the demolition of a section of the Union Canal wall, which forms part of the Union Canal Scheduled Ancient Monument, however following consultation with Historic Environment Scotland, Scottish Canals and Edinburgh Council's Archaeologist, no objections have been raised. The partial demolition is limited in scale and reduced to the minimum extent necessary to enable to acceptability of the development in respect of other considerations, and whilst damaging to the canal's material fabric, the proposals will likely result in an enhancement to its setting and character.

No objections have been raised to the works subject to a condition requiring the submission and approval for a programme of archaeological works. A condition has therefore been attached to ensure the acceptability of the application in this regard. An informative has been included regarding the need for Scheduled Monument Consent.

The application complies with LDP policies Env 8 and Env 9.

### Biodiversity

#### *Bat roosting*

Due to the location and characteristics of the site bats are the only protected species applicable. A preliminary roost assessment and bat surveys have been submitted. Though the site is accessed as having a high potential for bat roosting, no evidence of bat roosts has been identified. Therefore, it is considered bats are not a constraint to the development.

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

## *Conservation*

A designated Local Nature Conservation Site is located to the immediate south of the site, covering a section of the Union Canal and its banks. The current use of the site as a scrapyards is likely of little biodiversity value, and though the proposals are unlikely to substantially improve this, as the provision of several trees, low level planting and green roofs will only be of minor benefit, it is unlikely the proposed development will have a negative impact on the Local Nature Conservation site.

The proposal complies with LDP policies Env 15.

## Waste

The applicant has confirmed refuse from the development will be subject to commercial collection.

## **Conclusion in relation to the development plan**

Overall, the proposal is acceptable with regard to the development plan. Whilst the development infringes certain elements of the Edinburgh Design Guidance regarding neighbouring amenity, cycle parking and student housing, the scale of the infringements in each case is limited, and overall acceptable subject to conditions. The proposals will preserve the setting of the listed buildings, contribute to the Dundee Street Local Centre, result in several comparative amenity benefits compared with the previous scrapyards use, deliver a ramped access safeguard, and is compatible with biodiversity policy.

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

The following material planning considerations have been identified:

#### SPP - Sustainable development

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

The proposal complies with Paragraph 29 of SPP.

#### Emerging policy context

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.

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

## 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

188 public representations were received, of which 166 were in objection, 13 were in support, and 9 were neutral towards the application.

### *material considerations objections*

- Over concentration of student accommodation and overdevelopment. Addressed in Section C.
- Not compliant with Student Housing Guidance. Addressed in Section C.
- Negative impact on the setting of nearby listed buildings and scheduled monument, and of the demolition of a former church building. Addressed in Section C. The former church building is not a Listed Building.
- Development will not be adaptable to the future needs of different occupiers. The proposals could feasibly be adapted to different uses.
- Negative impact on the community and character of the local area. Addressed in Section C.
- Design Issues - height, massing, architectural style and quality, materials, out of keeping with the area/townscape, high housing density, and room size. Addressed in Section C.
- Landscaping and lighting issues. Addressed in Section C.
- Neighbouring amenity concerns. Addressed in Section C. Ambient heat amenity is not protected.
- The Noise Impact Assessment, Daylighting Assessment, Sunlighting Assessment and Transport Statement are insufficient, or use an unacceptable methodology. The assessments have been amended as necessary to provide sufficient information for the application to be assessed.
- Concerns about increased crime, anti-social behaviour and security. Crime and anti-social behaviour are matters for Police Scotland, Security impacts of the development's design have been addressed in Section C.
- Concerns about increases in carbon emissions. Addressed in Section C.
- Inadequate local waste infrastructure. Addressed in Section C.
- Will increase pedestrian and motor vehicle congestion. Addressed in Section C.
- Insufficient provision of parking and disabled parking. Addressed in Section C.
- Road safety and access concerns regarding illegal parking, new active travel connections, street clutter and waste collection. Illegal parking is a matter for Police Scotland. Road safety impacts have been addressed in Section C.
- Poor access to the site and Active Travel route design is poor. Addressed in Section C.
- Inadequate access and space to manoeuvre for emergency service vehicles. Addressed in Section C.



- Concerned about increased pressure on local public services (health and education) and on Active Travel Route deliverability. The necessity of applying planning obligations of this type was assessed and it was not considered necessary for the application's acceptability.
- Negative local economic impact. Addressed in Section C.
- Negative impact on wildlife and trees. Addressed in Section C.

#### *non-material considerations objections*

- Public opinion and perceived nationality of new residents.
  - Development ownership.
  - Developer and Edinburgh Council motivations, allegations of corruption.
  - Tax receipts from students.
  - Loss of residential accommodation and insufficient non-student housing.
  - Sufficient student accommodation in Edinburgh.
  - Purpose Built Student Accommodation can only be rented by students.
  - Impact on the value of neighbouring properties, local rental prices and the rents of the new flats will be too high.
  - Reduction to height of the party wall to the rear of 17 Yeaman Place.
  - Neighbouring amenity impacts of construction.
  - The proposals should be for a different type of development.
  - Insufficient public consultation and non-compliance with the Edinburgh Development Concordat. The applicant and Edinburgh Council have complied with the statutory obligations in relation to public consultation and the provisions of the Edinburgh Development Concordat.
  - Does not deliver Union Canal to Yeaman Place ramped access safeguard, and as such discriminates against disabled people. The application has been amended to deliver the ramped access safeguard.
  - Non-compliant with City Plan 2030.

#### *Statements of support*

- Supports the development of student accommodation on the site.
- The proposal will be of benefit to students who study at nearby universities.
- The design is acceptable, of good appearance, creates a sense of place, and will be positive for security.
- Supports the landscaping approach near the site's Union Canal egress and an improved frontage to the canal.
- Supports the provision of ramped access between the Union Canal towpath and Yeaman Place.
- Supports the provision of the central courtyard, as this will be well used.

#### **Conclusion in relation to identified material considerations**

The material considerations identified do not outweigh the application's acceptability in relation to the development plan.

## Overall conclusion

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals will deliver Purpose Built Student Accommodation on a site which has a number of constraints, and though it infringes certain aspects of non-statutory guidance regarding neighbouring sunlighting, cycle parking and student housing, the extent of this infringement is limited, and overall the proposals are acceptable subject to conditions. The proposals will deliver on a ramped access safeguard, replace the existing scrapyard use with another use of lesser impact on neighbouring amenity, encourage active and sustainable transport use, preserve the setting of nearby listed buildings, and contribute to the vitality of the Dundee Street Local Centre and to the regeneration of the wider area.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP), and is acceptable in relation to the development plan. No other material considerations outweigh 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. Prior to the commencement of construction works on site:
  - a. A site survey (including intrusive investigation where necessary) 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.

3. The noise from the proposed ASHP plant shall meet the maximum output levels as detailed in Table 9 of the ITP Energised Noise Impact Assessment (Project 5095, v2 dated 11-11-2022).

4. The proposed lift shafts shall be made with reinforced cast in situ concrete (2340kg/m<sup>3</sup>) of 200mm thickness. In bedrooms adjacent to a lift shaft an independent lining shall be installed on the shaft side of the bedroom wall to reduce the impact of re-radiated noise due to vibrations from the lift movement. The guide rails of lifts must be isolated from the structure.
5. No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, preservation/conservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
6. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
7. A detailed specification, including trade names where appropriate, of all the proposed external lighting shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; external lighting on the site will operate during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.
8. Notwithstanding the permitted development rights under Schedule 1, Part 2 Sundry Minor Operations of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no gate, fence, wall or other means of enclosure, shall be erected that would inhibit access from the towpath of the Union Canal, access from Dundee Street, or access from Yeaman Place.
9. Notwithstanding what is shown on the approved plans, a minimum of 148 cycle parking spaces in a secure and under cover location will be provided, with a minimum 50% in single tier racks and a minimum of 20% for nonstandard cycles.

## **Reasons**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure the site is made safe for the proposed use.
3. In order to protect residential amenity.
4. In order to protect residential amenity.
5. In order to safeguard the interests of archaeological heritage.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. In order to protect public safety and residential amenity.

8. To ensure the active travel route link;
9. In order to comply with Local Development Plan Policy Tra 3 in respect of Private Cycle Parking ;

## **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. This consent is for planning permission only. Work must not begin until other necessary consents, eg Scheduled Monument Consent, have been obtained.
4. Particular attention must be paid to ensuring that emergency service and refuse collection vehicles are able to service the site.
5. The applicant should ensure that public utilities are located so as to ensure emergency service access to the site at all times;
6. The applicant should note that:
  - a. bollards, gates or similar access restrictions are not considered acceptable for the site and will not be permitted under road construction consent;
  - b. waiting and loading restrictions will be required for the site;
  - c. a Quality Audit, as set out in Designing Streets, will be required prior to the grant of Road Construction Consent;
  - d. new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
7. As the development is student housing, they will not be eligible for residential parking permits in accordance with the Edinburgh Council Transport and Environment Committee decision of 4 June 2013.
8. All accesses should be open for use by the public in terms of the statutory definition of 'road' and the subject of applications for road construction consent.

## **Background Reading/External References**

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

## **Further Information - Local Development Plan**

**Date Registered: 20 July 2022**

## **Drawing Numbers/Scheme**

01B, 02-04, 05B, 06B, 07A, 09B, 10B, 11A, 12A, 13B-18B,19A, 20A, 21B, 22A, 23A, 24B-27B, 28A - 30A, 31B-41B, 42A,43A, 44B, 45B, 46-49, 50C, 51A, 52, 53, 54B, 55A, 56, 57,

Scheme 4

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

Contact: James Armstrong, Assistant Planning Officer  
E-mail:james.armstrong@edinburgh.gov.uk

## Summary of Consultation Responses

NAME: Natural Environment

COMMENT: Require bat presence/absence surveys. Surveys Completed.

DATE: 27 July 2022

NAME: Archaeology

COMMENT: No objection subject to the application of the recommended condition.

DATE: 3 August 2022

NAME: Scottish Canals

COMMENT: Supports the development. Provides detailed comments on links to the towpath, public realm and non-planning related matters for agreement between the developer and Scottish Canals,

DATE: 15 August 2022

NAME: Historic Environment Scotland

COMMENT: No objection. We are content that the proposed development would not have an adverse impact on the setting of the scheduled monument. Need to apply for Scheduled Monument Consent.

DATE: 10 October 2022

NAME: Merchiston Community Council

COMMENT: Objects to the height, massing, materials and design quality.

The development represents overdevelopment and intrudes into the intended garden space of the tenements of Yeaman Place and Murdoch Terrace.

The new buildings will be overlooked and provide unacceptable levels of amenity for the new residents. Does not comply with City Plan 2030.

Scrapyard only operates during normal working hours and is required to observe Environmental Health regulations.

Application does not meet the housing needs of the area. There is ample student housing within the vicinity.

DATE: 25 November 2022

NAME: Policy

COMMENT: Provided data on student housing concentration. Updated 18.11.2022.

DATE: 18 November 2022

NAME: Transportation

COMMENT: No objection subject to the application of conditions and informatives.

DATE: 12 December 2022

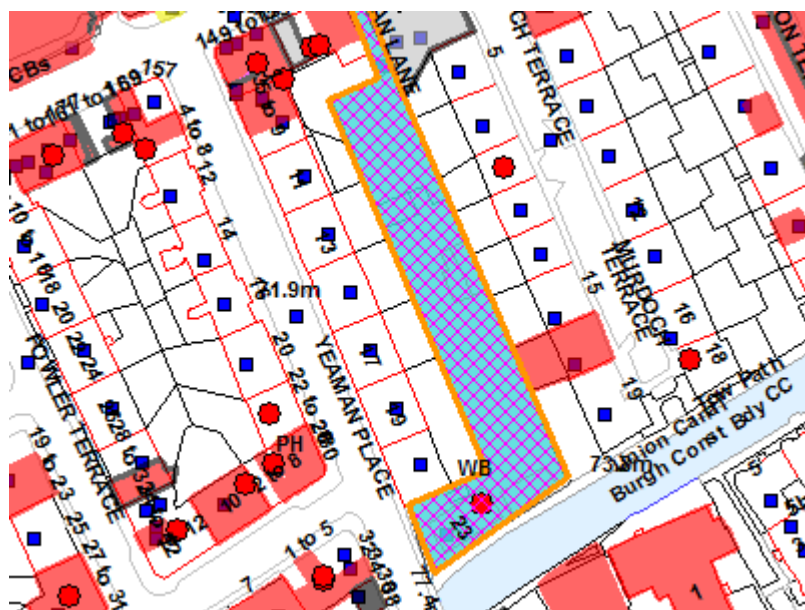
NAME: Environmental Protection

COMMENT: No objection to the application of recommended conditions.

DATE: 22 November 2022

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

## Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

This page is intentionally left blank