

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00 am Wednesday, 26th April, 2023**

Dean of Guild Court 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

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## 1. Order of business

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- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 24 April 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

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- 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

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- 3.1 Minutes of Previous Meeting of Development Management Sub-Committee of 15 March 2023 – submitted for approval as a correct record 11 - 28

<b>3.2</b>	Minutes of Previous Meeting of Development Management Sub-Committee of 17 March 2023 – submitted for approval as a correct record	29 - 34
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## **4. General Applications, Miscellaneous Business and Pre-Application Reports**

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

### **Pre-Applications**

<b>4.1</b>	Report for forthcoming application by the City of Edinburgh Council for Proposal of Application Notice at Trinity Academy, 1 Craighall Avenue, Edinburgh - Redevelopment of existing Trinity Academy and associated works including alteration of listed buildings (including retention and adaptation of the Victorian building and removal of 1950s /60s extensions), removal of all other existing buildings, and replacement with new school building as extension to the Victorian building and associated new landscaped outdoor areas. Associated buildings including temporary decant buildings on edge of site, relocation of services, alterations to boundary walls, new external works, and site access - application no. 23/01057/PAN - Report by the Chief Planning Officer	35 - 42
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It is recommended that the Committee notes key issues at this stage and advises of any other issues.

### **Applications**

<b>4.2</b>	44 Biggar Road, Edinburgh, EH10 7BJ - Section 42 application seeking to reword condition 7 attached to planning permission ref. 12/00758/FUL, to allow the sale of convenience goods from 248sqm gross sales floorspace at the site - application no. 22/04184/FUL - Report by the Chief Planning Officer	43 - 52
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It is recommended that this application be <b>GRANTED</b> .		
<b>4.3</b>	2 & 4 Canning Street Lane, Edinburgh, EH3 8ER - Change of use from residential to serviced apartments (sui-generis) - application no. 22/04304/FUL - Report by the Chief Planning Officer	53 - 64
It is recommended that this application be <b>REFUSED</b> .		
<b>4.4</b>	1 East Rigg Farm, Balerno, EH14 7JR - Erect 3x holiday huts and associated works - application no. 22/06141/FUL - Report by the Chief Planning Officer	65 - 78
It is recommended that this application be <b>REFUSED</b> .		
<b>4.5</b>	159 Fountainbridge, Edinburgh (Site At Former) - Approval of matters specified in conditions 1 (a-m) and (i)-(v), 2, 3, 4, 5, 7, 8, 9, of PPP application ref: 19/03097/PPP, relating to plots W1-W4 including residential/commercial/retail units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, car parking venting, servicing, surface water and drainage, lighting, waste management and hard and soft landscaping details (as amended) - application no. 22/04045/AMC - Report by the Chief Planning Officer	79 - 106
It is recommended that this application be <b>APPROVED</b> .		
<b>4.6</b>	10 Gilmerton Station Road, Edinburgh (At Land 292 Metres West Of) - Proposed residential development, including bike/bin stores, associated infrastructure, access, landscaping and engineering works - application no. 22/02912/FUL - Report by the Chief Planning Officer	107 - 134
It is recommended that this application be <b>GRANTED SUBJECT TO LEGAL AGREEMENT</b> .		
<b>4.7</b>	5B Hope Terrace, Edinburgh, EH9 2AP - Erect dwelling - application no. 22/06107/FUL - Report by the Chief Planning Officer	135 - 146
It is recommended that this application be <b>GRANTED</b> .		
<b>4.8</b>	4 Oversman Road (Land 160 Metres Northeast Of), Edinburgh -	147 - 162

Proposed development of three detached business and industrial units, including trade counter (use Classes 4, 5 and 6) and Sui Generis car showroom with associated access, car parking and landscaping - application no. 22/05666/PPP - Report by the Chief Planning Officer

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

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|------------|---|-----------|
| <b>4.9</b> | Confirmation of Tree Preservation Order No. 202 (Ravelston Dykes Road) - Report by the Chief Planning Officer | 163 - 174 |
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It is recommended that the order be **CONFIRMED**.

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|-------------|--|-----------|
| <b>4.10</b> | 4 Sunbury Street, Edinburgh, EH4 3BU - Retrospective change of use from residential to short term let (Sui-Generis) - application no. 22/04981/FULSTL - Report by the Chief Planning Officer | 175 - 184 |
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It is recommended that this application be **REFUSED**.

## 5. Returning Applications

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**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.**

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|------------|---|-----------|
| <b>5.1</b> | 7-7 A Newcraighall Road, Edinburgh, EH15 3HH - Residential development (as amended) - application no. 21/02559/PPP - Report by the Chief Planning Officer | 185 - 186 |
|------------|---|-----------|

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

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|------------|--|-----------|
| <b>5.2</b> | 10 Orchard Brae, Edinburgh, EH4 1PF - Proposed residential and office development comprising the change of use, extension and alteration of the existing office building to form residential accommodation and office/co-working space, demolition of the existing rear extension and erection of a new build residential development; with associated active travel routes, open space, parking and other infrastructure (as amended) - application no. 21/06512/FUL - Report by the Chief Planning Officer | 187 - 190 |
|------------|--|-----------|

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

- 5.3** 28 St Andrew Square, Edinburgh, EH2 1AF - Proposed internal and external alterations to existing office building (class 4) to include removal of current extension and the provision of a new rear and rooftop extension, including cycle parking and associated facilities (as amended) - application no. 21/04282/FUL - Report by the Chief Planning Officer 191 - 192
- It is recommended that this application be **GRANTED**.

## 6. Applications for Hearing

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**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** 43 Main Street, Edinburgh, EH4 5BZ - application no. 22/04940/FUL - Protocol Note by the Service Director – Legal and Assurance 193 - 196
- 6.2** 43 Main Street, Edinburgh, EH4 5BZ - 48 bed care home at Main Street, Davidson's Mains, Edinburgh - application no. 22/04940/FUL - Report by the Chief Planning Officer 197 - 198
- It is recommended that this application be **GRANTED**.
- 6.3** 139 Leith Walk, Edinburgh (At Land to East of) - application no. 22/01563/FUL - Protocol Note by the Service Director – Legal and Assurance 199 - 202
- 6.4** 139 Leith Walk, Edinburgh (At Land to East of) - Demolition of the existing warehouse building and construction of Sui Generis flatted dwellings including mainstream, affordable and student accommodation with a ground floor commercial unit and associated infrastructure, landscaping, and a reconfiguration of the existing car park - application no. 22/01563/FUL - Report by the Chief Planning Officer 203 - 212
- It is recommended that this application be **GRANTED**.

## 7. Applications for Detailed Presentation

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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.

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|-----|--|-----------|
| 7.1 | 6 Bankhead Crossway South, Edinburgh, EH11 4EZ - Change of Use from warehouse to a swimming pool to train babies and children - application no. 22/05278/FUL - Report by the Chief Planning Officer  | 213 - 220 |
|     | It is recommended that this application be <b>REFUSED</b> .  |           |
| 7.2 | Bonnington Mains Quarry (At Land 177 Metres West of), Cliftonhall Road, Newbridge - Development of field for ancillary quarrying operations - application no. 22/02513/FUL - Report by the Chief Planning Officer  | 221 - 240 |
|     | It is recommended that this application be <b>GRANTED</b> .  |           |
| 7.3 | Bonnington Mains Quarry (At Land 177 Metres West of), Cliftonhall Road, Newbridge - Extraction of Quartz-Dolerite and erection of plant and ancillary structure (Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL) - application no. 22/02514/FUL - Report by the Chief Planning Officer | 241 - 264 |
|     | It is recommended that this application be <b>GRANTED</b> .  |           |

## 8. Returning Applications Following Site Visit

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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**

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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**

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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**

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If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 553 8242 / 0131 529 4085, email [jamie.macrae@edinburgh.gov.uk](mailto:jamie.macrae@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/>.

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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)).

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# Minutes

## Development Management Sub-Committee of the Planning Committee

**10.00am, Wednesday 15 March 2023**

### **Present:**

Councillors Osler (Convener), Beal, Booth, Cameron, Dalglish, Gardiner, Hyslop, Jones, McNeese-Mechan, Mowat and O'Neill (items 4.1-4.5 and 6.1-6.4).

### **1. General Applications and Miscellaneous Business**

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The Sub-Committee considered reports on planning applications listed in sections 4 and 6 of the agenda for this meeting.

#### **Requests for a Presentation:**

Councillor Booth requested a presentation in respect of Item 4.1 – 29C Blair Street, Edinburgh, application no. 22/04393/FUL.

Councillor Beal requested a presentation in respect of Item 4.6 - 13 Ravelston Park, Edinburgh, application no. 22/05474/FUL.

Councillor Booth requested a presentation in respect of Item 4.7 – 36 - 38 Yeaman Place, Edinburgh - application no. 22/04369/FUL.

#### **Decision**

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

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

### **2. 54 Rosslyn Crescent, Edinburgh**

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At its meeting of 11 January 2023, the Development Management Sub-Committee agreed to continue consideration of application 22/00745/FUL–54 Rosslyn Crescent, Edinburgh, to allow for a site visit and a hearing.

The application for planning permission was for the proposed conversion of bowling club and bowling green to residential dwelling and garden at 54 Rosslyn Crescent, Edinburgh - application no. – 22/00745/FUL.

#### **(a) Report by the Chief Planning Officer**

The application site comprised the former Tramways Bowling Club, including a bowling green and a single-storey clubhouse. The site was 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 were 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 proposal was acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would preserve or enhance the character or appearance of the conservation area. The proposal complied with the Local Development Plan and associated guidance. The proposal was acceptable in principle, in terms of its impact on open space and on the conservation area. The proposal would provide adequate levels of amenity for future occupiers and would not adversely impact on neighbouring residential amenity. There were no material considerations that outweighed this conclusion.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 15 March 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(b) Leith Central Community Council**

John Wilkinson addressed the Development Management Sub-Committee on behalf of Leith Central Community Council. Mr Wilkinson said that regarding the previous refusal, in 2021, the proposal to convert the Bowling Club and Green to a private house was contrary both to National Planning Policy Guidance 18 and the Edinburgh Development Plan. Bowling clubs were major open spaces for the city and should stay that way. The Council should develop a policy as to what should be done with them for the common good. Local Pilrig community groups had expressed their interest in giving new life to the former Bowling Club. The Pilrig Conservation Area was not subject to economic decline, so the proposed change of use was not justified. The proposal did not demonstrate that good residential environment could be achieved, being directly overlooked by adjacent properties and the proposals would not contribute to a sense of space. The proposal did not demonstrate that in the future, residents would have good amenity in relation to noise, daylight and sunlight. The applicant had not submitted an daylight analysis to say that minimum light would not be achieved in the proposed house. The building could only be accessed through a single door which seemed to fall out with the ownership of the applicant. Finally, if permission was granted, this would become a private residence and would set a precedence for all similar applications.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 15 March 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(c) Tramways Community Garden**

Jennifer Broadley addressed the Development Management Sub-Committee on behalf of the Tramways Community Garden. Ms Broadley stated that she was Chair of the Tramway Community Garden. Over 50 households had become members and hoped to transform this site into a community garden. They were willing to commit their own funds to the garden and had received help from various bodies, including the Development Trust Association. Council policy stated that when bowling clubs closed, the greens

would be repurposed for the benefit of the community. Ms Broadley stated the proposed development clearly contravened planning policies. The Chief Planning Officer had reviewed the application in line with NPF4, however, Ms Broadley argued his arguments were unconvincing. Policy 9 supported the re-use of empty buildings. However, the building had been open for use for the local community, but the Covid Pandemic had prevented use for over 2 years. The reference to Policy 15 was also misleading. This did not fit in with neighbourhood strategy. This was not an old bowling club and the Clubhouse was widely used for a range of activities. Ms Broadley stated the Planning Officer had a narrow view of this and approving this would go against Council policy and strategy. In this densely populated area, there was a need to preserve green spaces. Therefore, Mr Broadley recommended Committee should turn down this application and any further applications for the site.

**(d) Representors or Consultees**

Benjamin Twist indicated that he was speaking as a resident. There was concern that this application was not environmentally strong and was detrimental to the local community. It was not the case that the application complied with LDP Policy ENV18, or that it maintained community use. The practicalities of the proposals had not been thought through. One of the local groups was located over a mile away. Also, there was a lack of toilet provision and disabled access. The Committee seemed to accept the report written by Galbraiths, which was written for the applicants and was dated June 2022, long after the date for comments and there had been a lack of proper consultation. There was concern that the comments in support of the application provided inadequate reasons and tended not to be from local residents. Mr. Twist stated that most neighbours objected to the proposals. Leith Walk ward was already densely populated and there was a big waiting list for allotments. Mr. Twist advised he was in favour of dense city neighbourhoods, however, these had to be well planned and thought out. There was a need to meet net zero targets by 2030 which would be challenging. Mr. Twist concluded that although this application seemed to have green intentions, there was a lack of rigorous thinking, and this application should be refused.

Mary Blackford said that she had been a resident in this area for 11 years. The applicant had said they would involve other bodies, but these were red herrings. There was already a nursery in Stockbridge with an extensive garden which was close to Inverleith Park and the Botanic Gardens. There were other nurseries that were more local to this area. There had been no risk assessment either for the building or the garden. Similarly, there were plans for an adult on the site to welcome/supervise visitors to be given clearance by Disclosure Scotland, the site was full of trip hazards and lacked toilet and educational facilities. There was also a lack of fire doors and an overall lack of good access. The applicant did not specify how events would be organised and frequent use would need authorization. The Chief Planning Officer indicated that there would be increased footfall, the street was already congested and there would be few spaces left in the street. A local resident had received 30 Saplings from Woodland Trust but when these trees were offered to the applicant, they refused them. The rewilding proposal was worthy but fanciful. Other, more appropriate sites existed for this use and a community garden would be much better. None of the proposals were in tune with the National Planning Guidelines. The relationship between the owners and local groups could be

discontinued at any time by the owners. Ms. Blackford recommended the members should therefore refuse the application.

Terence Anthony indicated that two previous applications had been refused. Mr. Anthony suggested the Authority would not want to create a precedent or encourage more population density. Pilrig Park could not be used as a type of offset for the loss of this site. The club wanted his organization to take this over and there were other possible buyers and groups who were interested in using the club. Their attempts to take over did not take place. There were also issues regarding the turf, but nothing had been done to address this. The construction of a large house did not fit in with re-wilding and this was the worst location on the site for a residential dwelling. The Chief Officer's comments did not reflect this and this change to residential use had nothing to do with home start or re-wilding. This represented an opportunistic property development as the value of the property would probably quadruple, which amounted to profiteering. The applicant had received warnings of planning restrictions from various bodies, but they ignored them, and they did not work with the local community body. This proposal would be a highly profitable change of use and was not what was intended by NPF4. Mr. Anthony conclude the application was not sustainable, livable or productive and should therefore be refused.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 15 March 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(d) Applicants and Applicant's Agent**

John Campbell (Abor Green) and Alan Farningham (Farnmac) were heard in support of the application.

John Campbell explained that he was a representative of Abor Green nursery. Some of the public may have visited the nursery. This was an outdoor nursery and effectively they carried out landscaping to be a productive garden to feed the nursery, recognising the opportunities for learning in terms of resources, and making it a desirable place to be.

Most of the parents that came were amazed at the abundance and beautiful space that was provided. The biggest aspect was for there to be more use of the tramways to Rosslyn Crescent Gardens. They used gardening as a good way to bring together parents and children. It was often the children that seemed to be educating the adults and currently, the adults did not have a huge amount of knowledge in terms of how to look after potential growing space that they may have access to themselves.

Effectively, Rosslyn Crescent Gardens was an opportunity for their organisation to take their expertise and proven experience of delivering a project like this. This would serve broader and potentially less skilled and equipped charities and organisations, that could take advantage of the gardens they could create. They were quite an engaged community within the nursery, one of the parents was an agronomist and there were a few landscape gardeners as well. That contributed to helping the climate as well as providing expertise and bodies on the ground to make things happen.

The benefit to his organisation was that they ran a sort of forest school program that would involve the staff and pupils going to the site. They had quite good ratios of 1 to 4, which was a very high staff to pupil ratio on outings. That was part of the policy of the nursery. They had identified that it was possible to get to the site within 30 minutes using public transport.

Some of the gardens that they had received were already in progress. Referring to the presentation, it was possible to see from some of the pictures some of the other projects that they had been working on. If one was to consider the plan for the community garden and the perennial system that ran around, the outside was effectively an almost edible ecosystem.

The perimeter was obviously going to look attractive both to the inhabitants and to the neighbours. It would provide food and other materials, such as flowers from February, through to first frost in October/November. It was also primarily a very low maintenance system once it was installed. Within a year or so, 90% of the labour involved would be simply harvesting the perennial crops, such as fruit and vegetables. This could be improved, in terms of potential annual raised growing beds, but that could be scaled back or increased as demand required. Food could be enjoyed within the community. Hopefully, there would be lots of surplus food and the capacity to cut flowers on and off site.

Alan Farningham spoke on behalf of Farnmac. By way of background, Mr. Farningham advised the Tramways Bowling Club officially closed its doors in 2019 and the property was sold by Lothian Buses to the applicants under open market by process, in December 2020. It was understood that there were 18 bids, but significantly, the applicant's bid was not the highest. The proposed garden ground was classified as open space in the Local Development Plan Proposals Map and was therefore required to be assessed against LDP Policy Env 18 (Open Space Protection). Now, in accordance with criterion A, there would be no adverse impact on the quality or character of the local environment by converting a disused bowling green to garden space and converting the vacant clubhouse to a residence. Any impact would be a positive one. Such an approach was also strongly supported by NPF4 Policy 9, which related to vacant and derelict land and empty buildings, which sought the sustainable re-use of vacant land and buildings.

With respect to criterion B, the site was of limited leisure value and there was good quality open space provision in the local area at Pilrig Park, as well as the neighbouring Pilrig Bowling Green on the site's north-eastern boundary. It complied with criterion C as there would be no loss to the biodiversity value of the site, changing from a disused and unmaintained bowling green to an active and growing garden space. It was consistent with NPF4 Policy 3 (biodiversity), which had not been referred to at this meeting or indeed in the Planning Officer's report, which sought to restore degraded habitats and buildings. This was also underpinned by NPF4 Policy 1, which sought to tackle the global climate crisis.

There would be a significant uplift to this site's biodiversity value, on account of its new, primarily garden use. The ability of the proposal to comply with the potential loss of protected open space was therefore contingent upon compliance with Criterion E, which stated that development must be for a community purpose and the benefits to the local community outweighed the loss. The current use of the site was vacant land with no community value, and this had been the case now for nearly four years. The lease arrangements which the applicants had signed with community groups, such as Homestart Edinburgh, a Leith-based group, a family gardening playgroup, Parent Meet-Up and Aborgreen Nursery, which was not locally based. But they were looking forward to making a local base here and therefore attracting participation from both the wider and local community. More recently, the applicants had signed a lease agreement with the Kin Collective Family Wellbeing, also a Leith-based community group, which was for an outdoor wellbeing and sensory play space for parents and families. These collectively provided community access for four mornings per week. The applicants would, however, also be open to having discussions with other local groups such as the Tramways Garden Group.

It was considered that on any balanced and objective interpretation, the proposal did not compromise the purpose and overall objectives of key Policy 18, Open Space Provision in the Local Development Plan. Furthermore, it did not prejudice the amenity of adjoining residential property. Indeed, if approved and implemented, the proposal would bring back into active use a site which had been vacant for four years, to the continued detriment of both the immediate environs and the wider surrounding Pilrig Conservation Area. There were also no technical objections to the proposal in respect of access, car parking or water and drainage issues, in what was a sustainable location that did not rely on the private car, with good access to the public, transport network and local facilities and services.

Mr. Farningham advised he saw no reason why the applicant could not accept an appropriately worded condition, or an appropriately worded clause or clauses in a Section 75 agreement that would make sure that the community use, which was an integral part of these proposals, was actually maintained in perpetuity.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 15 March 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(e) Ward Councillors Caldwell and Rae**

Councillor Caldwell made a declaration of transparency, as he was a resident of the wider Pilrig area. Site history was relevant as several of the LDP Policies from 2016 touched in the social issues of the site. Constituents were concerned about the change of use and wanted to preserve open space and there was high local community engagement with this site. The report listed the site as being of limited leisure value at present. It said there was good quality open space provision in the local area and Pilrig park. This was contradictory to the statement later in the same section that stated it



would not be appropriate to improve an existing public Park or open spaces as Pilrig Park was 250 metres away. The point being that 250 metres was still local but not local enough to request developer input or a Section 75. This was already a very densely populated area and there was growing pressure on the park, with no actions to improve the park. As it stood, the park was extensively used as a leisure space and there were 4 major developments in this area in recent years. Local spaces needed to be protected. There was no mechanism for enforcing the agreement between the applicant and the two organisations. Therefore, it was uncertain that the Council was protecting open space, which should be the case. Councillor Caldwell said he hoped that further dialogue between the applicant and neighbours could help matters. LDP Policies Env 18 and Hou 5 were the crux of the matter and should receive consideration.

Councillor Rae stated that she did not have a lot to add as there had been substantial contributions already. This had been a complex process and a number of conversations had taken place. There would be a loss of an important green space for the community. This was the crux of the issue. As Leith Walk ward was a very densely populated area, green space was vital to the community, this was particularly evident during Covid. More building puts pressure on green space. With the bowling club, there was a lost opportunity to make a community bid. There was concern that the Authority would put a development in the green space, once they did this, then they would be creating a precedent for other bowling clubs. No one wanted to lose this green space and this should be given careful consideration as it was clearly not in the interest of wider community.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 15 March 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

## **Motion**

To **GRANT** planning permission subject to

- 1) The conditions, reasons and informatives, as set out in section 3 of the report by the Chief Planning Officer.
- 2) An additional condition that details of the toilet facilities to be submitted and approved by the Council, as planning authority, and made available when the use was taken up.

## **Reason:**

In order for the Chief Planning Officer to consider this matter in more detail.

- 3) Additional information that the applicant engaged in further dialogue with the local community, e.g. Tramways Community Garden and Leith Central Community Council, with regard to provision of community use and access.
- moved by Councillor Osler, seconded by Councillor Mowat.

## **Amendment**

To **REFUSE** planning permission as the proposals were contrary to Local Development Plan Policies Env 18 (Open Space Protection) and Hou 10 (Community Facilities).

- moved by Councillor Booth, seconded by Councillor Beal.

## Voting

For the motion:	-	4 votes
For the amendment:	-	6 votes
Abstention	-	1 vote

(For the motion: Councillors Hyslop, McNeese-Mechan, Mowat and Osler.)

(For the amendment: Councillors Beal, Booth, Cameron, Dalgleish, Gardiner and O'Neill.)

(For the abstention: Councillor Jones.)

## Decision

To **REFUSE** planning permission as the proposals were contrary to Local Development Plan Policies Env 18 (Open Space Protection) and Hou 10 (Community Facilities).

(References – Development Management Sub-Committee of 11 January 2023 (item 3), the report by the Chief Planning Officer, submitted.)

## 3. 23 Yeaman Place, Edinburgh

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At its meeting of 11 January 2023, the Development Management Sub-Committee agreed to continue consideration of application 22/03556/FUL - 23 Yeaman Place, Edinburgh, to allow for a site visit and a hearing.

The application for planning permission was for the 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 at 23 Yeaman Place, Edinburgh, EH11 1BT - application no. – 22/03556/FUL.

### (a) Report by the Chief Planning Officer

The proposal was 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 would 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 was five storey in height while block 2 in the south west corner of the site was four storey in height. Blocks 3 and 4 which sat to the rear of tenements in Yeaman Place were 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 were proposed.

Ramped access to Yeaman Place would be facilitated by a pend running under Block 1 from Yeaman Place into the centre of the site, and the access to Dundee Street from the towpath would pass through a central courtyard/amenity area. Amenity spaces would 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

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 15 March 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(b) Merchiston Community Council**

Marianna Clyde addressed the Development Management Sub-Committee on behalf of Merchiston Community Council. Ms Clyde stated that Merchiston Community Council objected to the application. Their principal concerns were design quality, congestion, overdevelopment, and the impact on day light and sun light on neighbours' properties. Also, there were objections about the concentration of student housing in the area. Looking down Yeaman Place, on the left there was a fine tenement building. Elsewhere, the current set up was unpleasant, so it was hoped that any building there would be of sufficient design quality. One of facades facing onto Yeaman Place was somewhat bleak, there was a lack of fenestration. On the other side was a large amount of steel cladding. There was also a lack of fenestration and articulation, which also presented a bleak aspect. This was an area of high density and lack of garden space, with proposals for 148 student bed spaces. For the lower buildings, there would be a lack of privacy for students. These buildings were overlooked and cramped, with a lack of usable open space. Referring to lighting and the building opposite, according to the presentation in January, the lower residential buildings would lose a lot of light. The upper windows were also residential and would be impacted by loss of light. Additionally, the windows on first and ground floor would also be impacted by loss of daylight.

The presentation can be viewed in full via the link below:

**(c) Ward Councillors Cowdy, Walker and Key**

Councillor Key indicated that wished to raise two points. When he first saw the proposals, he was delighted that there would be access from Yeaman Place to the Canal. But then the developers said that access would not be accessible but would include steps. He could not support the application on this basis as there should be an accessible through-route for everybody. When the planning application was lodged, there was stepped access, but many people in the community wanted accessibility for all. Councillor Key noted he was thankful the developers changed their mind and now there was ramped access in the proposal.

His second point was about the general application. If this was a residential application for social housing/affordable housing being built to rent, they would probably not be having a hearing. But that was not the case, it was a student housing project. If one was to consider this as a micro area around this application, to the South was the canal, to the north was Dundee Street, there was Yeamen to the West and Viewforth to the east. In this square, there were about four residential streets. There were already four student accommodation setups and they were now considering five, which would mean there would be more student blocks than residential blocks. So, he would ask the Committee that as there was a density issue in this case, they should be refusing it on that basis. He would also like the members to think about what was best for the site and what was best for Edinburgh.

Councillor Walker advised that she objected to this development. Fountainbridge was a lovely, vibrant area, with the Canal on one side, on the other side, Harrison Park, Dundee Street and on Lothian Road, the refurbished Kings Theatre. This was a traditional area, with a great deal going for it. The issue was the amount of student housing already in the area. Along the road, from the Lothian Road end, along Fountainbridge to the location of this site, a pedestrian would be passing four or five large blocks out of student accommodation. This was taking the heart out of the community. The relevant planning policies stated that the proposals would contribute to local living, but this development was the opposite of that, as in Fountainbridge, the student community did not engage much with the local community. New residents tended to use local shops, restaurants and amenities; however, her experience was that students visited the supermarkets only. The student population had a strong internal sense of community, rather than engaging with the wider Fountainbridge community. Therefore, the members should turn down this proposal.

Councillor Cowdy indicated that Yeamen Place had very particular characteristics that defined it from the surrounding streets of the area. It was a Breakers Yard in the middle of a residential area, it had a busy route for traffic and had a continuing problem with litter. There was also quite a lot of disrepair of stonework and ironmongery. This meant that there was room for improvement on this street and this was supported by the views of the residents. The residents from Yeman Place thought that the scrap yard had been

very noisy and disruptive, so any move away from this type of industrial use was welcomed, as was improved access to the canal. In respect of the appropriateness of student accommodation, whilst private residential would have been the preferred outcome, the general feeling was that adding to the current local mix of social housing, private housing with student housing, was a better outcome than the existing Breakers Yard. The main concern from Yeaman Place residents was the height of the two pods at the center of the site and how their height might diminish the privacy of the back rooms of Yemen tenement flats. Councillor Cowdy had also been attending Merchiston Community Council meetings and had discussions with their members. He thought that the development in principle would be beneficial to the street and the area, by improving local amenity and the main concern was privacy and overshadowing, but he hoped that his input would help the Committee to make a decision.

**(d) Submission from Joanna Cherry MP**

The Sub-Committee considered a written submission from Joanna Cherry MP who objected to the proposals. She indicated that the committee would have noted the large number of local objections to this application. This proposal should be rejected as it would further erode the local community in and around Yeaman Place and Fountainbridge.

Local people were not against any development on this site. They were however rightly concerned about yet another development of purpose-built student accommodation. Her main concern is that this proposal is not in line with Policy Hou 8 Student Accommodation.

From the presentation given by officers at the previous meeting of the Sub-Committee, she was surprised by the large radius drawn when analysing the density of student housing under the existing City of Edinburgh policy. It was important that there was diversity in the social composition of residents to create strong and sustainable communities. It was also necessary for residents to build an attachment to their surroundings and find a sense of permanence.

Approving this application would remove the site and prevent a more appropriate development which would support and enhance the local community. She urged the Committee to listen to the views of local residents and heed its own guidance to ensure that priority was given to the diversity, vibrancy and sustainability of the community in Fountainbridge.

**(e) Applicants**

Paul Scott (Scott Hobbs Planning) and Paul Harkin (Fletcher Joseph Architects) were heard in support of the application.

Paul Scott advised that he was a planning consultant on the project and Paul Harkin was from Fletcher Joseph Architects, the architects in the project. They welcomed the recommendation to approve this application and the very comprehensive and professional report, prepared by the planning officer recommending that the members approve this application, to deliver a historic new route from the Canal through this site to Dundee Street and up on to Yeaman Place.

Paul Harkin indicated that rather than go through the proposals again, in addition to the planning officer's comprehensive presentation, it was felt that the members could maybe gain further understanding of the proposals if he outlined the key principles which, brought them to this stage. The best way to do this was in a diagrammatic format.

Their initial appraisal of the site recognised that it presented a complex challenge of taking a long, narrow, site setting between the tenemental streets of Yeaman Place and Murdoch Terrace, and how that could be reconciled with prominent frontages to Yeaman Place and the Union Canal. Interrogation of the constraints and opportunities quickly revealed that there was one singular strategy which dominated their thoughts and largely informed the subsequent design process. This hinged on the identification of the three key access points to the site from Yeaman Place, Dundee Street and the Canal and the creation of active travel routes, which would link these connections throughout the site and to the wider connections along the canal and to the north.

The establishment of this route effectively defined three development zones, which were linked by two key areas of public realm, in the centre of the site and adjacent to the canal. The subsequent accommodation blocks were then laid out in response to this structure, to effectively channel movements through the site, via a series of lanes and the public community spaces. In respect of each of these prospective development zones, it was necessary to respond to a distinct set of circumstances and go through these individually.

The first one was the development zone adjacent to Yeaman Place at the at the end of the tenement, and this was possibly the most straightforward to address. They believed the extension of the established scale, wall and roof height of the existing tenements from the eastern edge of Yeaman Place was the most appropriate solution. This gave them the opportunity to finish the street elevation, as they always acknowledged the prominent corner which signaled the junction with the canal and Yeaman place. The key challenge, as they had discussed previously, was how to accommodate an accessible connection to the canal.

As the difference in the ground level was so significant at 3.00 metres, immediately at the south end of the site, that would have demanded a quite complicated practical arrangement of ramps and switchbacks, if they were relocating this immediately adjacent to the bridge. It was therefore thought that the introduction of a pedestrian pend, adjacent to the existing tenement, was the most appropriate solution, as the levels dropped down to this area. This meant they could accommodate the reduced levels with a more direct, accessible ramp, while still maintaining the wholistic, long street elevation and not fragmenting this. This view demonstrated that the scale of the building responded to both sides of the canal.

The response along the canal was informed by reconciling the scales and that building heights, Yeaman Place and Murdoch Terrace. This was as well as reflecting the established pattern of the gable frontage, which currently existed to the east, where the tenements on the Murdoch Terrace should be arranged perpendicular to the canal.

These principles again defined appropriate development zones they felt it was appropriate to build and which also would frame the safeguarded access point to the canal. The image referred to was really just to represent the use of the building's transitional scale, not just in Yeaman Place but along the canal as well.

The central section of the site was always expected to be on a lower scale, in deference to the height and existing tenements and recognition of the lower buildings, which originally occupied the site in its historical usage as Yeaman Lane. This informed a model which they felt would reflect the more muse-type character. The development zones were defined, firstly by prescribing a 45-degree line from the head of the boundary walls. Thereafter, the 25-degree line from the ground floor windows of the nearest affected habitable properties.

They also thought that the application of a reasonable privacy distance of 60 metres between new and existing windows was a reasonable application, as this was fairly common and typical of built-up city centre locations. This exceeded the existing difference across Yemen, Place and Murdoch Terrace. These rules then effectively defined the development zone for the internal blocks and informed the resulting three-storey arrangement along the centre of the site, dropping to the two stories, immediately adjacent to the boundary. The staggered arrangement on the plan of these two buildings also helped to define the central space central space, as well as shared the impact between the boundaries equally.

The three distinct development zones, therefore combined to create what they thought was a coherent and legible site layout and form, which responded to the adjacent properties. Thereafter, they would look to develop the detailed design and respond to the client's brief requirements in a sympathetic style and the language which they felt responded to present day trends and met demands but did not introduce a building which was going to be a "statement building" on the corner.

They believed the proposals presented a logical solution to quite a complex site, one that was simply, fundamentally organised around the creation of a new, much needed active travel route and provided wider links to the canal in the north of the city beyond. They considered that the proposals represented sensitive regeneration of an unattractive industrial site, which was not compatible with residential neighbours. This would introduce a more appropriate development, which respected the character and amenity of the adjacent properties.

## **Decision**

To **GRANT** planning permission subject to:

- 1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
- 2) An amendment to condition 9 to state that "Notwithstanding previous drawings provided, cycle parking shall comply with the details shown on drawing 13C-B2&3 GROUND FLOOR

PLAN, provided on 10 March 2023, and shall be implemented upon occupation of the development hereby approved.”

- 3) An additional informative that the applicant liaises with the Council, as roads authority, with regard to providing appropriate signage to promote the active travel links through the site.

(References – Development Management Sub-Committee of 11 January 2023 (item 2), report by the Chief Planning Officer, submitted.)

#### **4. 29C Blair Street, Edinburgh**

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Details were provided of an application for planning permission for a change of use from residential to short-term let visitor accommodation (sui generis). Retrospective at 29C Blair Street, Edinburgh, EH1 1QR - application no. - 22/04393/FUL.

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

##### **Motion**

To **GRANT** planning permission.

- moved by Councillor Osler, seconded by Councillor Jones.

##### **Amendment**

To **REFUSE** planning permission as the proposal was contrary to Policy 30 e) ii of NPF4 because the proposal would result in the loss of residential accommodation where such loss was not outweighed by demonstrable local economic benefits.

- moved by Councillor Booth, seconded by Councillor O’Neil.

##### **Voting**

For the motion: - 6 votes

For the amendment: - 5 votes

(For the motion: Councillors Beal, Dalgleish, Jones, McNeese-Mechan, Mowat and Osler.)

(For the amendment: Councillors Booth, Cameron, Gardiner, Hyslop and O’Neil.)

##### **Decision**

To **GRANT** planning permission.

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

#### **5. 36-38 Yeaman Place, Edinburgh**

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Details were provided of an application for planning permission for a change of use from class 1 (shop) to restricted class 3 (food and drink), alterations and refurbishment. (As amended) at 36 - 38 Yeaman Place, Edinburgh, EH1 1BT - application no. – 22/04369/FUL.

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

##### **Motion**

To **GRANT** planning permission subject to the conditions and reasons as set out in section C

Development Management Sub-Committee of the Planning Committee 15 March 2023

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of the report by the Chief Planning Officer.

- moved by Councillor Osler, seconded by Councillor McNeese-Mechan.

### **Amendment**

To **CONTINUE** consideration of the matter for a formal response from Transport and a consultation response from Scottish Canals.

- moved by Councillor Booth, seconded by Councillor Hyslop.

### **Voting**

For the motion: - 8 votes

For the amendment: - 2 votes

(For the motion: Councillors Beal, Cameron, Dalgleish, Gardiner, Jones, McNeese-Mechan, Mowat and Osler.)

(For the amendment: Councillors Booth and Hyslop.)

### **Decision**

To **GRANT** planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.

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

## Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
<b>4.1</b> – <a href="#">29C Blair Street, Edinburgh, EH1 1QR</a>	Change of use from residential to short-term let visitor accommodation (sui generis). Retrospective - application no. - 22/04393/FUL	To <b>GRANT</b> planning permission. (On a division.)
<b>4.2</b> – <a href="#">12 Loch Road, Edinburgh, EH4 3PW</a>	Proposal: Extension and alterations to house. (AS AMENDED) - application no. – 22/05907/FUL	To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
<b>4.3</b> – <a href="#">31 Lothian Road, Edinburgh, EH1 2DJ</a>	External works to facilitate use of balcony as a customer terrace - application no. – 22/06022/FUL	To <b>REFUSE</b> planning permission subject to the reasons as set out in section C of the report by the Chief Planning Officer.
<b>4.4</b> – <a href="#">31 Lothian Road, Edinburgh, EH1 2DJ</a>	External works to facilitate use of balcony as a terrace and internal alterations involving reconfiguration of toilets - application no – 22/06023/LBC	To <b>REFUSE</b> listed building consent subject to the reasons as set out in section C of the report by the Chief Planning Officer.
<b>4.5</b> – <a href="#">83 Pentland View, Edinburgh, EH10 6PT</a>	Erect 6x new houses, conversion of former farmhouse to 3x residential units and associated landscaping and alterations - application no – 22/01495/FUL	To <b>GRANT</b> planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<b>4.6 - <a href="#">13 Ravelston Park, Edinburgh, EH4 3DX</a></b>	Two-storey extension to east with part-wrap around to south elevation (as amended) - application no. – 22/05474/FUL	To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
<b>4.7 - <a href="#">36 - 38 Yeaman Place, Edinburgh, EH11 1BT</a></b>	Change of Use from class 1 (shop) to restricted class 3 (food and drink), alterations and refurbishment. (As amended) - application no. – 22/04369/FUL	To <b>GRANT</b> planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer. (On a division.)
<b>6.1 - <a href="#">54 Rosslyn Crescent, Edinburgh, EH6 5AX</a></b>	Protocol Note by the Interim Executive Director of Corporate Services	Noted.
<b>6.2 - <a href="#">54 Rosslyn Crescent, Edinburgh, EH6 5AX</a></b>	Proposed conversion of bowling club and bowling green to residential dwelling and garden - application no. – 22/00745/FUL	To <b>REFUSE</b> planning permission as the proposals were contrary to Local Development Plan Policies Env 18 (Open Space Protection) and Hou 10 (Community Facilities). (On a division.)
<b>6.3 - <a href="#">23 Yeaman Place, Edinburgh, EH11 1BT</a></b>	Protocol Note by the Interim Executive Director of Corporate Services	Noted.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><b>6.4 - <a href="#">23 Yeaman Place, Edinburgh, EH11 1BT</a></b></p>	<p>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</p>	<p>To <b>GRANT</b> planning permission subject to:</p> <ol style="list-style-type: none"> <li>1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</li> <li>2) An amendment to condition 9 to state that “Notwithstanding previous drawings provided, cycle parking shall comply with the details shown on drawing 13C-B2&amp;3 GROUND FLOOR PLAN, provided on 10 March 2023, and shall be implemented upon occupation of the development hereby approved.”</li> <li>3) An additional informative that the applicant liaise with the Council, as roads authority, with regard to providing appropriate signage to promote the active travel links through the site.</li> </ol>

# Minutes

## Development Management Sub-Committee of the Planning Committee

10.00am, Friday 17 March 2023

### Present:

Councillors Osler (Convener), Beal, Booth (Items 1.1-7.1), Dalglish, Gardiner, Hyslop, Jones, Mitchell (substituting for Councillor Mowat) and O'Neill.

### 1. General Applications and Miscellaneous Business

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The Sub-Committee considered reports on planning applications listed in Section 7 of the agenda for this meeting.

#### Decision

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

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

### 2. 9 Haymarket Terrace, Edinburgh

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Details were provided of proposals for planning permission to demolish an existing and proposed new-build office development (class 4) with associated ancillary uses, public realm, landscaping, and car parking.

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

#### Motion

To **GRANT** planning permission subject the conditions, reasons and informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer, and subject to the following:

- 1) Condition: That details of the strategy for the re-use and demolition materials on the site were included as part of a pre-demolition audit, and shall be submitted to be approved by the Council's planning authority before development commences, and the recycling of demolition materials shall be carried out in accordance with that strategy in relation to the development.
- 2) Reason: To ensure compliance with the sustainable re-use of brown field land in accordance with Policy 9(d) of NPF4.

- moved by Councillor Osler, seconded by Councillor Hyslop

## **Amendment**

To **REFUSE** planning permission subject to the following reasons:

- 1) That the application did not comply with LDP Policies Des 4 and Des 7.
- 2) That the application did not comply with NPF4 section 7c) and 7d).
- 3) That the application did not comply with section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 4) That the application did not comply with section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- moved by Councillor Jones, seconded by Councillor Beal

## **Voting**

For the Motion - 4

For the Amendment - 5

(For the Motion: Councillors Dalglish, Hyslop, Mitchell and Osler.)

(For the Amendment: Councillors Booth, Beal, Gardiner, Jones and O'Neill.)

## **Decision**

To **REFUSE** planning permission subject to the following reasons:

- 1) That the application did not comply with LDP Policies Des 4 and Des 7.
- 2) That the application did not comply with NPF4 section 7c) and 7d).
- 3) That the application did not comply with section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 4) That the application did not comply with section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

(References – reports by the Chief Planning Officer, submitted.)

## Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
<b>7.1 – <a href="#">9 Haymarket Terrace, Edinburgh</a></b>	Demolition of existing and proposed new-build office development (class 4) with associated ancillary uses, public realm, landscaping, and car parking – application no. 21/03756/FUL	<p>To <b>REFUSE</b> planning permission subject to the following reasons:</p> <ol style="list-style-type: none"> <li>1) That the application did not comply with LDP Policies Des 4 and Des 7.</li> <li>2) That the application did not comply with NPF4 section 7c) and 7d).</li> <li>3) That the application did not comply with section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.</li> <li>4) That the application did not comply with section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.</li> </ol> <p>(on a division)</p>

<p><b>7.2 – <a href="#">20 Haymarket Yards, Edinburgh, EH12 5WU</a></b></p>	<p>Demolition of existing buildings and erection of mixed-use development comprising hotel (class 7) with ancillary café, office (class 4), and associated public realm, active travel links, landscaping, EV charging infrastructure, cycle and car parking, servicing and access – application no. 22/04595/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer, and:</p> <p>An additional Condition as follows:</p> <p>Details of the strategy for the re-use of demolition materials on site, as part of a pre-demolition audit, shall be submitted to and approved by the council, as planning authority, before development commences and recycling of demolition materials shall be carried out in accordance with the aforementioned strategy.</p> <p>An additional Reason as follows:</p> <p>Reason – To ensure the sustainable re-use of brownfield land in accordance with NPF4 Policy 9d).</p>
<p><b>7.3 – <a href="#">36-44 Westfield Road, Edinburgh EH11 2QB</a></b></p>	<p>Demolition of existing office and erection of student accommodation including communal amenity space, conversion of existing cottages to energy centre and associated landscaping, car parking, cycle parking and ancillary facilities (as amended) – application no. 22/02539/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer, and:</p> <p>An additional condition as follows:</p> <ol style="list-style-type: none"> <li>1. Details of the <b>proposed</b> pedestrian crossing on Westfield Road shall be submitted to and approved by the Council as planning authority and installed by <b>the applicant</b> prior to the development hereby approved being occupied.</li> </ol> <p>Additional Reasons as follows, in the interests of road safety:</p> <ol style="list-style-type: none"> <li>1. Details of the strategy for the re-use of demolition</li> </ol>



		<p>materials on site, as part of a pre-demolition audit, shall be submitted to and approved by the council, as planning authority, before development commences and recycling of demolition materials shall be carried out in accordance with the aforementioned strategy.</p> <p>To ensure the sustainable re-use of brownfield land in accordance with NPF4 Policy 9d).</p>
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## Development Management Sub Committee

**Wednesday 26 April 2023**

**Report for forthcoming application by**

**The City of Edinburgh Council. for Proposal of  
Application Notice**

**23/01057/PAN**

**At Trinity Academy, 1 Craighall Avenue, Edinburgh  
Redevelopment of existing Trinity Academy and  
associated works including alteration of listed buildings  
(including retention and adaptation of the Victorian  
building and removal of 1950s /60s extensions), removal  
of all other existing buildings, and replacement with new  
school building as extension to the Victorian building and  
associated new landscaped outdoor areas. Associated  
buildings including temporary decant buildings on edge  
of site, relocation of services, alterations to boundary  
walls, new external works, and site access.**

**Item number**

**Report number**

**Wards**

**B04 - Forth**

## Summary

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming detailed application for the redevelopment of Trinity Academy and associated works including alterations to listed buildings (including retention and adaptation of the Victorian building and removal of 1950s/60s extensions), removal of all other existing buildings, and replacement with new school building as extension to the Victorian building and associated new landscaped outdoor areas. Associated buildings including temporary decant buildings, relocation of services, alterations to boundary walls, new external works, and site access.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice on 10 March 2023 (23/01057/PAN).

## Links

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**Coalition pledges**  
**Council outcomes**

**Single Outcome**  
**Agreement**

## Recommendations

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

## Background

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### 2.1 Site description

The site is the school buildings and grounds of Trinity Academy secondary school, located in the Victoria Park and Trinity area.

The building consists of the four-storey former Craighall Road High School (1891-93) by George Craig, and flat-roofed additions (1958-64) adjoining to the east. The additions consist of a four-storey glazed stair link, a six-storey classroom block and adjoining two-storey 'podium style' block, an assembly/dining hall block, and a twin gymnasium hall with single-storey corridor link. The original building (1891-93) and the later additions (1958-64) are listed category B: Reference: LB42687. Later additions to the school (after 1964) are excluded from the listing.

The site lies within Victoria Park Conservation Area.

The site is adjacent to the following listed buildings:

- 85 Craighall Road, Station, including Bridge (Category C listed) - Reference: LB43689.
- 1-4 (inclusive Nos) Craighall Bank, including Boundary Wall (Category c listed) - Reference: LB43688.
- 159 Newhaven Road, Victoria Park House (Category C listed) - Reference: LB28126.
- 163 Newhaven Road, Victoria Park lodge and Gatepiers (Category C listed) - Reference: LB28127.

This application site is located within the Victoria Park Conservation Area.

## 2.2 Site History

There is no relevant planning history for this site.

## Main report

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### 3.1 Description of the Proposal

Applications for planning permission and listed building consent will be submitted for the redevelopment of the existing Trinity Academy and associated works including alteration of listed buildings (including retention and adaptation of the Victorian building and removal of 1950s/60s extensions), removal of all other existing buildings, and replacement with a new school building as extension to the Victorian building and associated new landscaped outdoor areas. Also proposed is associated buildings including temporary decant buildings, relocation of services, alterations to boundary walls, new external works, and site access.

### 3.2 Key Issues

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

- a) **The development will have a detrimental impact on the character, appearance or setting of any listed buildings and structures.**

The impact of the development on the special architectural or historic character, integrity and appearance of the listed building and on the setting of the neighbouring listed buildings (as noted in the site description section of this report), will be considered in a future planning application in relation to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

National Planning Framework 4 (NPF4) Policy 7 (Historic assets and places) is also a material consideration in respect of impact on the character, appearance and setting of listed buildings.

Historic Environment Scotland's guidance on managing change in the historic environment will also be material to the assessment of a future application for planning permission.

**b) The proposal will preserve or enhance the character and appearance of the Victoria Park Conservation Areas;**

This key consideration in the determination of a future application for planning permission includes the impact on the character and appearance of Victoria Park Conservation Area. This will be assessed in relation to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

NPF4 Policy 7 (Historic assets and places) and the approved Victoria Park Conservation Area character appraisal are material considerations when assessing the impact of the proposed development on the character and appearance of the conservation area.

**d) Climate and nature crises policies**

Relevant to the determination of a future application is the sustainability requirements of NPF4 Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaption) and 9 (Brownfield, vacant and derelict land, and empty buildings) in terms of location on a brownfield site, energy efficiency and surface water management. Also relevant is the biodiversity requirements of NPF4 Policy 3 (biodiversity) and, LDP Policy Env 12 (Trees).

**e) The proposal is detrimental to the amenity of neighbours.**

The proposal will be assessed against NPF4 policy 14 (Design, quality, and place) and also the relevant design policies in the Edinburgh Local Development Plan and non-statutory guidance.

**f) Access arrangements are acceptable in terms of road safety and public transport accessibility.**

Pedestrian permeability and connectivity to/from and through the site and beyond will be a key consideration. The development should have regard to the requirements of the Edinburgh Street Design Guidance. Consideration should be given to the impact on traffic flows on local roads and access to public transport. Consideration needs to be given to enabling safe and convenient pedestrian movement into and through the site, where appropriate. The proposal will be assessed against NPF4 policy 13 (Sustainable transport) and LDP policies Tra 2 (Private car parking), Tra 3 (Private cycle parking) and Tra 4 (Design of off-streetcar and cycle parking).

**g) There are any other environmental factors that require consideration.**

The applicants will be required to submit sufficient information to demonstrate that the site has been developed without having an unacceptable impact on the environment. In order to support the submission of the application for planning permission, the following documents will be submitted:

- Heritage impact assessment.
- Building condition survey.
- Visualisations, including key views and local views.

- Pre-application Consultation Report.
- Planning Statement.
- Design and Access Statement.
- Tree Survey.
- Transport Information.
- Archaeological assessment.
- Flood Risk Assessment and Surface Water Management Plan.
- Ecology report.
- Assessment of alternative options and locations.

The proposed development has been screened for an Environmental Impact Assessment (EIA) - ref.23/01057/SCR. On the basis of the assessment carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017) and Circular 1/2017 it has been concluded that an EIA will not be required for this proposal.

### **3.3 Assessment**

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

### **Financial impact**

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

### **Risk, Policy, compliance, and governance impact**

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

### **Equalities impact**

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

### **Sustainability impact**

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

### **Consultation and engagement**

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#### **8.1 Pre-Application Process**

Pre-application discussions are taking place in respect of the proposed development.

## 8.2 Publicity summary of representations and Community Council comments

Public engagement will be undertaken via two public events held at Bangholm Sports and Outdoor Learning Centre. The first event will take place the week commencing 17 April 2023 and the second event will take place the week commencing 15 May 2023.

Publicity - An advertisement of the events will be published in The Scotsman newspaper. The first event will be advertised the week commencing 10 April 2023 and the second will be advertised the week commencing 8 May 2023.

Other consultation methods will be undertaken. There will be an online website launch on the 17 March 2023, a school parents and ward Councillors presentation on the 28 March 2023 and presentation to Trinity Community Council will take place the week commencing 17 April 2023.

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

### **Background reading / external references**

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

David Givan  
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PLACE  
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## Development Management Sub-Committee Report

**Wednesday 26 April 2023**

**Application for Planning Permission  
44 Biggar Road, Edinburgh, EH10 7BJ**

**Proposal: Section 42 application seeking to reword condition 7 attached to planning permission ref. 12/00758/FUL, to allow the sale of convenience goods from 248sqm gross sales floorspace at the site.**

**Item – Committee Decision  
Application Number – 22/04184/FUL  
Ward – B08 - Colinton/Fairmilehead**

### **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 objecting to the proposal 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 complies with the relevant policies contained within the National Planning Framework 4 and Policy Ret 6 of the Edinburgh Local Development Plan and associated guidance. It has been demonstrated that there is a gap in the provision and the proposed floor space for the sale of convenience goods has been reduced in size to one that would complement the retail provision within the nearest centres, without adversely affecting their vitality. It would have no adverse effect on road safety or amenity. There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The site lies on the west side of Biggar Road at its junction with the City Bypass. It is a three storey building accommodating retail, restaurant, and office space.

## **Description of the Proposal**

This is a Section 42 application to amend condition 7 of planning permission 12/00758/FUL, to allow the sale of convenience goods from 248sqm gross sales floorspace at the site.

The remainder of the existing retail unit, at lower ground level, will continue to operate with the comparison goods condition. Similarly, the independently run café on the top floor will continue to operate, but with a separate access that will provide improved flexibility for its operation.

## **Supporting Information**

A planning statement has been submitted. Full details can be viewed online on the Planning and Building Standards Portal.

## **Relevant Site History**

22/01820/FUL  
44 Biggar Road  
Edinburgh  
EH10 7BJ

Section 42 Reword condition 7 attached to planning permission Ref: 12/00758/FUL. To enable the sale of convenience goods from 262sqm (net) retail floorspace at the site. Please see the attached planning statement for further details.

Refused

6 July 2022

## **Other Relevant Site History**

12/00758/FUL

## **Pre-Application process**

There is no pre-application process history.

## **Consultation Engagement**

Transport Planning

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 30 August 2022

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

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

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

**Number of Contributors:** 71

## Section B - Assessment

### Determining Issues

Section 42 of the Town and Country Planning (Scotland) Act 1997 (the Act) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

On such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly;
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

If an application under Section 42 of the Act is granted it creates a new planning permission with a new default time period for implementation unless otherwise determined. Accordingly, the proposals also require to be determined under Sections 25 and 37 of the 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?

Therefore, consideration shall be given to the proposed change to the condition and any other conditions attached, in particular whether:

- i) the proposed change to the condition would result in a development that is in accordance with the development plan; or
- ii) an alternative condition or conditions would result in a development that is in accordance with the development plan; and
- iii) there are any material considerations that outweigh the conclusions in respect of i) and ii) above.

### 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 City, town, local and commercial centres Policy 27
- NPF 4 Productive Places Policy 28
- NPF 4 Sustainable Transport Policy 13
- NPF 4 Liveable Places Policy 15
- LDP Retail Policy Ret 6
- LDP Transport Policies Tra 2 and Tra 3.
- LDP Housing Policy Hou 7

The non-statutory Guidance for Businesses is a material consideration that is relevant when considering NPF 4 Policy 28 and LDP Policy Ret 6.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering policies Tra 2 and Tra 3.

### Principle

Planning permission was recently refused for a Section 42 application to vary condition 7 of planning permission 12/00758/FUL to enable the sale of convenience goods from 262sqm (net) retail floorspace at the site. Since the refusal, the proposed floor space for the sale of convenience goods has been reduced to 248sqm.

The site does not lie within a retail centre. The nearest retail centres to the site are local centres situated at Oxfangs Broadway and Buckstone Terrace.

NPF 4 Policy 28 does not support retail in out of centre locations (other than those meeting policy 28(c)). LDP Policy Ret 6 (Out of Centre Development) recognises that in exceptional circumstances, there may be retail proposals that can justify an out of centre location, for example smaller units to meet the needs of a growing population or where a gap in provision can be demonstrated.

The applicant has supplied a sequential analysis which demonstrates that there are no sequentially preferable sites where the retailer could be accommodated.

The supporting text to LDP Ret 6 states that there are benefits in providing small scale, convenience stores (up to 250sq.m. gross floorspace) in locations easily accessible on foot or by cycle. These will complement the role of the identified centres.

The site is in an accessible location, within walking distance of a populated area and well served by public transport, in keeping with the requirements of NPF 4 Policy 13. The sale of convenience goods of this scale would contribute to local living and 20 minute neighbourhoods.

With a reduced floorspace of 248 sqm, the proposal will not adversely affect the vitality of the nearest retail centres.

The proposal complies with NPF 4 Policies 13, 15, 27 and 28(c) and LDP Policy Ret 6..

#### Amenity

There are no anticipated impacts on neighbouring amenity as a result of this application. The remaining conditions on the original application are attached to this permission to ensure residential amenity is protected.

The proposal complies with NPF 4 Policy 27 and LDP Policy Hou 7.

#### Road Safety and Car Parking

The Roads Authority was consulted and returned no comment on the proposal.

No changes are proposed to the existing access arrangements at the site which were approved in January 2013. The site is accessible by a range of transport modes including by car, bus, on foot and bicycle, and there is sufficient parking available within the car park to serve the retail, café and office uses.

The proposal complies with NPF 4 Policy 13 and LDP Policies Tra 2 and Tra 3.

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

The proposal complies with the National Planning Framework 4 and Edinburgh Local Development Plan. It would provide an appropriate level of convenience retail floorspace, which would complement the existing retail centres and would have no adverse impact on road safety or amenity.

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

The following material planning considerations have been identified:

#### 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.

#### 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 total of seventy one representations have been received. Of these 17 object to the proposal and 54 support it of those supporting the proposal 18 did not provide reasons for their support.

A summary of the representations is provided below:

### *material considerations - objecting*

- Use for convenience goods.
- Customer and delivery traffic will cause chaos.
- Plenty of existing supermarkets in area so no need for anymore.
- More accidents especially exiting traffic travelling south.
- No crossing point for pedestrians from Winton Estate.
- Increased traffic and parking particularly on side streets.
- Detrimental to existing local businesses.
- Cycle parking needs to be improved to allow more cyclists.
- Access arrangements for pedestrians, cyclists and vehicles need to be improved.
- Increase noise disturbance from refrigeration equipment necessary for food.

### *material considerations - supporting*

- Benefits of having a local supermarket nearby.
- May help traffic flow.
- Avoid the use of car within walking distance.
- Handy for the elderly and those with a disability.
- Boost other businesses operating within the building.
- Local employment opportunities.
- Great local addition within easy walking distance.
- Retain the viability of the building.

### *non-material considerations*

- loss of outdoor store.
- How will waste management and deliveries work in restricted access time onto Swanston Drive.
- Increase noise disturbance from refrigeration equipment necessary for food.

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

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



## Overall conclusion

The proposal complies with the relevant policies contained within the National Planning Framework 4 and Policy Ret 6 of the Edinburgh Local Development Plan and associated guidance. It has been demonstrated that there is a gap in the provision and the proposed floor space for the sale of convenience goods has been reduced in size to one that would complement the retail provision within the nearest centres, without adversely affecting their vitality. It would have no adverse effect on road safety or 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.
2. Prior to the sale of convenience goods, a floor plan showing the area of sales shall be submitted to and agreed by the Planning Authority. For the avoidance of doubt the sale of convenience goods shall be restricted to a maximum of 250sqm at ground floor level only.
3. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
4. The net retail sales area within the building shall not exceed 704sqm.
5. The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour and the cooking effluvia shall be ducted to roof height as agreed with the Planning Authority to ensure that no cooking odours escape or are exhausted into any neighbouring premises.

### Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there will be no adverse impact on established retail centres.
3. In order to ensure that the nature of the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.

4. In order to give due recognition to the special circumstances displayed by the applicant/s in this particular case and to ensure the range and scale of uses remain compatible and suitable for the location.
5. 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: 19 August 2022**

### **Drawing Numbers/Scheme**

1

Scheme 1

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

Contact: Jennifer Zochowska, Senior Planning Officer  
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## Appendix 1

### Summary of Consultation Responses

NAME: Transport Planning  
COMMENT: No objections.  
DATE: 14 March 2023

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

### Location Plan



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## Development Management Sub-Committee Report

**Wednesday 26 April 2023**

**Application for Planning Permission  
2 & 4 Canning Street Lane, Edinburgh, EH3 8ER**

**Proposal: Change of use from residential to serviced apartments (sui-generis).**

**Item – Committee Decision  
Application Number – 22/04304/FUL  
Ward – B11 - City Centre**

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

The application is subject to a petition with 31 signatories in support of the application. Consequently under the Council's Scheme of Delegation the application must be determined by the Development Management Sub-Committee as the recommendation is for refusal.

### **Recommendation**

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

### **Summary**

The proposal complies with 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.

The change of use will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of visitor accommodation in this case it does not outweigh the adverse impact on residential amenity or the loss of residential accommodation.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

## SECTION A – Application Background

### Site Description

The application site comprises two adjacent mews buildings on the northern side of Canning Street Lane comprising 10 residential flats. Canning Street Lane itself is predominately residential in character, though a mix of uses are present in the lane including offices, privately let parking garages, and private car parking and refuse storage areas associated with offices that front onto Canning Street. The surrounding area contains a mix of different uses, including offices, retail, cafes/restaurants and hotels. Public transport links are easily accessible from the site.

The application property is part of a category C listed building, 1-11 (Inclusive Nos) Canning Street Lane And 2 Canning Street, Atholl House, (LB46521, listed on 27 October 1999)

The application site is in the West End Conservation area.

### Description of the Proposal

The application is for the change of use of the 10 residential flats to Short Term Let (STL) (sui-generis) use. Nine out of ten of the flats have been used as STLs since 2017, whilst flat 2/1 Canning Street has been in residential use. As such the application is partially in retrospect. No internal or external physical changes are proposed.

### Supporting Information

- Planning Statement
- Management Statement
- Planning Statement Regarding NPF4

These documents are available to view on the Planning and Building Standards Online Service.

### Relevant Site History

15/04834/FUL

2 - 4 Canning Street Lane

Edinburgh

EH3 8ER

Change of use from offices to residential apartments and alterations to suit, alter one window to form door and alter one door to form window.

Granted

10 December 2015

15/04832/LBC

2 - 4 Canning Street Lane

Edinburgh

EH3 8ER

Internal alterations to create new residential apartments, alter one window to form door and alter one door to form window.

Granted

2 December 2015

16/01608/FUL

2 - 4 Canning Street Lane

Edinburgh

EH3 8ER

Change of use of 3 parking garages to residential and external alterations.

Granted

30 May 2016

### **Other Relevant Site History**

Planning applications relating to the each of the flats within the buildings for 'Change of use (retrospective) from residential to short term let (Sui Generis)' were refused on 25 May 2022, excluding flat 4, 4 Canning Street Lane, for which an application for a 'Change of use (retrospective) from residential to short term let (Sui Generis)' was withdrawn on 17 November 2022.

Site address and references are:

Flat 1, 2 Canning Street Lane - 22/01706/FUL

Flat 2, 2 Canning Street Lane - 22/01708/FUL

Flat 3, 2 Canning Street Lane - 22/01709/FUL

Flat 4, 2 Canning Street Lane - 22/01710/FUL

Flat 5, 2 Canning Street Lane - 22/01711/FUL

Flat 6, 2 Canning Street Lane - 22/01712/FUL

Flat 1, 4 Canning Street Lane - 22/01713/FUL

Flat 2, 4 Canning Street Lane - 22/01717/FUL

Flat 3, 4 Canning Street Lane - 22/01715/FUL

Flat 4, 4 Canning Street Lane - 22/01832/FUL

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

No consultations undertaken.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 12 September 2022

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

**Press Publication Date(s):** 16 September 2022

**Site Notices Date(s):** 13 September 2022

## 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 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 West End Conservation Area Character appraisal states:

"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."

As stated previously, there are no external or internal 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 comply with 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 2016 policies to be considered are:

- NPF4 Sustainable Places Policies 1 and 7.
- NPF4 Productive Places 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 proposed change of use does not involve operational development resulting in physical changes to the property. 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.

With regards 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*

Canning Street Lane is predominately residential in character, though a mix of uses are present in the lane, resulting in a low to moderate degree of activity in the immediate vicinity of the properties at any time. The change of use of the 10 properties to STLs would introduce an increased frequency of movement to the shared entrances facing onto Canning Street Lane. The proposed STL use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that visitors would not come and go frequently throughout the day and night.

The additional servicing that operating the properties as STLs would require compared with that of residential use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

Overall, the proposal would result in a significantly different level of ambient background noise than which neighbouring residents might reasonably expect and will have an unacceptable effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

## *Loss of residential accommodation*

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

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 economic benefits of the proposed change of use of the properties, describing how short term lets benefit the economy in general, and how the applicant's wider business, partially dependent on the proposed change of use, benefits the economy.

The planning statement also asserts that the application will not result in a loss of residential accommodation for nine of the ten flats within the mews buildings, as these have been in serviced apartment use for over five years, and as these apartments have only been used as STLs since the physical works consented in 2015 and 2016 (references: 15/04834/FUL and 16/01608/FUL), which cumulatively enabled the conversion of the two mews buildings, were undertaken.

However, given that the physical works associated with planning applications 15/04834/FUL and 16/01608/FUL have occurred, it is necessary to understand the permission as having been implemented, and the lawful use of the two mews buildings as residential. The proposals therefore result in a loss of residential accommodation.

The economic benefits of the application need to be considered in the context of the loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh it is important to retain where appropriate. Furthermore, weight also needs to be given to the economic impact of the residential occupation of the properties, which also would contribute to the economy, in terms of providing homes and the associated spend in relation to the use of the properties for homes, including the use of local services and resultant employment, as well as by making 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 arising from the STL use. As such, the proposal does not comply with NPF 4 30(e) part (ii).

### Parking Standards

There is no motor vehicle parking and no cycle parking. This is acceptable as there are no parking requirements for STLs.

The proposal complies with LDP Policies Tra 2 Private Car Parking, and Tra 3 Private Cycle Parking.

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

The change of use of these properties to STLs will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

### **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:

1 objection

A petition in support of the application with 31 signatures.

#### *material considerations in objection*

- Impact on the historic character of the World Heritage Site and the Conservation Area. Addressed in Section C.
- Impacting on the local community. The change of use will not have a significant impact on the functioning of the local community.
- Impact on nearby residential amenity. Addressed in Section C.
- Loss of residential accommodation. Addressed in Section C.
- The proposal will result in all flats accessed by the shared stairs being used as short term lets. The refusal of the application will remove any potential amenity conflict resulting from unlawful STL uses in the communal stairs.

#### *material considerations in support*

- The development will provide accommodation for tourists, benefit the economy, and provide employment. Addressed in Section C.
- The application site is in a busy commercial area. Addressed in Section C.
- Impact on nearby residential amenity. Addressed in Section C.

#### *non-material considerations*

- Lack of a difference between this and previous applications at the property.
- The quality visitor accommodation to be provided.
- The application is similar to an apart-hotel.

### **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 complies with sections 64 and 59 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, and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the adverse impact on residential amenity or the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

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

The recommendation is subject to the following.

### **Conditions**

### **Reasons**

#### **Reason for Refusal: -**

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the short stay let use will have a detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the short stay let use will result in an unacceptable impact on local amenity and the unjustified loss of residential accommodation.

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

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

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

**Date Registered: 29 August 2022**

### **Drawing Numbers/Scheme**

01, 02, 03, 04, 05

**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



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## Development Management Sub-Committee Report

**Wednesday 26 April 2023**

**Application for Planning Permission  
1 East Rigg Farm, Balerno, EH14 7JR.**

**Proposal: Erect 3x holiday huts and associated works**

**Item – Committee Decision  
Application Number – 22/06141/FUL  
Ward – B02 - Pentland Hills**

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

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

### **Recommendation**

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

### **Summary**

The proposal for tourist accommodation is not compatible with a Countryside use. The proposal is not compliant with NPF4 Policy 4 (Natural Places), Policy 30 (Tourism), LDP Policy Env 10 (Development in Greenbelt and Countryside), LDP Policy Env 17 (Pentlands Regional Park) and the Non-Statutory Guidance for Development in the Countryside and Green Belt. The proposal is not compatible with the character of the surrounding area and does not comply with LDP Design policies Des 1 (Design Quality and Context) and Des 4 (Impact on Setting). The proposal does not comply with the Local Development Plan. There are no material considerations which outweigh this conclusion and no exceptional planning reasons for approval.

## **SECTION A – Application Background**

### **Site Description**

The site is located within the Pentland Hills Regional Park to the West of Threipmuir reservoir and to the South-West of Balerno. The site is located along a country road that is accessed by Mansfield Road.

The application site relates to land at No. 1 East Rigg Farm, Balerno. The plot previously had a range of non-native trees present within it which have now been harvested. The felled area has been cleared of stumps and the northern and western edges of the site are subject to a replanting plan under the terms of the Felling Permission to provide a mix of holly, bird cherry, crab apple, rowan, juniper and elder tree types. This whip planting has since been completed. There are two residential properties that are present to the north-east of the application site. There are a range of trees to the north of the site that follow along the road and there are another group of trees to the north-east beyond the two existing dwellings. There is open farmland to the south.

The site lies within the Countryside designated area and the Pentlands Special Landscape Area (SLA09).

### **Description of the Proposal**

The application is for planning permission for the erection of 3 'armadillo' style holiday lodges with private deck areas, associated landscaping and parking.

They are 4 metres in height, 6.7 metres wide and 10 metres in length, comprising an internal floor plan of 28sqm. The layout includes a double bed, bathroom, kitchen and living space with access to an external timber deck. The lodges are clad in stained timber with large grey aluminium French doors facing south. The galvanised steel chassis will rest on concrete foundations.

Hard landscaping proposals include a new vehicle access road in gravel, four parking spaces in gravel and self-binding level access footpaths to each of the lodges.

In addition to the existing woodland planting area in the north of the site, the soft landscape proposal includes the planting of 150m of Scottish hedge mix along the boundaries of the plot which will include rowan trees. This will be supplemented by wildflower meadow around the periphery of the field, ground level shrubs and the introduction of 9 'standard' silver birch trees.

### **Supporting Information**

- Planning statement;
- Landscape statement and
- Preliminary Ecological Appraisal.

These documents are available to view on the Planning and Building Standards Online Service.

### **Relevant Site History**

22/04010/FUL  
1 East Rigg Farm  
Balerno  
EH14 7JR

Erect 2x lodges.  
withdrawn  
1 December 2022

21/05234/FUL  
1 East Rigg Farm  
Balerno  
EH14 7JR  
Erection of dwelling and garage/gym annex.  
Refused  
18 March 2022

### **Other Relevant Site History**

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Scottish Water

BAA Aerodrome Safeguarding

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 19 December 2022

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

**Press Publication Date(s):** 6 January 2023

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

**Number of Contributors:** 28

## **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 2016 (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Policy 1, 2 and 3
- NPF4 Policy 30
- LDP Design policies Des 1, Des 4, Des 5, Des 7 and Des 8.
- LDP Environment policies Env 10, Env 17, and Env 21
- LDP Transport policies, Tra 2 and Tra 3.

The Non-Statutory Guidance for Development in the Countryside and Green Belt and Edinburgh Design Guidance are a material consideration that is relevant when considering the above policies.

## **Principle of use**

LDP Policy Env 10 states that development in the Countryside as shown on Proposals Map will only be permitted where it meets a number of essential criteria and would not detract from the landscape quality of the area.

The proposal does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation purposes and a countryside location is not an essential location for the construction of holiday accommodation.

The proposal does not involve the change of use of an existing building, the one-for-one replacement of an existing home or the intensification of an existing established use. The proposal also does not involve the formation of residential accommodation required and designed for a key worker.

No reasons have been provided as to why a countryside location is essential. An appeal case is cited in the submission (PPA-230-2297) where the Reporter considered a development of a site for glamping pods did not "fall effortlessly under the description countryside recreation". Although the appeal was dismissed on amenity grounds, the Reporter found support for the use on the basis that the case was akin to a campsite and opined that a view to the contrary would result in policy requiring campsites to be located in urban areas. Each case has to be considered on its individual merits. In this particular case, the degree of permanence and physical works would indicate that the proposals are not akin to a campsite. The scale of the structures, some 10 metres in length, 6.7 metres in width and 4 metres in height (with a floor area of 28 square metres) renders such comparison inappropriate. The structures will have a galvanised steel chassis with what appears to be concrete foundations. The pods appear to have features such as heat pumps and underfloor heating. The plans provided appear to show that the structures proposed will have access to mains water supply and electricity. They will have a double bedroom, toilet, shower, boiler room and what appears to be kitchen facilities.

The purpose of the Countryside designation is to protect land around urban areas from inappropriate forms of development. This proposal introduces an inappropriate form of development undermining these aims. It is not compatible with the surrounding established countryside and landscape character which is considered further below. It is not of an appropriate scale, massing and external appearance while the landscape visual assessment visualisations indicate that the site will be highly prominent from a nearby road and Pentlands footpath for a considerable period of time.

Further guidance is contained in the Council's Non-Statutory Guidance for Developments in the Countryside and Green Belt (updated February 2019). This amplifies the policy guidance found in NPF4. A key test is that development does not detract from the landscape quality and or rural character of the area.

The proposed development of three holiday lodges would create a new planning unit which is unrelated to other buildings within the site, hence the intensification of use criterion is not applicable. The existing lawful use of the adjacent buildings are as dwellinghouses. An application relating to one of these properties for the change of use to short-term let remains to be determined. The proposal also does not relate to a steading, the expansion of existing garden ground or an energy development.

The site previously had a range of tightly packed non-native trees planted within it which have now been harvested. However, no permanent structures ever stood on this site and it therefore cannot be considered brownfield land.

The area directly surrounding the site is very open and has an agricultural feel. There are only two residential dwellings to the east of the site and therefore the plot does not represent a gap site within an existing cluster of dwellings.

Page 6 of the guidance also defines countryside recreation as uses "where the proposal requires the land resource and is compatible with an agricultural or natural setting such as horse-riding facilities, golf courses and golf driving ranges, touring caravan and campsites."

What is proposed is three fully-serviced permanent tourist accommodation units. This proposal is not considered a campsite and does not fall within the definition of compatible countryside recreation uses clarified under the guidance for development in the countryside and greenbelt. There is a degree of permanence associated with the proposed development as outlined above.

Having regard to the above, there are no exceptional planning reasons for approving new holiday lodges in this location. The proposal does not comply with LDP Env 10 or the Council's Guidance for Development in the Countryside and Green Belt. There are no overriding material considerations to justify/support the principle of tourist accommodation in this location and as such the principle of the development is unacceptable.

### **Climate mitigation and adaptation**

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principle of 'Just Transition' through the use of low carbon timber materials, an energy efficient built fabric and air source heat pumps. The landscape plan will also contribute to biodiversity and habitat creation through the introduction of native woodland and hedgerow.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. With regard to 2 a), measures have been taken to achieve a high level of energy efficiency. Regarding 2 b), the site is designed to manage surface water through permeable surfacing and the tree planting plan will provide shade and shelter from sun and wind as the climate changes.

The proposal complies with NPF4 Policy 1 and Policy 2.

### **Biodiversity**

NPF4 Policy 3 requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. The proposal involves the establishment of new native tree planting and hedgerow including hawthorn, birch and rowan which will deliver a net gain in habitat creation compared with the existing vacant grassed field. The preliminary ecological appraisal also demonstrates that badgers and European protected species will not be impacted by the development.

The proposal complies with NPF4 Policy 3.

## **Tourism**

NPF4 Policy 30a) supports development proposals for new or extended tourist accommodation in locations identified in the LDP.

The application site is not designated for tourist accommodation in the LDP.

NPF4 Policy 30b) states that development proposals for new tourist accommodation should take into account contributions to the local economy; compatibility with the surrounding area; impact on loss of housing; opportunities for sustainable travel; inclusive design; carbon emissions; and opportunities to access the natural environment.

Although 3 tourist accommodation units in this location would support the local economy, the scale and form of the proposal is not compatible with the surrounding area as set out below and is not accessible by public transport, therefore it would not be compatible with 30b).

While criteria c) and e) are not applicable in this case, criterion d) is relevant. Proposals for huts will also be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance.

As above, the proposal is more akin to fully serviced holiday lodges than informal, off-grid huts and therefore the proposal does not comply with good practice guidance relating to criterion d).

The proposal does not comply with NPF4 Policy 30.

## **Design and setting**

The local context is characterised by traditional white stone buildings with slate roof tiles and agricultural sheds set in open farmland.

The 6x10m timber 'armadillo' style pods represent a contemporary take on the timber chalet.

Whilst the use of timber is appropriate, the scale and form of such pods lack reference to their context and would detract from the traditional countryside character of the area. This is particularly the case given the sensitive location of this site in the Pentlands SLA.

Although the proposed mitigation planting would provide some screening over time, this will take many years to establish and the impact is not considered acceptable.

The proposal does not comply with LDP policy Des 1 and Des 4.

## Landscape proposal

The site is logically laid out in order to allow sufficient privacy space between lodges and ensures that each unit can benefit from unobstructed views. The use of unbound gravel surfacing will contribute to the rural character of the site while providing convenient level access across the site. The lodges would be complemented by existing and proposed tree/hedge planting including rowan, birch and hawthorn which will contribute to biodiversity while providing a screening function as the landscape develops.

The proposal complies with LDP policy Des 7 and Des 8.

## Landscape setting

NPF4 Policy 4d states that development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified or
- ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

The submitted Landscape Statement identifies three landscape receptors are identified relating to the designations within which the proposed development would be located, namely: The Countryside area; The Pentland Hills Regional Park; and the Pentlands SLA 09.

The Local Landscape Designations states that *"The Pentland hills form a dramatic backdrop to the city of Edinburgh. They are one of the most prominent features of the city skyline and dominate the surrounding landscape. The hills rise from flanking woodland and farmland to merge into the rugged upland summits of the hill range and represent a significant recreational resource. The Pentlands SLA provides an identifiable setting and containment to the city and surrounding settlements of Juniper Green, Currie and Balerno"*.

The site is screened to the north by a range of trees, however to the south it is relatively flat and open and has view to the hills to the south. Any development on this site therefore has the potential to impact upon the special character or qualities of the SLA and the regional park. It is acknowledged that the introduction of holiday lodges would introduce a change to this setting. While the proposal for 3 timber structures is in principle compatible with NPF4 Policy 4d and Env 17 given the proposed material palette and landscaping scheme, the scale and form of the lodges would have an adverse impact upon the special character of the Pentlands SLA.

The proposal complies with LDP Policy Des 7 and Des 8. The proposal does not comply with NPF4 Policy 4d and LDP Policy Env 17.



## **Amenity**

The proposal provides sufficient internal living space and the units' positioning within the site ensures ample access to daylight, sunlight and privacy.

The proposal will not result in the loss of daylight to neighbouring properties. Given the height of the proposal and its orientation in relation to neighbouring properties, it will not materially overshadow neighbouring amenity space.

The use of short term let tourist accommodation may give rise to noise impacts upon the neighbouring property but given the distance and tree belt between the dwellings, this is not likely to cause an issue.

The proposal would therefore not result in an unreasonable loss of residential amenity and is acceptable in this regard.

The proposal complies with LDP policy Des 5.

## **Archaeology**

The Council's archaeologist was consulted as part of the assessment of the application. There are no known significant archaeological implications in regard to this application.

## **Parking and Road Safety**

The Roads Authority raise no objection to the proposal. It is noted that the car parking proposed is in excess of Parking Standards. If the application was to be approved it is recommended that the level of car parking proposed within the site be amended to meet Council guidance which states that there should be one parking space per bedroom in Zone 3 visitor accommodation. Therefore three parking spaces would be acceptable. Six visitor cycle parking spaces should also be included by condition in the event of approval.

The proposal complies with LDP policy Tra 2 and Tra 3 subject to the imposition of a condition.

## **Flooding**

A Surface Water Management Plan was provided as part of the application. The proposal is for surface water and treated foul water to be discharged into the existing drainage system and septic tank of East Rigg House. While Scottish Water raise no objection to the proposal, it should be noted that grid connection at this site is not possible.

The proposal complies with LDP Env 21.

## Conclusion in relation to the Development Plan

The proposal for tourist accommodation is not compatible with a Countryside use and the scale and form of the structures are not compatible with the character of the area. The proposal does not comply with NPF4 Policies 4 and 30 and LDP Policies Des 1, Des 4, Env 10, Env 11 and Env 17 of the Local Development Plan. There are no material planning reasons to justify its approval.

### **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

There are 28 letters of support and no letters of objection.

A summary of the representations is provided below:

#### *Balerno Community Council - support*

- Good design will have no impact upon rural character of area or landscape quality.
- Good for the local tourism economy including the 'Free Company Wedding' venue and restaurant.
- *material considerations - support*
- Good design will have no impact upon rural character of area or landscape quality.

- Good to see planting of new trees.
- Good for the local economy
- No objections - Noted.

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

The material issues have been identified and addressed. There are no new material issues to address.

### **Overall conclusion**

The proposal for tourist accommodation is not compatible with a Countryside use. The proposal is not compliant with NPF4 Policy 4 (Natural Places), Policy 30 (Tourism), LDP Policy Env 10 (Development in Greenbelt and Countryside), LDP Policy Env 17 (Pentlands Regional Park) and the Non-Statutory Guidance for Development in the Countryside and Green Belt. The proposal is not compatible with the character of the surrounding area and does not comply with LDP Design policies Des 1 (Design Quality and Context) and Des 4 (Impact on Setting). The proposal does not comply with the Local Development Plan. There are no material considerations which outweigh this conclusion and no exceptional planning reasons for approval.

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

The recommendation is subject to the following;

### **Reasons :-**

1. The proposal is contrary to the Local Development Plan Policy Env 17 in respect of Pentlands Hills Regional Park, as the design would detract from the special character of the area.
2. The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, as it would detract from the character of the area.
3. The proposal is contrary to Local Development Plan Env 10 - Development in the Green Belt, as a countryside location is not essential for a tourist accommodation use.
4. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it would detract from the character of the area.
5. The proposal is contrary to NPF4 Policy 4 in respect of designated landscape areas as it would harm the character of the area.
6. The proposal is contrary to NPF4 Policy 30 in respect of tourism as it is not compatible with the surrounding area and not accessible by public transport.

## **Background Reading/External References**

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

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

**Date Registered: 5 December 2022**

## **Drawing Numbers/Scheme**

03-11

Scheme 2

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

Contact: Simon Wasser, Assistant Planning Officer  
E-mail: [simon.wasser@edinburgh.gov.uk](mailto:simon.wasser@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Scottish Water

COMMENT: No objection to the proposal but an application must be made to Scottish Water in order for them to adopt a new connection.

DATE: 21 December 2022

NAME: BAA Aerodrome Safeguarding

COMMENT: The proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

DATE: 21 December 2022

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

### Location Plan



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## Development Management Sub-Committee Report

**Wednesday 26 April 2023**

**Application for Approval of Matters Specified in Conds  
Site At Former 159, Fountainbridge, Edinburgh**

**Proposal: Approval of matters specified in conditions 1 (a-m) and (i)-(v), 2, 3, 4, 5, 7, 8, 9, of PPP application ref: 19/03097/PPP, relating to plots W1-W4 including residential/commercial/retail units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, car parking venting, servicing, surface water and drainage, lighting, waste management and hard and soft landscaping details (as amended)**

**Item – Committee Decision**

**Application Number – 22/04045/AMC**

**Ward – B09 - Fountainbridge/Craiglockhart**

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

In accordance with the Council Scheme of Delegation, the application has been referred for determination by the Development Management Sub-committee as the Council have an interest in the development.

### **Recommendation**

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

### **Summary**

The proposals shall not harm listed buildings or their settings. The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals are in accordance with the relevant policies of National Planning Framework 4 and the Edinburgh Local Development Plan and adequately address the matters specified in conditions 1, 2 and 7 of planning permission in principle 19/03097/PPP. The proposals are deemed to have satisfied condition 8 of planning permission in principle 19/03097/PPP but not condition 3, 4, 5, 6 and 9 which remain relative to the future development of the land.

The proposals will contribute towards the creation of sustainable places through the balanced reuse of a highly accessible brownfield site within the City Centre and by the incorporation of a range of measures to enhance biodiversity, promote active travel and preserve historic assets. They will contribute towards the creation of liveable places through the development of housing of varying tenure and by integrating appropriately scaled ancillary uses, inclusive amenity spaces and blue / green infrastructure. They will contribute towards the creation of productive places through increasing opportunities for local spending and employment and by the provision of formal and informal places for community interaction.

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

## **SECTION A – Application Background**

### **Site description**

Vacant land within the site of planning permission in principle 19/03097/PPP, an extant consent for a mixed use development comprising shops (Class 1), financial, professional and other services (Class 2), food and drink (Class 3), businesses (Class 4), hotels and hostels (Class 7), houses (Class 9), non-residential institutions (Class 10), assembly and leisure (Class 11) and public houses (*sui generis*). It was formerly the location of the Fountain Brewery and the North British Rubber Company. It is generally level except for an almost vertical 4m increase up to the Union Canal.

The site is located within the CC3 (Fountainbridge) Edinburgh Local Development Plan 2016 housing led mixed used allocation and the City Centre. It is bounded by the Union Canal to the southeast which is a Scheduled Monument (SM11097), Local Nature Conservation Site, Core Path and National Cycle Route 75. Leamington Lift Bridge and Bridge No. 1 (Viewforth) are included within the Scheduled Monument designation and the latter is also a Category B listed building (LB47615).

Viewforth, which is also a Core Path, and Boroughmuir High School sit to the southwest. The site excludes the former offices of the North British Rubber Company to the northeast which is a Category C listed building (LB44936). It is now occupied by the Edinburgh Printmakers, a "*creative hub for printmaking and the visual arts*". Land on the northern side of Fountainbridge is subject to ongoing developments of a similar nature. A new local centre is envisaged to Fountainbridge.

### **Description of the proposals**

The approval of the matters specified in conditions 1, 2 and 7 of planning permission in principle 19/03097/PPP has been sought in relation to the erection of 464 residential units (40% affordable / 60% market) with commercial / retail units at street and Union Canal levels. The proposals also seek to satisfy conditions 3, 4, 5, 8 and 9. The development is comprised of four Plots and is summarised as follows:

#### **Plot W4**

- 115 social rent units in a 6 to 7 storey permitter block and a 3 to 4 storey internal block:
- 79 1-bed flats at 53 sqm (69% of total).



- 19 2-bed flats at 69 sqm (16%); and
- 17 3-bed flats at 89 to 105 sqm (15%).
- 15 units specifically for wheelchair users (13 1-bed, one 2-bed and one 3-bed).
- 204 sqm of retail space within a single unit to Fountainbridge.
- 248 cycle parking spaces (2 per unit) within three internal stores:
- 112 double stacks (45% of total).
- 40 semi-vertical (16%).
- 80 Sheffield stands (32%); and
- 16 oversized Sheffield stands for non-standard bikes (7%).
- no car parking.

### Plot W3

- 71 mid-market rent units within a 6-storey perimeter block and two 3 to 4 storey internal blocks:
- 35 1-bed flats at 53 sqm (49% of total).
- 26 2-bed flats at 69 sqm (37%); and
- 10 3-bed flats at 89 to 105 sqm (14%).
- two units specifically for wheelchair users (both 1-bed);
- 105 sqm of retail space within a single unit to Fountainbridge;
- 152 cycle parking spaces (2 per unit):
- 128 double stacks (84% of total).
- 14 semi-vertical (9%); and
- 10 oversized Sheffield stands for non-standard bikes (7%).
- one accessible car parking space.

### Plots W1 and W2

- 278 private units within a 3 to 7 storey perimeter block and four 3 to 4 storey internal blocks:
- 27 studios at 42 sqm (10% of total).
- 101 1-bed flats at 50 sqm (36%);
- 80 2-bed flats at 75 to 77 sqm (29%); and
- 70 3-bed flats at 84 to 115 sqm (25%).
- No units specifically for wheelchair users.
- 1,886 sqm of retail space within three units with mezzanines to the Union Canal and Gilmore Park.
- 600 cycle parking spaces (2 per unit):
- 292 double stacks (49% of total).
- 176 semi-vertical (29%).
- 110 Sheffield stands (18%); and
- 22 oversized Sheffield stands for non-standard bikes (4%).
- 30 car parking spaces and 18 motorcycle spaces within the undercroft of Plot W2:
- three accessible spaces (10% of total); and
- five with electric vehicle charging points (17%).

Buildings are generally a mix of buff coloured bricks except for a rendered treatment for part of one of the internal Plot W1 blocks. Windows, balconies, railings and terracing are metallic and of a pale umber finish. The roof will see a variety of treatments including terraces, zinc and blue / green infrastructure out with any plant. Shared external amenity space is to be provided by internal courtyards and roof terraces for Plots W1 and W2. A community growing space is also proposed to the southeast of Plot W3. Private external amenity space is via gardens, balconies, colony landings and roof terraces. 36% of the units are dual aspect.

Energy demands shall be met in part by mechanical ventilation heat recovery air source heat pumps in each unit. Waste and recycling provision is within seven internal stores with collection points to streets. Surface water is to drain to the public sewer via blue / green roofs, filter trenches and rain gardens. The site will have two vehicular points of connection to Fountainbridge but priority will be given to pedestrians then cyclists throughout. 66 public cycle parking spaces (16 Sheffield stands and 17 oversized Sheffield stands) will be installed close to non-residential uses as shall three accessible car parking spaces and five car club spaces.

Whinstone is proposed for the Union Canal which shall be 'smooth' for a realigned 3m wide towpath that will act as an active travel route. 'Leamington Square', a new area of public realm to the northeast of Plot W1, will be the site of the reintroduced Fountain Brewery clock. A variety of lighting types is proposed throughout, including to the Union Canal.

19/03097/PPP was a further application to 14/02814/PPP under Regulation 11 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended). It approved a masterplan and building heights by which any approval of matters applications should conform to. Three applications were made to 14/02814/PPP; 16/03321/AMC for all plots, 18/09769/AMC for Plot W3 and 19/02475/AMC for Plot W4. All have since expired, the latter two on the 31 March 2023, but are similar in general design, siting and height to what is now proposed.

The application was amended prior to this recommendation. Scheme 2 related to an independent review of the as submitted Surface Water Management Plan and the reconfiguration of the internal waste, recycling and cycle stores in order to comply with the 2022 CEC servicing standards.

## **Supporting information**

The following documentation was submitted in support:

- Daylight and Sunlight Assessment.
- Design Statement.
- Materials Key.
- National Planning Framework 4 Compliance Statement.
- Noise Impact Assessment.
- Quality Audit Summary Report.
- Remediation Method Statement.
- Site Investigation Report.
- Street Engineering Review.
- Surface Water Management Plan, including a revision.
- Sustainability Statement, with Sustainability Form S1.

- Transport Statement; and
- Undercroft car parking extract system.

These are available to view on the CEC Planning and Building Standards Portal. The applicants undertook public engagement prior to the submission of this application and the scope and conclusions are outlined in the Design Statement. Public engagement was not statutorily required and there is no obligation to provide a consultation report.

## **Relevant Site History**

14/03848/PPP  
Site At Former 159  
Fountainbridge  
Edinburgh

PPP Masterplan application for mixed use development comprising offices, hotel / apart-hotel, residential, commercial, and retail uses with associated service roads, landscape works and car parking (as amended).

withdrawn  
12 September 2019

16/03321/AMC  
Site 60 Metres South Of 199  
Fountainbridge  
Edinburgh

AMC specified in conditions 1, 2 (a-m) and (i)-(v), 3, 9, 17, 18, \_ 20 relating to plots W1-W4 including residential/commercial/retail units; detail of height/massing/ground floor levels/design of external features and materials including public realm/pedestrian/cycle access arrangements, treatment to adopted roads or footways, car parking venting/servicing, surface water + drainage/lighting, waste management/hard + soft landscaping details.

Approved  
9 December 2016

18/09769/AMC  
Site 60 Metres South Of 199  
Fountainbridge  
Edinburgh

Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W3 including residential/commercial units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, servicing, parking, surface water and drainage, street lighting, waste management, hard and soft landscaping details, and active frontage.

Approved  
2 May 2019

19/02916/FUL  
Site 60 Metres South Of 199  
Fountainbridge  
Edinburgh

Formation of access road in part to facilitate wider redevelopment of adjoining land.

Granted

14 August 2019

19/02475/AMC  
Site 60 Metres South Of 199  
Fountainbridge  
Edinburgh

Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W4 including residential/commercial units; detail of height, massing, ground floor levels, design of external features/materials including public realm, pedestrian/cycle access arrangements, treatment to adopted roads/footways, servicing, parking, surface water/drainage, street lighting, waste management, hard/soft landscaping details, active frontage.

Approved

1 October 2019

19/00256/FUL  
Site At Former 159  
Fountainbridge  
Edinburgh

Mixed use development comprising residential (flats) and other commercial uses including Class 3 Food and Drink and Class 11 Assembly and Leisure with associated access roads, landscaping / public realm, and car parking (as amended).

Granted

3 March 2021

19/03097/PPP  
Site 60 Metres South Of 199  
Fountainbridge  
Edinburgh

Proposed mixed use development comprising retail (Class 1), financial services (class 2), food and drink (class 3), office/light industrial (class 4), hotel (class 7), housing (class 9), community use (class 10), leisure (class 11), public house (non-classified use) and associated parking, open space, infrastructure and public realm works.

Granted

1 September 2022

20/00795/FUL  
Site 60 Metres South Of 199  
Fountainbridge  
Edinburgh

Relocation and replacement of the existing primary substation at Fountainbridge. Proposals have been developed in collaboration with Scottish Power Energy Network and represent a coordinated proposal to meet the needs of the site in-line with the consented PPP Masterplan and the wider Fountainbridge area regeneration.

Granted

9 June 2021

21/01494/FUL

Site At Former 159

Fountainbridge

Edinburgh

Further application to vary the details of planning permission 19/00256/FUL to increase number of apartments.

Granted

22 December 2021

### **Other Relevant Site History**

#### **Pre-Application process**

Pre-application discussions took place on this application.

#### **Consultation Engagement**

Edinburgh Airport Safeguarding

CEC Archaeology Service

CEC Environmental Protection

CEC Transport Planning

CEC Flood Prevention

CEC Waste and Cleansing Services

Edinburgh Access Panel

Historic Environment Scotland

Merchiston Community Council

Tollcross Community Council

Scottish Environment Protection Agency

Scottish Water

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 8 September 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

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

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

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

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 and the Edinburgh Local Development Plan 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 listed buildings or their settings

The Historic Environment Scotland Managing Change in the Historic Environment: Setting guidance is relevant in the determination of this application.

The proposals shall not harm the setting of the Category C listed former office of the North British Rubber Company due to the separation distances involved and the landscaping improvements proposed in the intervening space. The Category B listed Bridge No.1 (Viewforth) is effectively a functional structure and it is not considered that the proposals shall have a material impact on its setting. It appears that they may need to connect to part of it but the listing boundaries are unclear. Although the works do not raise any particular concerns given their very minor nature, the applicants may wish to seek formal confirmation of the need for listed building consent.

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

The proposals shall not harm listed buildings or their settings. The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### **b) The proposals comply with the Development Plan and address or satisfy the conditions of 19/03097/PPP**

The Development Plan comprises National Planning Framework 4 (NPF4) and the Edinburgh Local Development Plan (LDP). The relevant policies to be considered are:

- NPF4 Sustainable Places Policies 1, 2, 3, 4, 5, 6, 7, 9, 11, 12 and 13.
- NPF4 Liveable Places Policies 14, 15, 16, 19, 20, 21, 22 and 23.
- NPF4 Productive Places Policies 25, 27, 28 and 31.
- LDP Delivering the Strategy Policy 2.
- LDP Design Policies 1, 2, 3, 4, 5, 7, 8, 10 and 11.
- LDP Environment Policies 15, 21 and 22.
- LDP Housing Policies 2, 3, 4, 7 and 10.
- LDP Retail Policy 1.
- LDP Transport Policies 2, 3, 4 and 9; and
- LDP Resources and Services Policy 6.

The non-statutory Edinburgh Design Guidance, Listed Buildings and Conservation Areas Guidance, Guidance for Businesses, Affordable Housing Guidance, Art in Public Places Guidance and the Cycle Parking Factsheet are material in the consideration of the LDP policies. The site is also subject to the non-statutory Fountainbridge Development Brief and Fountainbridge Public Realm Strategy. However, these have a lower relevance due to the developmental history of the land to which they are relevant.

#### Condition 1 of 19/03097/PPP

Condition 1 requires the detail of development.

*Height, massing, siting, and ground floor levels within the 19/03097/PPP levels.*

Condition 1 of 19/03097/PPP requires that development proposals are "*within the approved planning permission in principle levels*". While the proposals do not accord with this, the extent and materiality of the deviations have been considered and they are deemed to be acceptable. In coming to this conclusion some weight has been given to the planning history of the site, specifically, 16/03321/AMC, 18/09769/AMC and 19/02475/AMC which were relative to the 'unrestricted' 14/02814/PPP. Although expired, all were similar to what is now proposed in respect of the degree of deviation.

Deviations in height are largely the result of a change in roof form or from 'bumpy' to flat. This has allowed the incorporation of blue / green roofs, amenity space and an increase in the number of market and affordable housing units for this highly accessible brownfield site. Despite the deviations, the height of the perimeter blocks remain within the prevailing height of development in the immediate and wider surroundings and the relatively minor increases will not result in adverse impacts for key views, general streetscape interest or neighbouring residential amenity. The internal blocks will be broadly concealed from the existing wider public realm and these changes are acceptable. Ground levels remain within the approved levels or sit lower and this raises no material concerns.

The siting of development also deviates from the masterplan but the overarching layout principles have been retained. The removal of the two drainage basins will be compensated by rain gardens which seek to recreate their visual and drainage qualities but in a less obstructive and space intensive manner. Alteration of the Union Canal would require the demonstration of a significant public benefit, as was the case for the Ratho marina, and this is likely to be challenging for a development of this nature. It also noted that this drainage channel would create another undesirable 'bottle neck' along the Union Canal by the bridge which would be required. The changes to the internal blocks are confined to the creation of larger openings between street and courtyard which will improve the desirability of these routes as well as increase light penetration. Massing departures raise no material concerns.

These changes have altered the levels of amenity for future residents. The proportion of dual aspect flats shall not meet the 50% target (36%) within CEC guidance. This was also the case for 16/03321/AMC (40%). The Daylight and Sunlight Assessment (DSA) demonstrates that 73% of all residential windows will meet the Vertical Sky Component (VSC) test. For those which do not, a further No Skyline assessment suggests that 14 habitable rooms (out of 1,220) will fail to meet the requirements of this test. However, the DSA caveats this by stating that these units have other rooms which meet the VSC test and generously proportioned windows and French doors have been adopted to maximise light levels to all units. The internal space of all units comply with CEC guidance except for the 101 1-bed flats within Plots W1 and W2 (50sqm compared to 52sqm). This is a minor infringement and one which will be imperceptible for these future residents who shall also have access to shared amenity spaces at ground and roof levels. It is considered that all future occupiers will benefit from acceptable levels of light and internal space.



The proportion of green space (rather than amenity space) for future residents is also below what would be expected for a development with this number of flats but the communal internal and external provision in general is deemed to suitably compensate for this minor infringement. Although the DSA has demonstrated that the shared external amenity spaces, including the community growing area, will technically meet the spring equinox test for natural light, a significant proportion of the courtyards will be overshadowed. However, the levels of light for these spaces are deemed to be reasonable when other competing developmental factors are given weight such as the principles of the approved masterplan and the need to be compatible with the scale and structure of the surroundings. Coupled with the accessibility of the site to public green spaces such as the Meadows, the quantity and quality of external amenity space for future residents is deemed acceptable for this brownfield City Centre site.

*Design and external appearance of all buildings, roof form, open space, public realm and other structures*

The building design will reflect the character and appearance of similarly contemporary developments elsewhere within the site of 19/03097/PPP as well as that of 15/02892/PPP which sits on the northern side of Fountainbridge. Some influence has been taken from more historic developments nearby, such as in a contemporary interpretation of tenemental articulation in the Union Canal frontages for Plots W1 and W2, but an overwhelmingly modern approach is supported in this City Centre location.

The primary building material is brick which is compatible with the prevailing appearance of recent modern developments nearby. Architectural interest shall be generated by the use of contrasting finishes, projecting and recessed balconies and upper floor level planting. Buildings to the interior are lower in height than the perimeter blocks and this more personable scale, combined with the housing types, landscaping and courtyards, promotes the creation of an intimate residential environment and one which seeks to contrast with the pace and activity of the proposals exterior routes. Ground floor frontages, through a generous proportion of glazing, arcading and non-residential uses, appropriately address the street or Union Canal and are suitably active and attractive.

The public realm proposals to the Union Canal seek to imitate its industrial heritage and have adopted similar materials. A modest introduction of planting will generate visual interest but also separate a new canal side area for rest and relaxation from a realigned towpath. There is support for the canal side works and Historic Environment Scotland raise no objection. They do have minor concerns with the delineation of the towpath away from the canal side as this could be taken as denoting the original route. However, some form of 'visual indicator' is likely to address this and discussions are to continue under condition 9 of 19/03097/PPP and an application for Scheduled Monument Consent.

The primary area of new public realm is to be 'Leamington Square' which is to feature a series of 'landscape islands' bounded by concrete seating walls. Its design and appearance is acceptable and appropriate for this urban context as are the areas of public realm to the internal of the site which are generally more in line with the residential character of their surroundings and reasonable sites for informal play. The lack of seating between Plots is noted but this is not deemed necessary as they feature private front gardens and are to act more as thoroughfares rather than places to rest and relax. The market to 'Leamington Square' is an indicative suggestion for the use of the land and does not form part of the proposals. The Design Statement has outlined consideration of a fountain as suggested by Informative 5. It is accepted that such a feature would not be suitable for this site.

The proposals, due to the separation distances between neighbouring development and their compatibility with the character and use of their surroundings, shall not have a materially detrimental effect on residential amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Within the site, the layout of buildings are dictated by the approved masterplan and blocks are sufficiently separated or feature blank walls at their closest points. It is likely that the upper flats will overlook the smaller blocks and external amenity spaces but not to a degree which would materially impact residential amenity nor preclude the enjoyment of the space. The range of flat sizes are appropriate and reflect the type of their surroundings; it is not accepted that 125 2-bed flats out of 464 will result in an imbalance in the wider community.

The Sustainability Statement confirms that the proposals shall comply with the technical requirements of Section 6 (Energy) of the Domestic Technical Handbook. Residential energy demands are to be met by individual mechanical ventilation heat recovery air source heat pumps. This forms part of a wider energy strategy which includes the adoption of passive design principles, low energy lighting and blue / green infrastructure. The Scottish Environment Protection Agency raise no objection on air quality grounds due to the limited car parking and as no combined heat and power is proposed.

#### *All operational aspects of open space and public realm including the canal basin*

The majority of open space and public realm are proposed to be adopted and maintained by CEC with the likely exception of the internal courtyards to Plots W1 and W2; these are anticipated to be managed by the operator of these blocks. The Union Canal will remain in the ownership of Scottish Canals who retain ultimate authority over any works to or on it, including the addition of pontoons.

#### *Existing and finished site and floor levels in relation to Ordnance Datum*

These matters have been considered under 'height, massing, siting and ground floor levels within the 19/03097/PPP levels'.

#### *Roads, footways, cycleways, servicing and layout of underground and surface parking and cycle parking provision in accordance with standards agreed within the PPP*

No specific standards for either car or cycle parking were set by 19/03097/PPP. 39 car parking spaces are proposed. Despite the Transport Statement stating six, seven accessible spaces will be provided as shall five with Electric Vehicle Charging Points (EVCPs) and 19 for motorcycles. The total, accessible proportion and number for motorcycles accord with CEC guidance but the EVCP level does not. There appears to be no barrier for a compliant level of EVCPs and a condition to this effect shall be attached.

The majority of car parking is located within the undercroft of Plots W1 and W2 aligning with a 'concealment from the public realm' approach for which there is support. Where surface level car parking is proposed, detrimental streetscape impacts will be suitably mitigated by planting or deemed necessary on equality grounds.

1,038 total cycle parking spaces are proposed, 1,000 for 464 units, 30 for 2,195sqm of Class 3 space (as it is stricter than Class 1) and eight for visitors; the residential and commercial levels accord with the EDG. The internal stores to Plots W3 and W4 and that to the Plot W1 courtyard meet the first preference test of the Cycle Parking Factsheet (CPF) (level, enclosed, within the building). The internal store within the Plot W2 undercroft does not technically accord with this first preference test due to the ramped entrance and less than direct route from the Union Canal. However, it is secure and within the building and considered acceptable given the wider benefits of an active frontage to the Union Canal which is an area where this is strong support for increasing commercial activity. Some weight has also been given to the change in site levels. All cycle parking locations are appropriately located for the uses to which they are to serve and those internally are within reasonable distances of lifts.

The breakdown of cycle parking type development wide, including visitor provision, is 51% double stack, 22% semi-vertical, 21% Sheffield and 6% Sheffield oversized. The CPF seeks a minimum of 20% non-standard cycle parking and the Plot W3 store will provide 84% double stack. However, for the latter, the CPF appears to consider the *"maximum of 80% of all cycle parking spaces can be one type"* limitation on a development-wide basis rather than just to individual stores. These elements of the proposals do not accord with the CPF but they are deemed to be an acceptable infringement in this case. These City Centre proposals, which are guided by an approved masterplan and influenced by competing developmental factors, are highly accessible to local services. It is evident that the space required to meet the highlighted CPF requirements would have a knock on effect for the creation of active frontages (already impacted as outlined by condition 7 of 19/03097/PPP) and possibly, on the total number of units. It is noted that the visitor cycle parking is not covered. Although this is unlikely to be acceptable to the Union Canal for heritage reasons, covering of other locations could be feasible as could the provision of electric charging points; an informative is deemed appropriate in this case. Servicing arrangements are acceptable in planning terms and will be subject to separate consenting mechanisms.

Vehicles will be able to access the site from two points of connection to Fountainbridge but streets will give priority to pedestrians then cyclists through the adoption of a shared use environment and by contrasting surfacing finishes. Notwithstanding the shared street approach, delineation of 'pavements' shall also be implemented where the potential for conflict is greatest (centre of the site leading to the Plot W1 parking undercroft). Future residents, as is the case of most new residential developments, will not be eligible for controlled parking zone permits and it is not accepted that 39 car parking spaces shall have any material impact on road traffic levels. It is understood that the accessible car parking to the north of Plot W1 will be available to visitors. CEC Transport Planning made no response.

*Amendments of any treatment to adopted roads and footways.*

The proposals will necessitate the amendment of the adopted Viewforth, including Bridge No 1, Gilmore Park and Fountainbridge. The works to them are acceptable in planning terms and shall be subject to detailed consideration under a Road Construction Consent. The immediate canal side is not adopted and will remain in the ownership of Scottish Canals.

*Location and details of car parking venting / exhaust termination and electric vehicle charging outlets and ducting*

Location and details of electric vehicle charging outlets are considered under 'roads, footways, cycleways etc'. The undercroft car parking shall be mechanically ventilated by a series of impulse / jet fans which will duct air to an extract point on the south elevation. CEC Environmental Protection raise no objection to this element of the proposals and note that the system constitutes a fairly standard solution for undercroft car parks. The location and details of car parking venting / exhaust termination and ducting is appropriate in planning terms but will also be subject to further consideration by CEC Building Standards.

*Signing of pedestrian and cycle access routes to/from and through the development*

Three signposts will be installed at the junctions between Fountainbridge and Gilmore Park, Gilmore Park and the shared access route into the site and at the northernmost extent of the avenue between Plots W1 and W2. Signs have blue backgrounds with walk times in white lettering and direct to nearby locations and landmarks. All signposts will be sited to the rear of footways and have signs mounted at a height of no less than 2.3m. The locations and design of signage are appropriate in planning terms but will be subject to further approval under a Road Construction Consent.

*Surface water management and drainage arrangements, SUDS proposals and SUDs maintenance plan*

Surface water will be attenuated through a network of SUDS features including blue / green roofs, raingardens and bioretention areas prior to discharging to the existing wastewater network. The proposals have been designed to accommodate the 1 in 200 year rainfall event plus a 40% climate change allowance, in accordance with the minimum requirements of CEC guidance. SUDS features relating to the Plots are to remain private and proposed to be factored. Pipes within the site and SUDS provision relating to roads, paths and pedestrian areas will be offered to Scottish Water and CEC for adoption, the latter as part of a Road Construction Consent.

CEC Flood Prevention and Scottish Water raise no objection. The surface water drainage arrangements are acceptable and the proposals shall not increase a flood risk or be at risk of flooding itself. Although the Surface Water Management Plan (SWMP) notes an area of surface water flooding within the site, which is suggested is due to a localised 'low point', this is to be mitigated by the SuDS measures proposed and by ensuring that no floor levels are below 66.650m (lowest is 67.400m for Plot W3). Other recommendations within the SWMP relate to separate to planning consenting mechanisms. The applicants have clarified that the referred to 'specialist flood report' within the Site Investigation Report is the submitted SWMP.

*All operational aspects of the commercial and business uses including details of servicing arrangements, opening hours, all external plant, machinery and / or ventilation, hours of deliveries and collections*

A private operator shall collect refuse, mixed recycling, glass and food waste for the proposals retail / commercial elements. Bins will be stored internally and collected at prearranged times. The collection points have not been set but it is anticipated that these will be similar to the delivery and serving arrangements which would be via a loading bay to the Fountainbridge fronting units and the Plot W1 undercroft for those to Union Canal. No vehicular deliveries are to be made along the Union Canal.

The occupiers, including their plant and ventilation requirements, are not known at this stage which is a fairly typical scenario. The retail / commercial units will be provided as 'shells' and it has been suggested that they should have flexibility across Class 1, Class 2, Class 3, Class 4 and Class 10 uses. 19/03097/PPP, the boundary of which extends beyond the site, also gave in principle support for Class 7, Class 11 and public house but none are proposed under this application.

CEC Environmental Protection note that they are unable to fully consider the impacts of these uses on residential amenity without a specific Use Class being known. Condition 5 and 6, as considered below, will remain relative to the development of the land. The former relates to a scheme for protecting residential amenity from commercial and road noise and the latter requires details of ventilation ducts. However, in line with the applicants suggestions and what is proposed in drawings, a condition shall be attached which specifies the Use Classes of the retail / commercial spaces.

The operating hours and location and duration of external seating as suggested by the applicants raise no material amenity concerns, subject to the satisfaction of condition 5 and 6, and will be subject to separating to planning consenting mechanisms.

*Waste management and recycling facilities*

CEC Waste and Cleansing Services shall collect refuse, mixed recycling, glass, and food waste for the proposal's residential element. Bins within the ground floor internal storage areas for Plot W3 and W4 and will be directly accessed whilst those for Plots W1 and W2 will be moved to one of four collection points by the operator. A waste strategy has yet to be agreed but it is considered acceptable for outstanding technical matters to be addressed out with the scope of this application.

*External lighting, including floodlighting and street lighting arrangements for the development*

Streetlights to Fountainbridge and Viewforth will be typical 'hockey stick' columns which match with what is evident across roads nearby. Shared accesses throughout the site are lined by L-shaped lantern columns except for a single replacement wall mounted unit to the west elevation of 205 to 209 Fountainbridge. Circular lantern columns shall illuminate pedestrian routes within the site, the Union Canal, Leamington Square and supplement streetlighting to Fountainbridge. All are LED, positioned to avoid light pollution and will combine to promote a safe, welcoming environment during hours of darkness. The lighting strategy is appropriate in planning terms but will also be subject to further approval under a Road Construction Consent.

#### *Site investigation / decontamination arrangements*

Information to address these matters has been provided but are considered under Condition 4 of 19/03097/PPP.

#### *Landscaping*

The site is vacant in anticipation of development and it has limited amenity or biodiversity value. The Union Canal is a Local Nature Conservation Site but the proposals are unlikely to have an adverse effect on its integrity due to the relatively limited extent of works specifically to it and lack of suitable habitats for the species which are noted in its city-wide designation. Soil disturbance and waste generation from land preparation is expected to be minimal.

The Design Statement provides a Landscape Maintenance Schedule and details of establishment and management. The hard and soft landscaping proposals are considered appropriate for this City Centre location and they will combine to create a distinctive, pleasant and liveable environment and one which is more biodiverse. Materials have been selected to harmonise with the character of the Union Canal and that of bounding developments and the generous use of trees of varying species will help to integrate the scale of buildings and create streetscape interest. A condition shall be attached to ensure the timeous implementation of landscaping.

#### Condition 2 of 19/03097/PPP

Condition 2 requires a phasing plan that identifies the car parking, individual blocks with associated landscaping and public realm.

Plots W1 and W2 are proposed to be commenced first followed by Plot W3 then Plot W4. The public realm works will follow thereafter as is typically the case for the majority of similar in nature construction projects particularly for those on constrained sites. This phasing of construction is acceptable.

CEC Environmental Protection suggest that the development of the Plots should begin with those closest to Boroughmuir High School (BHS) in order to achieve some form of acoustic barrier for this receptor. However, it is not reasonable for the CEC as Planning Authority to dictate or oversee the process of construction and their wishes do not appear practical. It also noted that BHS, in reference to planning permission 13/05207/AMC, required its Viewforth elevation to be mechanically ventilated and have unopenable windows; this should further assist the mitigation of noise from construction.

CEC Environmental Protection also suggest a Construction Environment Management Plan to control noise, dust and hours of development. Again, it is not reasonable for CEC as Planning Authority to dictate or oversee these matters as they are adequately controlled by separate to planning consenting mechanisms and legislation.

#### Condition 3 of 19/03097/PPP

Condition 3 requires construction details, specification, including trade names where appropriate, of all proposed external materials prior to the commencement of work. Sample panels are also necessary during construction for an agreed set period.

The details of all proposed external materials are outlined by the Design Statement and on the drawings and are acceptable in principle. However, due to the need to agree a set period for sample panels as well as ensure that the materials are appropriate for this context, particularly to the Union Canal, it is deemed reasonable to have these matters finalised out with the scope of this application.

CEC Environmental Protection repeat their suggestion of a CEMP to control noise, dust and hours of development which have been addressed under Condition 2 of 19/03097/PPP. The "*construction details*" referred to by this condition relate to cosmetic matters (e.g. what the building(s) will look like and compatibility with its surroundings) and not the physical activity of construction which is out with the control of CEC as Planning Authority.

#### Condition 4 of 19/03097/PPP

Condition 4 requires surveys and details of mitigation relating to land contamination prior to the commencement of construction works.

A Site Investigation Report and Remediation Method Statement are under consideration by CEC Environmental Protection, and it is considered appropriate to have these technical matters finalised out with the scope of this application.

#### Condition 5 of 19/03097/PPP

Condition 5 requires a scheme for protecting residential uses from road and commercial noise (existing and proposed) then its implementation prior to occupation.

A Noise Impact Assessment was submitted in support. Although CEC Environmental Protection have advised that the meeting of their required standards is likely to be technically feasible, the NIA does not outline a strategy for how to achieve this and they require more detailed information. It is reasonable to have these technical matters finalised out with the scope of this application.

#### Condition 6 of 19/03097/PPP

The satisfaction of condition 6, which requires detailed plans of commercial ventilation ducts prior to occupation, is not proposed under this application.

### Condition 7 of 19/03097/PPP

Condition 7 requires a minimum 70% active commercial frontage onto Fountainbridge. Uses which would achieve this are those within Class 1, Class 2 and Class 3. The Fountainbridge frontage of Plots W3 and W4 measure 91.8m but only 49.4m (54% of total) is proposed to be 'commercial'. 37.3m (41%) is cycle stores and 5.1m (5%) is a Plot W3 lobby; the proposals do not accord with the requirements of this condition.

It was envisaged that proposals would contribute towards the creation of a new local centre to Fountainbridge. No boundary has been set for this local centre but the Fountainbridge Public Realm Strategy (FPRS) suggests that it would extend to Fountain Park and Boroughmuir High School to the west and 195 to 203 Fountainbridge and the entrance to the Hampton by Hilton (effectively) to the east. The ground floors of the northern side of the envisaged Fountainbridge local centre are occupied or will be occupied, from west to east, by:

- 'Papa Johns' and amenity space for 'IQ Student Accommodation' at 114 Dundee Street;
- 1,200sqm of as yet unspecified Class 1 to Class 4 uses within the consented 19/02993/AMC (100% active commercial frontage for this development);
- 'Sofia's Lebanese Street Food' and the Hampton by Hilton at 166 Fountainbridge.

The ground floors of the southern side of the envisaged Fountainbridge local centre is occupied or will be occupied, from west to east, by:

- Boroughmuir High School at 111 Viewforth.
- The retail unit and cycle stores within Plots W3 and W4.
- The Edinburgh Printmakers, which features a *"studio, two galleries, a shop selling original prints and handmade products, venue hire space for meetings, events or learning activities, a café, a courtyard, and community garden"*, at 1 Dundee Street;
- 'Main Street Beanery' at 209 Fountainbridge; and
- Residential flats at 195 to 207 Fountainbridge.

The wider Fountainbridge area has been the subject of significant change since the requirement for a minimum 70% active commercial was first attached by condition to 14/02814/PPP. It is not considered that the proposals failure to meet the 70% requirement will be an impediment to the creation of a local centre to Fountainbridge considering the range and extent of uses which exist or have been approved within the suggested boundaries of the FPRS. It is also noted that Fountain Park and the local centres of Tollcross, Morningside and Dalry are readily accessible from the site and that the cycle stores, which are similar in elevational appearance to the retail / commercial spaces, will still provide some form of 'activity'. This is particularly the case when the need to accord with the approved masterplan is given weight and if compared to the possible impact of essential plant, waste and recycling spaces which are more appropriately located to the rear of Plots W3 and W4.

### Condition 8 of 19/03097/PPP

Condition 8 requires the submission of a Bird Hazard Management Plan (BHMP) prior to the commencement of development.



The condition requiring a BHMP was originally attached to 14/02814/PPP. This was due to a request by Edinburgh Airport Safeguarding who deemed it *"necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport"*.

No BHMP was submitted in support of 16/03321/AMC, 18/09769/AMC and 19/02475/AMC. The applicants contend that the CEC as Planning Authority agreed that one was not required but no written record of this appears to exist, Edinburgh Airport Safeguarding, through discussion and a further consultation, have confirmed that a BHMP is no longer considered to be necessary. This is due to the distance of the site from the airport and what was deemed to be a relatively rigid approach in considering the need of a BHMP under 14/02814/PPP.

#### Condition 9 of 19/03097/PPP

Condition 9 requires the submission of a programme of archaeological work prior to the commencement of development.

The Design Statement alludes to the development of a programme of archaeological work but no formal plan has been provided. In their response, CEC Archaeology Service *"welcome the new location for the Fountainbridge clock at the centre and focal point of the new Leamington Public Square"* but they consider that the proposals are insufficiently detailed in respect of condition 9. They also note that fieldwork is still required to the Union Canal and within the site. It is understood that the 'Old Man' and 'Cavalier' figures which were attached to the Fountain Brewery clock are missing but searches are ongoing as part of the consideration of this condition.

An informative clarifying that the obligations of condition 9 remain relative to the development of the land shall be attached.

#### **Conclusion in relation to the Development Plan and the conditions of 19/03097/PPP**

Significant weight has been given to the global climate and nature crisis and the balance is tipped in favour of the proposals. The development has minimised its lifecycle greenhouse gas emissions and is adaptable to climate change. The proposals will enhance biodiversity and not have an unacceptable impact on the natural environment. Soil disturbance is minimal and there will be a material increase in tree cover. Historic assets shall be preserved or enhanced and low carbon technologies have been incorporated. Waste and recycling arrangements are acceptable. The proposals will contribute towards the creation of sustainable places and accord with the intent and outcomes of NPF4 Policy 1, 2, 3, 4, 5, 6, 7, 9, 11, 12 and 13 and LDP Policy Env 15, Env 21, Des 10, Tra 2, Tra 3, Tra 4 and Tra 9.

The proposals will improve the quality of the area and are consistent with the six qualities of successful places. They shall contribute to local living and address identified gaps in housing provision. Sustainable temperature control has been incorporated as has blue / green infrastructure with acceptable management arrangements. A proportionate level of inclusive amenity and public space has been provided and the proposals will not increase a flood risk. A community food growing space and active travel provision supports positive health and the proposals shall not have an adverse effect on air quality. The proposals will contribute towards the creation of liveable places and accord with the intent and desired outcomes of NPF4 Policy 14, 15, 16, 19, 20, 21, 22 and 23 and LDP Policy Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 11, Hou 2, Hou 3, Hou 4, Hou 7, Hou 10, Env 22 and RS 6.

The proposals will contribute to community wealth by increasing opportunities for spending within the local area and creating employment. They will enhance the vitality and viability of the City Centre and support the creation of a local centre to Fountainbridge. Public art has been incorporated. The proposals will contribute towards the creation of productive places and accord with the intent and desired outcomes of NPF4 Policy 25, 27, 28 and 31 and LDP Policy Del 2 and Ret 1.

The proposals are considered to have adequately addressed the matters specified in conditions 1, 2 and 7 of planning permission principle 19/03097/PPP. The proposals are deemed to have satisfied condition 8 of planning permission in principle 19/03097/PPP but not condition 3, 4, 5, 6 and 9 which remain relative to the future development of the land.

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

The following material considerations have been identified:

Emerging policy context

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

Equalities and human rights

No physical barriers to use or occupation were identified in respect of gender reassignment, race, religion or belief, sex, or sexual orientation. With regard to pregnancy and maternity, 97 units (21% of total) will be suitable for growing families which exceeds the 20% of total minimum of the CEC guidance. It has also been deemed reasonable to assume that single child parents or families may view some of the 125 2-bed units (27% of total) as being suitable for their particular circumstances.

13 1-bed flats, one 2-bed and one 1-bed within Plot W4 and two 1-bed units within Plot W3 are specifically for persons who use a wheeled mobility device (wheelchairs, mobility scooters etc). This represents 4% of total but is in addition to 400 units (86% of total) with step free access to street. In the absence of specific targets in CEC guidance, the 18 units specifically for persons using wheeled mobility devices is considered acceptable as are the proportion of flats with reasonable step free accessibility. Step only mezzanines within the some of the commercial units are noted but also that this shall not explicitly prevent the use of the premises.

It would appear feasible for all persons to access communal amenity spaces and those at ground level are to feature a range of seating types including some with back and armrest support. Any slopes will have a gradient of at least 1:21 and steps to 'Leamington Square' and Viewforth have landings and handrails. Secure space for mobility scooters out with the flat will be set aside for relevant units and stores have made reasonable provision for non-standard bikes. Seven accessible car parking spaces are deemed appropriate considering the accessibility of the site.

Many of the matters raised by the Edinburgh Access Panel are suitably addressed under separate to planning consenting mechanisms or processes (inclusion of handrails, signage design etc). Despite what is stated within the Design Statement, they do not give full support to the development but nor did they raise an objection and have noted step only accesses between Plots W1 and W2 and to Viewforth from the Union Canal. This is also the case for the approved masterplan as well as 16/03321/AMC.

Although it is unfortunate that equitable accesses have not been provided in these areas, it is accepted that the introduction of compliant connections would be challenging and possibly necessitate complex and invasive works, notwithstanding further deviations from the approved masterplan and potential impact on a Scheduled Monument. Existing and proposed routes for persons with mobility difficulties will be provided and these are deemed to constitute reasonable alternatives when all developmental constraints are considered. Steps proposed elsewhere will have a minor impact.

It is not considered that persons residing or working nearby will be specifically affected by the development when it is completed. Although construction will generate noise, and possibly impede movement, these are temporary effects which are out with the control of the CEC as Planning Authority.

Due regard has been given to the public sector equality duty under Section 149 of the Equalities Act 2010 and human rights. No material adverse effects have been identified.

### Public representations

Three timeous representations were received; one objecting and two maintaining a neutral position. Members of the Edinburgh Access Panel also made comments as local residents within their consultation response and these matters have been considered as a late representation. Merchiston Community Council (MCC) object as a non-statutory consultee. Tollcross Community Council provided comments through the Fountainbridge Canalside Community Trust.

### *Material considerations in objection*

MCC give support to certain elements such as trees, green roofs, the palette of materials, the number of 2 and 3-bed units, the provision of affordable housing, the 'central green avenue' between Plot W1 and W2 and the colony style architecture. The FCCT in their objection also give support to similar elements. Material considerations raised in representations and by the MCC are summarised and addressed under the relevant sections of condition 1 of 19/03097/PPP unless stated otherwise.

- Level of light to internal and external spaces
- Design and scale of the development and not reflecting its surroundings.
- Level of external amenity space for future residents
- Imbalance in the wider community due to the number of 2-bed flats
- Adequacy of pedestrian and cycle segregation
- Overlooking of colonies by the blocks of flats
- Impacts on existing pedestrian and traffic levels from more residents.
- Lack of a basin off the Union Canal
- Location of the community space
- Design and use of 'Leamington Square' for public events
- Future residents using surrounding streets to park cars.
- Management and future maintenance of the public open spaces
- Thermal performance of flats
- Lack of a fountain as suggested by Informative 5 of 19/03097/PPP.
- Missing figures to the Fountainbridge clock; this is considered under condition 9.

### *Non-material planning considerations in objection*

- Impact on school capacity and local services
- 'Quality' of the pre-application community consultation
- 'Hollowing out' of the city by short term commercial and student accommodation
- Affordability of the mid-market rent
- The build to rent model.
- Misuse of accessible car parking spaces and coaches parking on Viewforth
- The giving of preference to potential occupants of internal and external spaces
- Potential for commercial units to remain vacant

### *Material considerations maintaining a neutral position.*

- Pontoon would cause an obstruction on the Union Canal.
- Flood risk and historic instances of flooding.
- Reference to a specialist flood report within the Site Investigation Report.
- Phasing of construction in respect of public realm works being completed first.

### *Non-material considerations maintaining a neutral position.*

- Discrepancy in lease or ownership boundaries
- Means of construction and access to property

### *Material considerations from the late representation*

- Level of light to internal and external spaces.
- Adequacy of pedestrian and cycle segregation.
- Overshadowing of nearby tenements
- Future residents using surrounding streets to park cars
- Range of seating within 'Leamington Square'
- Lack of seating between Plot W1 and W2
- Management and future maintenance of the public open spaces
- Lack of accessible visitor car parking for visitors; this is considered under equalities and human rights.
- Lack of details relating to accessible accommodation; this is considered under equalities and human rights.
- Steps without non-step provision; this is considered under equalities and human rights.

### *Non-material considerations from the late representation*

- Segregation of pedestrians and cyclists under Bridge No.1
- Lack of handrails where steps are present.
- Lack of reference to the Union Canal being part of the John Muir Way
- Impact on school capacity and local services.

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

None of the identified material considerations outweigh the proposals accordance with the Development Plan

#### **d) Overall conclusion**

The proposals shall not harm listed buildings or their settings. The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals are in accordance with the relevant policies of National Planning Framework 4 and the Edinburgh Local Development Plan and adequately address the matters specified in conditions 1, 2 and 7 of planning permission in principle 19/03097/PPP. The proposals are deemed to have satisfied condition 8 of planning permission in principle 19/03097/PPP but not condition 3, 4, 5, 6 and 9 which remain relative to the future development of the land.

The proposals will contribute towards the creation of sustainable places through the balanced reuse of a highly accessible brownfield site within the City Centre and by the incorporation of a range of measures to enhance biodiversity, promote active travel and preserve historic assets. They will contribute towards the creation of liveable places through the development of housing of varying tenure and by integrating appropriately scaled ancillary uses, inclusive amenity spaces and blue / green infrastructure. They will contribute towards the creation of productive places through increasing opportunities for local spending and employment and by the provision of formal and informal places for community interaction.

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

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

The recommendation is subject to the following.

### **Conditions**

1. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
2. No development shall commence until full locational and specification details of a minimum of seven car parking spaces with electric vehicle charging points have been submitted to and approved in writing by The Council as Planning Authority.
3. The Use Classes for the retail / commercial spaces approved by this application are Class 1A, Class 3 (food and drink), Class 4 (business) and Class 10 (non-residential institutions) as defined by Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

### **Reasons**

1. In order to ensure that the approved landscaping works are properly established on site.
2. In order to ensure that electric vehicle charging infrastructure is suitable.
3. In order to define the permission and in recognition that 'commercial' is not a Use Class.

### **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 as Planning Authority stating the intended date on which the development is to commence. This will not occur until written acceptance has been received by The Council as Planning Authority in respect of any conditions which have not satisfied by this application.

Failure to submit a 'Notice of Initiation of Development' 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. A Memorandum of Agreement has been concluded in respect of the land to which this application relates which is available to view on The Councils Planning and Building Standards Portal (reference: 19/03097/PPP).
4. For the avoidance of doubt, conditions 3, 4, 5, 6 and 9 of planning permission in principle 19/03097/PPP have not been satisfied and remain relative to the development of the land.
5. For the avoidance of doubt, condition 8 of planning permission in principle 19/03097/PPP has been satisfied as it relates to the development of this land.
6. The applicants shall explore the covering of externally located cycle parking except for spaces to the Union Canal and the installation of electric charging points.

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

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

**Further Information - Local Development Plan**

**Date Registered: 7 September 2022**

### **Drawing Numbers/Scheme**

01, 02A, 03-05, 06B, 07A, 08A, 09-71

Scheme 2

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

Contact: Graham Fraser, Assistant Planning Officer  
E-mail: [graham.fraser@edinburgh.gov.uk](mailto:graham.fraser@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Edinburgh Airport Safeguarding  
COMMENT: Recommends the discharging of condition 8  
DATE: 20 September 2022

NAME: CEC Archaeology Service  
COMMENT: Do not recommend the discharging of condition 9  
DATE: 26 October 2022

NAME: CEC Environmental Protection  
COMMENT: Do not recommend the discharging of conditions 1, 2, 3, 4 and 5  
DATE: 16 November 2022

NAME: CEC Transport Planning  
COMMENT: No response  
DATE:

NAME: CEC Flood Prevention  
COMMENT: No objection  
DATE: 1 December 2022

NAME: CEC Waste and Cleansing Services  
COMMENT: No waste strategy agreed at this planning application stage  
DATE: 5 January 2023

NAME: Edinburgh Access Panel  
COMMENT: No objection or support  
The proposals were presented to the Edinburgh Access Panel prior to submission. They wish to have known that the statement, "the proposals have been reviewed by the Edinburgh Access Panel which did not raise any significant concerns regarding equal access", which gives the impression that they are in full agreement with the proposals, is inaccurate. Although they do not object, they have made comments in respect of equal access that have been addressed under equalities and human rights.  
DATE: 13 October 2023

NAME: Historic Environment Scotland  
COMMENT: No objection  
They have minor concerns with the delineation of the towpath away from the canal side but note that Scheduled Monument Consent is likely to be required and that discussions are ongoing.  
DATE: 21 September 2022

NAME: Merchiston Community Council  
COMMENT: Object on a non-statutory consultee basis  
DATE: 1 November 2022

NAME: Tollcross Community Council  
COMMENT: No response



Provided comments through a representation in objection from the Fountainbridge Canalside Community Trust.

DATE: 29 September 2022

NAME: Scottish Environment Protection Agency

COMMENT: No objection

DATE: 7 November 2022

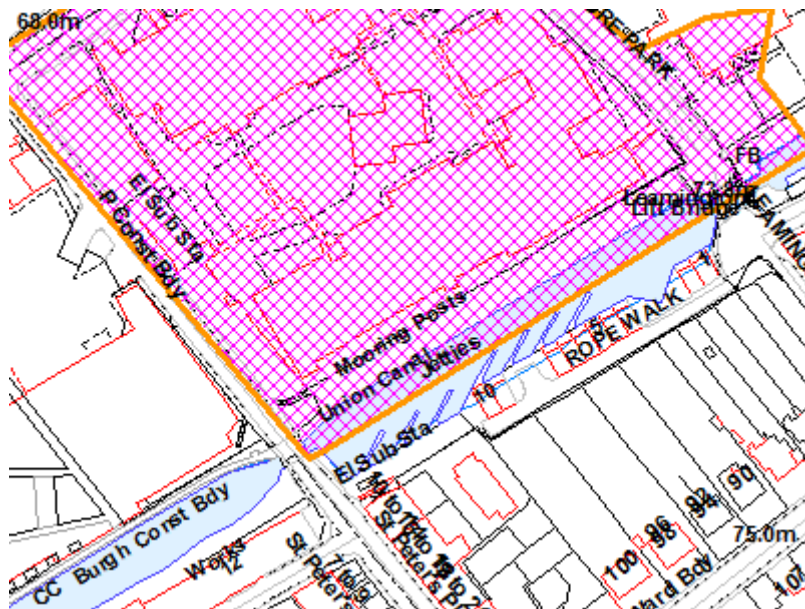
NAME: Scottish Water

COMMENT: No objection

DATE: 13 September 2022

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

## Location Plan



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## Development Management Sub-Committee Report

**Wednesday 26 April 2023**

### **Application for Planning Permission**

**land 292 metres west of 10, Gilmerton Station Road, Edinburgh.**

**Proposal: Proposed residential development, including bike/bin stores, associated infrastructure, access, landscaping and engineering works.**

**Item –**

**Application Number – 22/02912/FUL**

**Ward – B16 - Liberton/Gilmerton**

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

The application is being referred to the Development Management Sub-Committee because 11 letters of objection to the proposals have been received. 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 Legal Agreement** subject to the details below.

### **Summary**

The proposed development is within the urban area where residential development is acceptable in principle. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable and private housing as well as a substantial area of open space. The proposed layout integrates with the existing residential developments and provides an attractive residential environment at this gateway edge site to the city. The proposals include a number of active travel connections as well as education and healthcare contributions. In terms of climate change the proposals incorporate sustainability measures. The proposal would create a substantial open space with quality landscaping which would be a biodiversity enhancement. Therefore it is considered that that proposals comply with the Development Plan policies of NPF4 and the LDP. There are no material considerations which indicate otherwise.

## **SECTION A – Application Background**

### **Site Description**

The 6.43 hectare site is currently greenfield land and SuDs area, within the south east of Edinburgh. It is roughly 'L' shaped and is bounded to the south-west by Lasswade Road and to the south- east by Gilmerton Station Road. To the north-east is the recently approved residential development (application number 21/06680/AMC) which is part of housing allocation LDP HSG 24. To the north-west is recently constructed residential development (application number 16/03895/PPP and 18/02540/AMC) and this current planning application site was previously included within the site boundaries of these applications.

The site slopes approximately 17m from north-west to south-east. There are no features of interest on the site. The south-west boundary is delineated by a post and wire fence with an existing vehicle farm gate access. The fence continues along the south-east boundary to Gilmerton Station Road. There is an existing bus stop on Lasswade Road near the site.

The site is approximately 1.6km from the existing local shops, leisure and healthcare facilities at Gracemount. There is also planning permission recently granted for phase one of a two-phase mixed-use development including a retail foodstore and small business units at 1-4 Gilmerton Station Road (application number 21/05498/AMC). The mixed use proposal also includes over two phases, class 1 retail, class 2 professional services, class, 3 food and drink, class 4 to 6 business/industrial, class 7 hotel and class 11 Assembly and Leisure (application numbers 19/02122/PPP and 22/06390/FUL) . This is approximately 10 minutes' walk from the application site.

### **Description of The Proposal**

Full planning permission is sought for residential development with associated infrastructure, access, landscaping and engineering works. The net site area is 4.4 hectares with the total being 6.4 hectares including adjacent roads, pavements and existing SUDS which will be extended to serve the proposed development.

152 residential units are proposed comprising 113 private dwellings including 22 two bedroom flats, 63 three bedroom houses, and 28 four bedroom houses.

The 39 units (25%) affordable housing units comprise 27 two bedroom flats, and 12 three bedroom houses.

The proposed typography will require groundworks to provide a more gentle slope and step free ramp access to dwellings. The 3-metre pedestrian and cycle path along the Gilmerton Station Road frontage will be continued along the sites frontage at Lasswade Road. There are also connections to the neighbouring residential areas to the north-west and north-east. Vehicle access will be approximately 250 metres north of the junction of Lasswade Road and Gilmerton Station Road.

The bike stores accommodate 2 cycles per flat with no more than 50% within two tier racks and at least 20% in Sheffield stands for non-standard bikes. Visitor cycle parking is available in Sheffield stands.

The parking provision of 152 spaces includes in-curtilage driveway parking, and communal parking areas. There are eight electric vehicle charging point in communal spaces and all in-curtilage driveway parking spaces will be provided with infrastructure to ensure that they are EV ready. There are also five accessible spaces and two motorcycle parking spaces within the communal areas.

### Scheme 1

The proposals have been revised to increase the area of open space, improve the quality of the landscaping, ensure accessible connections to the nearby developments and quiet route 61 and the multiuser path along the site frontage. The car parking has been reduced as have the heights of the flatted blocks.

### **Supporting Information**

The following statements were submitted to support the application:

- Affordable Housing Statement;
- Air Quality Impact Assessment;
- Archaeology Assessment;
- Coal Mining Report;
- Cultural Heritage Assessment;
- Drainage Strategy and Surface Water Report;
- Design and Access and Planning Statement;
- Ecology Assessment;
- Land and Visual Impact Assessment;
- Pre-application Consultation Report;
- Noise Impact Assessment;
- NPF4 Assessment;
- Sustainability Statement
- Site Investigations Report and
- Transport Assessment

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

### **Relevant Site History**

16/03895/PPP  
Land 292 Metres West Of 10  
Gilmerton Station Road  
Edinburgh

Residential development with associated infrastructure, landscaping and engineering works.

Granted

19 December 2017

18/02540/AMC  
Land 292 Metres West Of 10  
Gilmerton Station Road  
Edinburgh

Application for Matters Specified in Conditions 1 and 2 of Planning Permission  
16/03895/PPP for 335 residential units with associated infrastructure, landscaping and  
engineering works.

Approved  
14 March 2019

21/06302/PAN  
Land 292 Metres West Of  
10 Gilmerton Station Road  
Edinburgh

Residential development, access, landscaping, engineering and associated works.  
Pre-application Consultation approved.  
15 December 2021

14/01446/FUL  
Land 115 Metres Southeast Of 42  
Gilmerton Dykes Road  
Edinburgh

Residential development of 61 units with associated accesses, roads and landscaping.  
Refused  
17 June 2015

14/05145/PPP  
Land 350 Metres North West Of 328  
Lasswade Road  
Edinburgh

Proposed residential development with associated infrastructure, landscaping and  
engineering works.  
Refused  
22 May 2015

### **Other Relevant Site History**

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Midlothian Council

Environmental Protection - Contaminated Land

Transport Officer

Structures and Flood Prevention

Scottish Water

Waste Services

SEPA

Coal Authority

Housing Management and Development - Affordable Housing

Communities and Families

Flood Planning

Coal Authority

Archaeology

Waste and Cleansing Services

Archaeology

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 7 February 2023

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

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

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

**Number of Contributors:** 11

## **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 policies to be considered are:

- NPF4 Sustainable Places policies 1, 2, 3, 5, 12,13;
- NPF4 Liveable Places policies 14, 15, 16, 18, 20, 22, 23;
- LDP Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 9;
- LDP Housing policies Hou1, Hou 2, Hou 3, Hou 4, Hou 6, Hou 10;
- LDP Transport policies Tra 2, Tra 3, Tra 4, Tra 8, Tra 9;
- LDP Delivery policies Del 1; and
- LDP Environment policies Env 21, Env 22.

The Gilmerton and South-East Site Brief development principles forms part of the LDP. The LDP Action Programme 2022 and the finalised 'Developer contributions and infrastructure delivery supplementary guidance' August 2018 are material considerations when considering delivery, housing and transport policies. The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD housing, design and transport policies.

## **Principle**

The site is within the urban area where under policy Hou1 Housing Development (d) the delivery of housing is a priority, provided proposals are compatible with other policies in the plan. The Gilmerton and South-East Site Brief development principles with the LDP identifies this site as part of a long-term redevelopment opportunity along with the area to the north-west which has already been granted planning permission and is under construction.



NPF4 Policy 1 is an overarching policy that states when considering development proposals, significant weight will be given to the global climate and nature crises. The biodiversity enhancements are considered later. The proposed residential development, in the urban area and in line with the LDP strategy is consistent with the global climate challenge in principle.

In terms of NPF4 Policy 16 Quality Homes, an agreed timescale for build-out has been submitted and is acceptable. The proposal is consistent with the spatial strategy of the LDP. In terms of local living and 20minute neighbourhoods, this is discussed further below. Therefore, the principle of residential development is acceptable on this site, so long as other development plan policies are complied with.

### Climate Mitigation and Adaption

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of urban land for sustainable energy efficient residential development.

NPF4 Policy 2a) requires developments to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 2b) requires proposals to be sited and designed to adapt to current and future risks from climate change.

The sustainability statement submitted states that the proposals would be energy efficient with photovoltaic panels located on the roof. Where possible the living spaces have been orientated south and large windows have been used to maximise solar gain. Electric Vehicle charging points will be available at specified locations.

In terms of water conservation, the water facilities would meet the technical standards and a SUDS system has been incorporated into the open space.

Refuse and recycling facilities have been provided to the communal flats and also to the rear gardens of all plots, to encourage waste recycling segregation and storage, in line with the waste hierarchy and NPF policy 12.

The proposed materials include timber construction with is FSC Labelled and building elements are to be an A or A+ rated in the BRE Green Guide to specification.

The proposed development is therefore appropriate in terms of sustainability as it involves the location of energy efficient housing on an accessible urban location. This will contribute to climate change mitigation in the short and long term. The proposal meets the current standards set out in the sustainability form and complies with NPF4 policy 2.

## Local Living and 20-minute neighbourhoods

NPF4 Policy 15 requires proposals to create connected neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home preferably by using active travel, or sustainable transport options. The proposals include the continuation of the multi-user path along the frontage of Gilmerton Station Road which connects to Lasswade Road multi-user path. A toucan crossing can be secured by condition to facilitate access to the nearby quiet route 61. There are also three connections into the neighbouring site to the north-east and three connections (two including ramps and steps) to connect to the neighbouring residential area to the north west. There is also a bus stop on Lasswade Road and another bus shelter northbound could be secured, which are accessible from the development site.

The site is on the edge of the City but is within the urban area. There has been substantial new residential development within the vicinity of this site as part of LDP HSG 24 which also includes a new primary school and a number of shops. The recent planning permission for a food store and business units as phase 1 of the development at 1-4 Gilmerton Station Road is also within 20 minutes of this site by the multi-user path or the quiet route. There is a substantial 2-hectare open space and children's play area within phase 3 of HSG24 as well as the proposed development's open space along the Gilmerton Station Road site frontage. The proposals include a range of affordable and accessible housing options which is detailed further below. Overall, the proposed development complied with NPF4 Policy 15.

## Design and Layout

NPF4 Policy 14 requires development proposals to be designed to improve the quality of an area and be consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable. The LDP policies Des 1 - Des 9 ensure new development is of the highest quality, integrates with and respects the special character of the city and meets the needs of residents and other users. The Gilmerton and South-East Site Briefs - Development Principles within the LDP set out to change the character of Gilmerton Station Road through street design incorporating trees and verges and green network connections.

The proposed development integrates with the existing developments to the north with active travel connections and the multi-user pathway along the Gilmerton Site frontage. The site has a large area of open space fronting onto Gilmerton Station Road similar to the existing development at the other end of the street. Together with the previous developments this achieves the aim to change the character of Gilmerton Station Road to more of a residential street.

Policy Des 9 (Urban Edge Development) focuses on the quality of the urban edge at the edge of the City. The Landscape and Visual Impact Assessment submitted (LVIA) demonstrates that the impacts on the landscape setting are not significant. Given the height of the buildings, the sloping nature of the site, and proposed landscaping, the proposed development would be visible but viewed against the backdrop of the existing residential development. The landscaping proposed would strengthen the Green Belt boundary, connect the green network encouraging access to the countryside. Overall, it conserves the landscape setting of the city and complies with Policy Des 9.

The proposals are healthy with active travel routes and connections being overlooked providing natural surveillance as well as health opportunities.

The proposals are pleasant: a street frontage is provided to both Lasswade Road and along with the park, to Gilmerton Station Road. The maximum four storey height of the proposed buildings and their scale and proportions, along with similar materials and detailing also help with its positive impact on its surroundings when viewed in the wider townscape/landscape. As well as the main area of open space fronting Gilmerton Station Road there are three other public open spaces throughout the development. It is similar to the neighbouring developments in character and appearance.

The site is connected: there is only one vehicle access to the site but a number of active travel routes. Parking has been substantially reduced and is mainly limited to driveway or parking court areas. Due to the sloping site both steps and ramps have been provided to facilitate active travel connections to the north.

The site is distinctive - the open space includes SuDS, a range of aquatic plants, meadow areas, grasses, bulbs, shrubs, ground cover and amenity grassland. Formal hedges are provided along the street frontages delineating the public and private spaces. There would also be new woodland planting comprising 619 new hawthorn, elder and hazel. A further 198 individual trees are also proposed. This would help provide a defensible Green Belt boundary.

The site is sustainable as it is within the built-up area and with active travel and public transport routes to local centres and the city. Whilst the existing site is a greenfield which is no longer in agricultural use, the proposals include at least 36% of the site to be landscaped enhancing its biodiversity value. Facilities for refuse and recycling waste are also included for every property.

The site is adaptable - the maintenance of the public space is secured by factor and a maintenance schedule agreed. Despite being on a slope all properties can be front accessed without steps to ensure that they would be suitable as whole life dwellings.

The proposals are in accordance with the intent and outcomes of NPF4 Policy 14 and the LDP policies Des 1-5, Des 7-9 as well as the Gilmerton and South-East Site Briefs - Development Principles.

### Quality Homes

NPF4 Policy 16 sets out to encourage the delivery of more high quality, affordable and sustainable homes across different tenures to meet the diverse housing needs of people. LDP Policies Hou1, Hou4 and Hou6 also focus on the mix, green space, density and affordable housing of proposals.

In terms of 16(f) the site is within the urban area and residential development is in line with the LDP spatial strategy and the NPF4 intentions of local living and 20 minute neighbourhoods. A build out timescale for the proposed housing has also been submitted. This states that there would be a three year build out programme with 62 units in year 1 (44 private and 18 affordable), 69 units in year 2 (48 private and 21 affordable) and the remaining 21 private units in year 3.

A Statement of Community Benefit has been submitted as required by 16(b). This proposal aids the delivery of the Council's housing land supply within the urban area - the priority location for new housing. 25% affordable housing will be provided. The proposal will support local infrastructure and facilities and services. The proposals consolidate the built form and create an attractive gateway to Edinburgh, at this urban edge location integrating with the surrounding housing and providing a clear and defensible Green Belt boundary. Further community benefits include the employment opportunities both short term and longer term. The proposals also increase the locally available expenditure to sustain local retail and services from the new residents. The developer also has a Community Fund Initiative to support the community whereby community groups and organisations can apply for donations to local community facilities. This is encouraged but cannot be controlled through the Planning system.

### *Affordable Housing*

Policy 16(e) and LDP Hou 6 requires at least 25% affordable housing. The proposed development includes 25% affordable housing comprising 27 two bedroomed flats and 12 three bedroomed terraced town houses. This would be split between 70% social rent and 30% mid-market rent which would be secured through the legal agreement.

Policy 16(c) intends that a range of housing types are provided. The private housing consists of 22 two bedroomed flats, 63 three bedroomed terraced houses and 28 four bedroomed detached houses. All proposed units meet the Edinburgh Design Guidance in terms of space standards. It is considered that this mix is acceptable and compatible with the surrounding area and in line with Policy 16 (c) and Hou 2 (Housing Mix).

### *Density*

Policy Hou 4 (Housing Density) requires an appropriate density on the site having regard to the characteristics of the surrounding area and the need to create an attractive residential environment and safeguard living conditions within the development. The proposed density of 26 dwellings per hectare is considered acceptable given the substantial amount of open space being provided on site and the density of the surrounding area.

### Residential Amenity

LDP Policy Des 5 (Development Design- Amenity) seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity. The proposed residential use is compatible with the predominantly residential character of this area and will not lead to an unacceptable loss of amenity for any residential properties in the vicinity.

### *Existing Buildings Daylighting and Sunlight, Outlook and Privacy*

The existing buildings are at an approximately 0.5m higher ground level and separated by Innes Road from the proposed new dwellings. There is at least 20m between the buildings. Therefore, it is considered that there would be no significant loss of daylight and sunlight. Whilst some of the existing dwellings front onto the proposed site, sufficient outlook and privacy would be retained to ensure adequate levels of residential amenity.

### *New Buildings - Daylighting and Sunlight, Outlook and Privacy*

No skyline method information has been submitted for the adjacent flatted blocks. This shows that there would be adequate daylight to the new flats. Shadow plans for the Spring Equinox (21 March) have also been submitted for the communal areas to the flats. These illustrate that the amenity spaces will have potential sunlight for more than 2 hours during the spring equinox. This is in line with the Edinburgh Design Guidance. There is at least 18m between the adjacent flatted blocks and therefore it is considered that there is acceptable privacy and outlook levels for the future occupants of the new flats.

### *Communal/Private Outdoor Space*

Policy Hou 3 (Private Green Space in Housing Development) sets out provisions for green space to meet the needs of future residents. A minimum of 20% of the total site area should be useable green space.

The proposed development includes a 1.7-hectare park fronting onto Gilmerton Station Road as well as three other green spaces within the proposed development and 10 sqm per flat of communal space around the flats and private gardens to all ground floor flats and houses. The proposed development has over 36% useable green space.

There is a concern that as this site was previously included in the planning permission in principle (application number 16/03895/PPP) as predominantly open space, this would result in less open space within the area, reducing the residential amenity and attractive residential environment for occupants of both developments. Cumulatively, the open space in the development to the northwest (by the same developer) and this proposal have 20% of the total site area as useable green space and complies with Policy Hou 3.

### *Noise*

The residential properties are a minimum of 14 metres from Lasswade Road, 40 metres from Gilmerton Station Road and 229 metres from the City Bypass A720. A noise impact assessment has been submitted which has been reviewed by Environmental Protection. There are a number of measures proposed to reduce noise from road traffic across the development site including acoustic double glazing, acoustic vents and some acoustic barriers. A condition is attached to secure these measures in line with an updated noise impact assessment.

## Health

NPF4 Policy 23 Health and Safety requires proposals to have a positive effect on health. This includes consideration of air quality, noise and suicide risk. The proposed development has been designed to integrate into the existing area, creating a quality place and complies with LDP design policy and guidance. The proposals include areas of open space landscaping and will extend existing multi-user paths and provide connections within the area supporting healthy lifestyles and exercise opportunities.

Policy Env 22 (Pollution and Air, Water and Soil Quality) states that planning permission will only be granted where there will be no significant adverse effects for health, the environment including air soil, water environment or on ground stability.

## *Air Quality*

The Air Quality impact assessment (2022) has been reviewed by Environmental Protection who have concerns about the cumulative impacts of all developments in this area on the local air quality but accept the principle of residential use on this site has now been established. Whilst they would recommend refusal, it is considered reasonable that the applicant is required to mitigate the impacts by providing all driveways with electric vehicle charging points which must be installed and operational prior to the occupation of each unit. A further 1 in 6 electric vehicle charging points are to be available across the site. This is recommended as a condition.

## *Contaminated Land*

A review of the Report on Site Investigations has been undertaken by the CEC Contaminated Land Officer. The 2018 report covered this application site as part of the previous planning permission in principle. A condition is recommended to ensure that this report is updated to include gas mitigation measures and any localised investigation works proposed.

## *Mining*

The Coal Authority withdraws its previous objection as it is recommended two conditions which require further investigation and remediation of the coal mining legacy features on the site. A drawing is also required showing all the mine entries and no build zones. If that conflicts with the existing site layout, the applicant would need to submit a revised site layout plan as a variation.

## Biodiversity

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

An ecological assessment was submitted that noted that the land is abandoned farmland that has been disturbed and is either bare ground or presents short perennial or species-poor neutral grassland. There are no trees or buildings on site and the site does not support bats or other protected species. The loss of the current habitat would be a negligible adverse impact on biodiversity.

The proposals include 1390 square metres of woodland comprising 619 trees including native species - hawthorn, elder, hazel and privet. There would also be another 198 trees in the open spaces and streets. The property boundaries are delineated by hedges to the public realm totalling 7185 plants. The SuDs area would comprise 1970 aquatic plants. The landscaping plan shows that this open space would comprise wetland meadow, wildflower meadow, shrubs as well as bulb planting including bluebells, crocus and daffodils. A maintenance schedule has been clarified to be undertaken by a factor.

The houses have front and rear gardens, the ground floor flats have private gardens. Hedges delineate boundaries to the public realm. The biodiversity officer has assessed the proposals as a biodiversity enhancement and requires swift bricks to be included on all 2 or more storey buildings which could be secured by condition. Overall, this is a significant positive effect on biodiversity and a significant Biodiversity Net Gain and complies with NPF4 policy 3.

### *Soils*

NPF4 The land is greenfield and SuDS which was previously farmland. It is identified in the LDP as a redevelopment opportunity and within the urban area. Around 36% of the site area will still be open space with enhanced landscaping. It is considered that given the proposals are compatible with the LDP strategy and enhance biodiversity it is in line with NPF4 policy 5.

### *Blue/Green Infrastructure*

Policy NPF4 22 (Flood risk and Water Management) and LDP Env 21 (Flood Prevention) seek to ensure development proposals do not increase the risk of surface water flooding to others or itself be at risk. CEC Flood Prevention has assessed the surface water management strategy and drainage information submitted and have no objection. The applicant has stated that they will retain ownership of the SUDS until such time as it is adopted by Scottish Water.

Policy NPF20 (Blue and Green Infrastructure) is also relevant. The proposals seek to extend the existing SUDS area and integrate it into an area of open space with a variety of native species as set out below. It is considered that this multifunctional space is well integrated into the overall proposals and acceptable in terms of Policy NPF4 20.

## Sustainable Transport

NPF4 Policy 13: Sustainable Transport requires development proposals to demonstrate that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies. This is detailed further in LDP policies Tra 1 - 4, and Tra 8 - 9.

A Transport Assessment has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal. The assessment states that the site is well located in terms of existing and future walking routes and local amenities, schools and public transport services. It also states that the proposed development will not have a detrimental impact on operational capacity or road safety of the surrounding network.

In terms of NPF4 Policy 13(b) The proposals include a multi-user path along the Gilmerton Street frontage linking with the existing path along Lasswade Road. It is considered reasonable to ensure that this is provided prior to occupation of any dwellings within the site. This would allow the path to be used by nearby residents as well as occupants of the site as soon as possible. There are also three connections (two including ramps and steps due to the site levels) provided to allow connections with the neighbouring residential areas. Cycle parking, including visitor cycle parking is provided in line with our guidance. Whilst for the affordable flats, the cycle provision and bin stores are in separate buildings, it is considered that this is acceptable as it allows the ground floors of these blocks to have natural surveillance over the streets and public open spaces nearby.

Bus services currently serve the site, however there is currently no northbound bus stop and shelter, and its provision would encourage people to use the bus service and improve the accessibility of the site. This will be secured through a planning condition.

In terms of Policy Tra 2 (Private Car Parking) the parking level is 100% which is similar to the neighbouring developments and in line with our current guidance. Accessible parking and electric vehicle charging spaces are also provided in excess of our guidance and city car club provision would be required to encourage car sharing.

Whilst the site is sloping, the design and layout has ensured that there are no steps to access dwellings or connections across the site. The connections northwards do have steps but also ramps to take into account the needs of all users. The design includes communal parking areas to the rear allowing the dwellings to provide frontages to the streets.

A travel plan framework has also been prepared to encourage travel by sustainable modes of transport for residents of the proposed development. It is considered reasonable to require the applicant to provide travel plans for all households within the development using this framework.

Therefore, it is considered that the proposals comply with NPF4 policy 13 and LDP policy Tra 1-4 and further assessment against Tra 8 is considered below.



## Infrastructure

NPF4 Policy 18 supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs. Policy Del 1 and Tra8 also sets out that the overall cumulative impact of the proposed development should be taken into account. This is supported by the Action Programme 2023 and the Finalised Developer Contributions and Infrastructure Delivery Guidance.

### *Road Safety and infrastructure*

The multi-user path link will be provided by the developer along the site frontage as set out above. A toucan crossing will be provided on Gilmerton Station Road to provide access to the cycle route 61. This links to the Action Programme 2023 TRAHSG23-4 and the final location will be agreed with Planning and Transport. This will be secured by condition.

The site is served by public transport facilities with a bus stop on Lasswade Road lying directly adjacent to the west boundary of the site. Whilst the southbound bus stop remains, the northbound bus stop needs to be reinstated. Therefore, it is considered that the proposed development should require the upgrade of the bus stop and bus shelter to improve the passenger environment and encourage bus use. This can be secured by a planning condition.

The site is within the LDP Transport Contribution Zones for Gilmerton Crossroads, Gilmerton Station Road/Drum Street and Lasswade Road/Lang Loan. The actions and costs are set out in the Action Programme 2023, although it is noted some are already completed. The cost per unit for the outstanding action is £568 which could be secured through the legal agreement.

City car club provision would also be required which can be secured through the legal agreement.

### *Education*

The site is within the Liberton/Gracemount Education Contribution Zone. The requirement for additional education infrastructure is assessed on a cumulative basis with other known housing developments. The housing output assumptions from the latest housing land audit (December 2021) and Education Appraisal (September 2021) will be used to inform the evidence base to assess the cumulative impact of potential developments in the area.

Residential development is required to contribute towards the cost of delivering additional education accommodation to ensure the cumulative impact of new housing developments can be mitigated.

To mitigate the cumulative impact of development, the proposed development is therefore required to make a contribution per flat of £7745 and per house of £26,199 towards additional primary and secondary infrastructure including land contribution requirement.

## *Health*

The site is within the South-East Contribution Zone for Health Care. The costs have been revised in the Action Programme 2023 and the total cost is now £13m. This requires a per household contribution of £4550 per unit.

## Archaeology

There are no known archaeological implications regarding this application as it formed part of the wider planning application 16/03875/PPP which was subject to comprehensive programme of work and archaeological investigation already.

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

The proposed development is within the urban area where residential development is acceptable in principle. The site can contribute to local living and 20-minute neighbourhoods with its range of affordable and private housing as well as a substantial area of open space. The proposed layout integrates with the existing residential developments and provides an attractive residential environment at this gateway edge site to the city. The proposals include a number of active travel connections as well as education and healthcare contributions to mitigate its impact on the locality. In terms of climate change the proposals incorporate sustainability measures. The proposal would create a substantial open space with quality landscaping which would be a biodiversity enhancement. Therefore, it is considered that that proposals comply with the Development Plan policies of NPF4 and the LDP.

## **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. The plans now include ramps and step connections to neighbouring sites. The proposed layout has been designed so that there are no steps to access the front doors or pathways of any dwellings.

## Public representations

A summary of the representations is provided below:

### *material considerations*

- too close to quiet route 61- addressed in section (a) above.
- road safety conflicts, increased traffic and loss of car parking - addressed in section (a) above.
- need more active travel priorities, lack of buses and bus stops- addressed in section (a) above.
- loss of open space- addressed in section (a) above.
- lack of infrastructure and local services- addressed in section (a) above.
- old mining land- addressed in section (a) above.
- too high density and too much car parking for this location - addressed in section (a) above.

### *non-material considerations*

- public consultation was prior to people moving into the area.

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

There are no material considerations which would justify a refusal of planning permission.

## **Overall conclusion**

The proposed development is within the urban area where residential development is acceptable in principle. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable and private housing as well as a substantial area of open space. The proposed layout integrates with the existing residential developments and provides an attractive residential environment at this gateway edge site to the city. The proposals include a number of active travel connections as well as education and healthcare contributions to mitigate its impact on the locality. In terms of climate change the proposals incorporate sustainability measures. The proposal would create a substantial open space with quality landscaping which would be a biodiversity enhancement. Therefore, it is considered that that proposals comply with the Development Plan policies of NPF4 and the LDP. There are no material considerations which would indicate otherwise.

## **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 occupation of any part of the development the developer will introduce a Toucan (signalised cycle) crossing on Gilmerton Station Road. The details and location of which to be agreed in advance by the planning authority.
3. Prior to the occupation of dwellings on site, the multi-user path along Gilmerton Station Road as shown in Drawing No. 68A Site Layout Plan - Entire Site shall be constructed and integrated into the existing multi-user path links along both Gilmerton Station Road and Lasswade Road.
4. Prior to the occupation of any part of the development the developer will introduce a bus stop and bus shelter northbound on Lasswade Road, the details and location of which to be agreed in advance by the planning authority.
5. Prior to the commencement of construction works on site:
  - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Planning Authority, 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 Planning Authority

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

6. No development shall take place until a scheme for protecting the residential development hereby approved from noise from the road noise (Lasswade Road, Gilmerton Station Road & City by Pass) has been submitted to and approved in writing by the Planning Authority; this should include an updated noise impact assessment with supporting drawings and elevations highlighting where and what specification of glazing, vents and acoustic barriers will be required; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.
7. Prior to the commencement of works on site, the applicant is to provide a development layout drawing which clearly annotates all of the mine entries on, with all built development avoiding them and their respective zones of influence.

This drawing should be submitted for approval to the Planning Authority.

Once approved by the Coal Authority, the applicant must also submit a revised site layout plan as a variation to this planning permission, if required, to ensure that all build development avoids the mining entries and their respective zones of influence.

8. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

9. All private driveways shall be served by at least a 32 - amp 7Kw electric vehicle charging socket. They shall be installed and operational in full prior to the development being occupied.

All remaining communal parking spaces highlighted on drawing 5E Proposed Site Plan, drawing number A(00)050 0 shall be served by a 7Kw (32amp) Type 2 electric vehicle charging sockets. These must be installed and operational in full prior to the development being occupied.

10. No part of the development shall be occupied until a draft Travel Plan setting out measures to promote walking, cycling and the use of public transport has been submitted to, and approved in writing by, the planning authority. A final Travel Plan shall be submitted for the planning authority's written approval within 12 months of the first residential unit being occupied. The plan shall be implemented in accordance with the approved details.

11. A detailed specification, including trade names where appropriate and sources, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

12. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

13. Swift bricks shall be installed on the rear elevations of the houses and flats. The proposed specification and locations shall be submitted to and approved in writing by the planning authority prior to construction works commencing on site.

**Reasons:-**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In the interests of providing suitable pedestrian and cycle connections.
3. In the interests of providing suitable pedestrian and cycle connections.
4. In the interests of providing suitable public transport facilities.
5. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
6. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
7. In order to ensure the site is safe for the proposed use.
8. In the interests of sustainable transport and air quality mitigation measures.
9. To promote sustainable travel modes.
10. In order to enable the planning authority to consider this/these matter/s in detail.
11. In order to ensure that the approved landscaping works are properly established on site.
12. In order to safeguard protected species.

**Informatives**

It should be noted that:

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

**Affordable Housing**

The proposed development is required to deliver 25% affordable housing in accordance with policy.

**Transport**

The proposed development is required to contribute to transport improvements in the Action Programme 2023 of £568 per unit.

## Education

The proposed development is therefore required to make a contribution per flat of £7745 and per house of £26,199 towards additional primary and secondary infrastructure including land contribution requirement.

## Health

The proposed development is therefore required to make a contribution per household of £4550 per unit.

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

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of each phase 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 contaminated land report should also include gas mitigation measures and any localised investigation works proposed.
5. It is the builder/developer's responsibility to deal with any household waste produced on site until collections are agreed and in place.

## Background Reading/External References

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

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

**Date Registered: 14 June 2022**

## Drawing Numbers/Scheme

1,2,3,4B,5E,6C, 9B, 11A, 12B, 13B, 14B, 15B,16B, 17B, 18C, 23B, 24C, 28B, 29B, 30B, 31C, 32A,34C, 35C, 36B, 39B, 40B, 41C, 42C, 43C, 44C, 45C,46C, 47C, 49D, 50B, 54C, 46B, 57A, 58B, 59B, 60B61A, 62B, 63B, 64A, 65, 66, 67, 68A, 69, 70, 71, 7273, 74

Scheme 2

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

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## Appendix 1

### Summary of Consultation Responses

NAME: Midlothian Council

COMMENT: Concern that this site uses land identified as public open space in previous planning consents which could lead to overdevelopment and insufficient public open space.

Concern about increase on road junctions in the locality and impact on public transport services. The transport improvements in the LDP at Gilmerton Crossroads and Gilmerton Station Road should be undertaken prior to occupation of this development.

Active travel network should also be developed further.

Street frontages improvements should be done prior to occupation.

DATE: 23 March 2023

NAME: Environmental Protection - Contaminated Land

COMMENT: The following condition is proposed:

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

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority

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

As the submitted information is dated 2018 the applicant should review in case the situation has changed and to establish if gas mitigation measures should be progressed.

DATE: 21 March 2023

NAME: Transport Officer

COMMENT: Need ramp connections as well as steps

DATE: 22 March 2023

NAME: Structures and Flood Prevention

COMMENT: Further information required.

DATE: 16 November 2023

NAME: Scottish Water

COMMENT: No objection.

DATE: 27 June 2022

NAME: Waste Services

COMMENT: A waste strategy is not yet agreed, however the applicant is working with Waste Services on this.

DATE: 29 June 2023

NAME: SEPA

COMMENT: This application is below the thresholds for which SEPA provide site specific advice.

DATE: 22 March 2023

NAME: Coal Authority

COMMENT: Objection as previous concerns have not been addressed. The application site falls within the defined Development High Risk Area.

The Coal Authority now notes the submitted information from Mason Evans Partnership Ltd, specifically in the form of the Consolidation of Abandoned Mineworkings Completion Report (November 2019) and the letter (dated 18 July 2022). However, on the basis that drawing P22/070/Wrk005 appears to show numerous plots either over or within close proximity of mine entries, the Coal Authority objects to this planning application. The applicant should therefore be required to provide a development layout drawing, which clearly annotates all of the mine entries on, with all built development avoiding them and their respective zones of influence. The Coal Authority may then be in a position to withdraw its objection and recommend a condition to ensure the implementation of any further necessary remedial works. we note that the Consolidation of Abandoned Mineworkings Completion Report (November 2019) confirms that mine entries 329667-009, 010, 011, 015 have all been treated and that mine entries 329667-012, 013 and 021 are outside the planning boundary. However, we remain unclear as to the situation with regard to mine entry 329667-023 and those mine entries located outside of the planning boundary should also be annotated on the plan, together with their respective zones of influence, with all proposed built development within the site avoiding. Therefore the Coal Authority maintains its objection.

DATE: 15 March 2023

NAME: Housing Management and Development - Affordable Housing

COMMENT: The applicant has proposed to provide 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement. This approach which will assist in the delivery of a mixed sustainable community:

- o The applicant has submitted an "Affordable Housing Statement", setting out their approach.
- o The applicant has advised that the affordable housing will be a mix of social rent and mid-market rent.
- o The applicant has confirmed that they can provide a 70:30 split in favour of social rent for the affordable housing tenures.
- o This would provide 27 social rent homes and 12 mid-market rent homes.
- o The affordable housing proposes a mix of 2 bedroom flatted apartments and three bedroom terraced townhouses, this will offer an integrated mix of homes.
- o The applicant has entered into dialogue with Castle Rock Edinvar who are the proposed landlord for the affordable homes.
- o The applicant has advised that the affordable housing will be identical in appearance to the market housing units, an approach often described as "tenure blind".

- o The affordable homes should be designed and built to the RSL design standards and requirements.
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

DATE: 15 March 2023

NAME: Communities and Families

COMMENT: To mitigate the cumulative impact of development that would be anticipated if this proposal and other sites progressed, the proposed development is therefore required to make a contribution towards the delivery of the following actions based on the established 'per house' and 'per flat' rates set out below.

Per unit infrastructure contribution requirement:

Primary Infrastructure	Secondary Infrastructure
------------------------	--------------------------

Additional Primary School Capacity	Additional Secondary School Capacity
------------------------------------	--------------------------------------

New 18 Class Primary School

4 PS Classes (St John Vianney RC PS) Additional SS places (Liberton / Gracemount HS)

Additional SS places (Holy Rood RC HS)

£3,766 per flat

£11,134 per house £3,262 per flat

£12,942 per house

Per unit land contribution requirement:

Primary Infrastructure

New Primary School Land

£717 per flat

£2,123 per house

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

Primary Infrastructure	Secondary Infrastructure
------------------------	--------------------------

£1,385,536 £1,510,128

Primary Land

£264,092

Note - 1. all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q1 2021 to the date of payment. No indexation applied to land costs.

Note - 2. The Education Authority has a statutory duty to provide school places. The Council will determine the appropriate means to address accommodation pressure across its learning estate, which may include prioritising baptised RC pupils or a statutory consultation to change catchment areas. Accordingly, contributions to increase the capacity of the learning estate should offer flexibility to be used as deemed appropriate by the Education Authority.

DATE: 31 October 2022

NAME: Flood Planning

COMMENT: No objection. The applicant should however confirm that Scottish Water will adopt the SuDS pond and basin, as proposed.

DATE: 28 March 2023

NAME: Coal Authority

COMMENT: Coal Authority is now able to withdraw its objection to the planning application. However, this is subject to a condition requiring the further investigation and remediation of the coal mining legacy features on the site (i.e. our standard condition) and the imposition of the condition you referred to in your email to me dated 16 March 2023 (13:14) - see below.

'Prior to the commencement of works on site, the applicant is to provide a development layout drawing which clearly annotates all of the mine entries on, with all built development avoiding them and their respective zones of influence. This drawing should be submitted for approval to the Planning Authority. Once approved by the Coal Authority, the applicant must also submit a revised site layout plan as a variation to this planning permission if required to ensure that all build development avoids the mining entries and their respective zones of influence.'

And standard condition:

1. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

DATE: 30 March 2023

NAME: Archaeology

COMMENT: No objection.

DATE: 18 July 2022

NAME: Waste and Cleansing Services

COMMENT: A waste strategy and requirements for this development has been reached.

DATE: 11 April 2023

NAME: Archaeology

COMMENT: The site formed part of a wider planning application area covered by permission 16/03875/PPP subject to comprehensive programme of archaeological investigates undertaken by GUARD Archaeology (GUARD project 5247) between 2016

& 2019. Therefore, it has been concluded that there are no, known, archaeological implications regarding this application.

DATE: 18 July 2022

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

## Location Plan



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## Development Management Sub-Committee Report

**Wednesday 26 April 2023**

**Application for Planning Permission  
5B Hope Terrace, Edinburgh, EH9 2AP**

**Proposal: Erect dwelling.**

**Item – Committee Decision  
Application Number – 22/06107/FUL  
Ward – B15 - Southside/Newington**

### **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 proposed development complies with the National Planning Framework 4 and Edinburgh Local Development Plan as the proposed development design is acceptable, future occupiers will have acceptable levels of living amenity within the development and neighbouring amenity will not be adversely affected. Conditions relating to trees and archaeology have been applied. The proposals are acceptable and there are no material considerations that would outweigh this conclusion. It is recommended that the application be approved.

## **SECTION A – Application Background**

### **Site Description**

The application site is a vacant plot on the north side of Hope Terrace. Trees are positioned around the site and there is a garage to the eastern side. Vehicular and pedestrian entrances take access from Hope Terrace.

The street consists predominantly of stone villas and there is a modern house opposite the application site.

The application is located within Grange Conservation Area.

## **Description Of The Proposal**

The application proposes to construct a new detached dwellinghouse comprising two and half storeys, with four bedrooms and a single garage to the side. The proposed materials consist of aluminium windows, zinc cladding, ashlar sandstone and grey single ply membrane. In addition, the application proposes solar panels on the roof and an air source heat pump. The boundary walls will be repaired and repointed using lime mortar.

## **Supporting Information:**

Design statement

Drainage plan

Views

Surface Water Management Plan check list

Tree report

Letter from Scottish Water

Sustainability statement

## **Relevant Site History**

19/06098/FUL

5B Hope Terrace

Edinburgh

EH9 2AP

To form a private dwelling house.

Granted

28 February 2020

## **Other Relevant Site History**

None

## **Pre-Application process**

There is no pre-application process history.

## **Consultation Engagement**

Waste Management

Scottish Water

Archaeology Officer

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



## Publicity and Public Engagement

**Date of Neighbour Notification:** 15 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:** 66

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

- Managing Change - Conservation Areas

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

The proposal will be a modern intervention to the street and addition to the conservation area. On the south side of Hope Terrace there is a three storey, modern contemporary flat roofed residential development with sawn sandstone and zinc cladding. The street however, is overwhelmingly traditional in character with variations to its sandstone colours and detailing throughout.

The details proposed on the front elevation, such as feature bands to the sandstone walls, will give the elevation a horizontal emphasis reflecting the stone on the surrounding buildings. Most of the building will be constructed using traditional materials. However, more contemporary materials, for example, aluminium windows and zinc, are used for the roof and the doors. The elevational treatment to the front positively reflects the immediate surroundings. Although the amended scheme is approximately 0.8m higher in terms of the roof scape, the change is minimal, and would not have a negative impact on the neighbouring properties. The distinctiveness of the design will preserve the character and appearance of the conservation area.

### **Conclusion in relation to 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 Edinburgh Local Development Plan (LDP) policies to be considered are:

- NPF 4 Policy 1, 2 and 9;
- NPF 4 Policy 7d, 7e and 7o
- NPF 4 Policy 14
- LDP Design policies Des 1, Des 3, Des 4 and Des 5
- LDP Environment policies Env 12 and Env 21
- LDP Housing policies Hou 1, Hou 3, and Hou 4

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

### Climate and Nature Crisis

NPF 4 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:

- Introducing elements of climate mitigation to reduce or prevent emissions of greenhouse gasses by including solar panels and air source heating system
- Enabling development and empowering people to shape their places.
- The preservation and enhancement of trees within the site will provide tree cover.
- Further energy saving standards and carbon reduction measures will be considered during the building standards process

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

With regard to 2 a), measures have been taken to achieve a high level of energy efficiency and providing solar panels. Regarding 2 b), the site is designed to manage surface water through permeable surfacing and the remaining mature trees would provide shade and shelter from sun and wind as the climate changes. The land is vacant between two existing detached dwellinghouses and it is in a highly sustainable location.

The proposed development is considered to comply with the provisions of NPF 4 Policy 1, 2 and 9.

### Impact on the setting of the conservation area

This has been assessed in section a) and the proposals comply with NPF 4 Policy 7d and 7 e as the proposal would preserve and enhance the character and appearance of the conservation area.

### Principle of development

LDP Policy Hou 1 Housing Development states the circumstances in which priority will be given to the delivery of the housing land supply. Criteria (d) of policy Hou 1 permits housing on suitable sites in the urban area, provided that the proposals are compatible with other policies in the plan.

The street and surrounding area are residential in character. In this regard, the proposal for a new residential use in this location is appropriate. Furthermore, planning permission was granted in February 2020 for a new house on the site, establishing the principle of the use as acceptable.

In conclusion, the principle of the development of a new house in this location is acceptable subject to compliance with other LDP policies which will be assessed in the following sections of the report.

### Development design

The development pattern of the area is that of stone villas in large plots set behind stone walls. The proposed house will sit behind a low stone wall and will respect the building line of the existing buildings on the north side of Hope Terrace. The proposed additional storey has been well designed as it is set back from the edges of the building and clad in dark material to emulate the colour and tone of a traditional slate roof. The overall height of the building is commensurate with the adjacent buildings and the attic floor is of a similar height to the ridge line of the adjacent pitched roofs. Its depth and height are similar to the other houses in the row and its position on the land respects the established distance between buildings. The depth of both the front and rear gardens the high amenity value of gardens in the area.

Whilst the design is bold, it will not result in an overwhelming or dominating addition to the character and appearance of the street. The current proposal would be compatible with the existing and established spatial pattern of the street, and scale and massing of the surrounding area and wider conservation area.

The design is a high quality contemporary architectural style which will provide a contrast with the predominantly stone villas on the street. Materials proposed are a mix of traditional and modern materials. The elevations will be sandstone and the window frames will be grey aluminium. Zinc and powder coated aluminium is proposed for the projecting window and roof and steel is proposed for the main door. The large glazed first floor frontage provides an individualism to the proposed building which will contrast with the neighbouring traditional buildings and will result in a proposed modern building opposite an existing modern contemporary building. The flue chimneys are a small detail of the proposal and will not detract from the overall quality of the design. The mix and balanced use of a limited palette of both traditional and modern materials will work well within the streetscene.

The proposal is for a high quality and contemporary development and is of an appropriate scale, form and design. It complies with LDP Design policies Des 1, Des 3 and Des 4 and NPF 4 Policy 14c.

### Amenity for future occupiers

The Edinburgh Design Guidance prescribes the minimum internal floor areas for new development. The floor area of the proposed dwellinghouse exceeds the 91sqm standard for a four-bedroom dwellinghouse. The arrangement of the proposed living spaces and windows will ensure that future occupiers will have sufficient levels of daylight.

Future occupiers will have an appropriate access to private garden space to the front and rear of the site. The depth and layout of the garden will provide future occupiers with useable private outdoor amenity space to the rear in accordance with the Edinburgh Design Guidance.

The proposals comply with LDP Policies Des 5, Hou 4 and Hou 3 and comply with the Edinburgh Design Guidance to provide a sufficient amount of private amenity space both internally and externally and an attractive residential living environment.

### Neighbouring Amenity

The proposed building will be placed in a gable to gable position with the neighbouring properties. The proposed building will not have a detrimental impact on neighbouring properties in terms of overshadowing or loss of daylight and sunlight. The proposed solar panels on the roof will not impact on the sunlight to the neighbouring property.

The front windows and balcony overlook the public street and residential gardens which are in the public street. The rear windows comply with the minimum distance from the rear boundary as advised in the Edinburgh Design Guidance. Windows within a gable to gable situation are not generally protected by the non-statutory Edinburgh Design Guidance and, therefore, the proposed side windows are acceptable.

The outlook from the neighbouring property to the rear (north) of the proposal will change. However, the proposal is in an urban area and fits in with the rear building line of the street.

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

The proposals will not have a detrimental impact on neighbouring amenity and comply with LDP Policy Des 5 and the Edinburgh Design Guidance.

### Flooding and drainage

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

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

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

The proposal complies with policy Env 21 of the LDP.

### Trees

An arboricultural survey and a tree protection drawing were submitted with the application. There are no new trees proposed to be removed; the applicant proposes to reinstate the original holly hedge along the southern boundary and to plant two ornamental trees on the north and northeast boundary.

The condition has been placed for the protection of the trees prior and during the construction stages in accordance with BS 5837 2012.

The proposal will not have a detrimental impact on the trees or on the landscape character of the conservation area and complies with policy Env 12 of the LDP.

## 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 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.

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

The proposed development complies with the policies contained in NPF 4 and Edinburgh Local 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

The application has attracted 11 letters with objections and 55 letters of support.

#### *material considerations - objections*

- additional floor breaks the line of neighbouring roofs - assessed in section (b)
- impact of the additional solar panels on sunlight to the properties behind - assessed in section (b)
- lack of information on dimensions, heights etc. - The submitted plans provided sufficient information for the determination of this application;
- no information about proposed materials - design statement has clearly outlined proposed materials as well as those details are on drawings.
- no information about type of windows - details of the windows are provided in the design statement and on the submitted drawings.

- proposed flue should be built-in - assessed in section (b)
- noise impact of the proposed heat pump - assessed in section (b)
- detailed landscape plan has not been submitted - there is no requirement for a detailed landscape plan
- first floor balcony projects forward from the Hope Terrace building line - assessed in section (a)
- proposed materials are out of keeping with conservation area - assessed in section (a)
- impact of overlooking - assessed in section (b)
- the scale of the property appears to be disproportionate to the neighbouring properties and appears out of keeping with the area - assessed in section (b)
- the plan does not identify the existing trees that will be removed - assessed in section (b)
- no information provided on the drainage of surface water - assessed in section (b)

#### *material considerations - support*

- the high quality design would complement and enhance the area
- supportive of a new residential property
- the proposal would bring a neglected site back into positive use which would benefit the area
- the house will be eco friendly

#### **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 development complies with the National Planning Framework 4 and Edinburgh Local Development Plan as the proposed development design is acceptable, future occupiers will have acceptable levels of living amenity within the development and neighbouring amenity will not be adversely affected. Conditions relating to trees and archaeology have been applied. 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. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

2. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 .
3. 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. In order to safeguard the interests of archaeological heritage.
2. In order to safeguard protected trees.
3. 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: 14 December 2022**

### **Drawing Numbers/Scheme**

01-15  
Scheme 1

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

Contact: Weronika Myslowiecka, Planning Officer  
E-mail: [weronika.myslowiecka@edinburgh.gov.uk](mailto:weronika.myslowiecka@edinburgh.gov.uk)



## Appendix 1

### Summary of Consultation Responses

NAME: Waste Management

COMMENT: No objection.

DATE: 20 February 2023

NAME: Scottish Water

COMMENT: Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced.

DATE: 30 January 2023

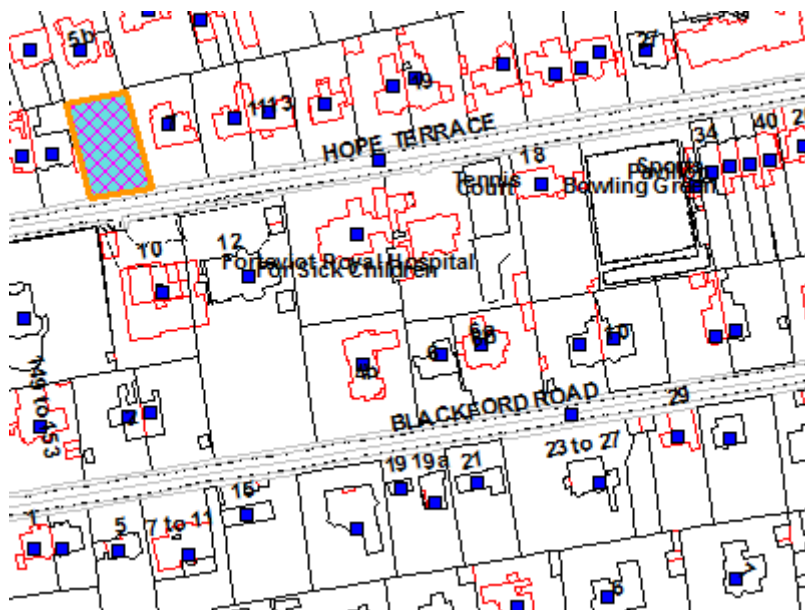
NAME: Archaeology Officer

COMMENT: It has been recommended to add condition to the planning permission to ensure that archaeological mitigation is undertake.

DATE: 9 January 2023

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

### Location Plan



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## Development Management Sub-Committee Report

**Wednesday 26 April 2023**

**Application for Planning Permission in Principle  
Land 160 Metres Northeast Of, 4 Oversman Road, Edinburgh**

**Proposal: Proposed development of three detached business and industrial units, including trade counter (use Classes 4, 5 and 6) and Sui Generis car showroom with associated access, car parking and landscaping.**

**Item – Committee Decision  
Application Number – 22/05666/PPP  
Ward – B17 - Portobello/Craigmillar**

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

The application is referred to the Development Management Sub-Committee as the site is Council owned. 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 principle of use of the site for business and industrial unit(s) with trade counters (use classes 4, 5 and 6) and/or a sui generis car showroom, is acceptable and complies with the Development Plan. Matters of building quantity, density, positions, scale, height, proportion, architectural form and materials, landscaping, surface water drainage, sustainability, air quality, access arrangements and parking, waste and recycling facilities, are all for consideration in future application(s) for matters specified in conditions.

There are no other material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The site is an area of vacant land of some 1.99 hectares, bordered by Oversman Road to the south and Whitehill Road to the east. Larger industrial and commercial buildings generally of a functional appearance are within its vicinity. These include a timber merchant, a range of home improvement stores, car dealerships and fast food outlets.

It is located within a business and industrial area as identified in the Local Development Plan (LDP) and adjacent to a commercial centre.

### **Description of the Proposal**

The proposal is for planning permission in principle for three detached business, industrial or storage units (use classes 4, 5 or 6) or sui generis car showroom, with trade counters and associated car parking and accesses.

The applicant is applying for the principle of the proposed development only and not for the following matters of detail:

- positioning of buildings, heights of buildings, form and finishes of buildings;
- internal road layout, including pedestrian/cycle routes and accesses, and waste servicing layout.
- accesses.
- service/customer yards.
- customer vehicle and cycle parking.
- surface water and drainage arrangements.
- landscaping/soft landscaping layout and design.
- ground site levels and finished floor levels.

A site plan has been submitted with the application on which is delineated three detached buildings positioned on the northern part of the site. The buildings have an internal floor area of some 997 square metres, 2787 square metres and 2787 square metres. Three separate vehicular accesses off Oversman Road at points on the southern boundary of the site are delineated. Also, car parking area are delineated on the southern part of the site. On the site plan it is stated that "site detail and plot areas are for indicative/illustrative purposes only".

No detailed layout, or elevational design has been submitted at this stage.

### **Supporting Information**

The following supporting documents has been submitted with the application:

- planning statement
- design and access statement
- air quality impact assessment
- flood risk assessment and surface water management plan
- preliminary ecology report
- arboricultural impact assessment
- noise impact assessment
- transportation statement
- sustainability statement and sustainability form S1
- report on site investigation

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

### **Relevant Site History**

22/05138/SCR  
Land 160 Metres Northeast Of  
4 Oversman Road  
Edinburgh  
EIA screening request.  
EIA Not Required  
18 October 2022

### **Other Relevant Site History**

None.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Environmental Protection

Archaeologist

Transportation

Coal Authority

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 17 November 2022

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

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

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

**Number of Contributors:** 0

## **Section B - Assessment**

### **Determining Issues**

This report will consider the proposed development under Sections 24, 25, 37 and 59 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.

As this application is for planning permission in principle, it requires a condition that the development in question will not begin until there is approval of matters specified in the condition by the planning authority. This report will consider which matters shall be included in this condition.

## **Assessment**

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

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

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

The relevant NPF4 and LDP policies to be considered are:

- NPF4 climate and nature crises policies 1, 2, 3 and 9
- NPF4 historic assets and places policy 7
- NPF4 Business and Industry policy 26
- LDP environment policies Env 12, Env 22
- LDP employment and Economic Development policy Emp 8
- LDP transport policies Tra 2, Tra 3, Tra 4

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

## **SUSTAINABLE PLACES**

### **Climate Mitigation and Adaptation**

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' through the use of a brownfield site for sustainable, energy-efficient business/industrial development within an established business/industry part of the city.

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

LDP Policy 22 (Pollution and Air, Water and Soil Quality) presumes against development proposals where there will be a significant effect for health, including air quality, the environment and amenity.

The site is a brownfield site within the urban area, within an established business/industrial area. The proposal avoids greenfield development and instead, it will bring a vacant site back into use.

The applicant has submitted a sustainability form in support of the application. Part A of the standards set out in the form is met through the provision of low and zero carbon technology and no fossil fuel use is proposed on site. In addition, roof mounted photovoltaic (PV) panels will facilitate on-site electricity generation. Enhanced cycle storage provision for both site visitors and employees is to be provided, including electric bike charging points and non-standard cycle spaces.

The stated intended sustainability measures meet the current standards set out in the sustainability form.

The application is accompanied by an Air Quality Impact Assessment (AQIA). At this planning permission in principle stage the precise operational impacts of the development cannot be fully ascertained. The exact number of the parking spaces at the proposed development is yet to be confirmed. Notwithstanding, the supporting information advises that an approach to facilitate a rapid shift to electric vehicles (EVs) is being adopted. This will provide over 12 parking spaces with e-charging, and all other parking spaces will be EV-ready with infrastructure for future expansion. Edinburgh Design Guidance requires a minimum of 17% EV charging provision. The applicant is committed to ensuring that 40% of whatever the final number of general parking spaces is will be EV powered from the outset. In addition, the applicant plans to install EV facilities for delivery vehicles.

Given that this application seeks only the principle of the development and the fact that the precise energy strategy of the proposed development is yet to be confirmed, if permission is granted it should be subject to a condition requiring an updated AQIA to be submitted for consideration at the detailed application stage.

### *Flooding and Drainage*

LDP Policy Env 21 (Flood Protection) presumes against development that would increase flood risk.

It is proposed to provide separate drainage systems for foul and surface water within the site which will discharge into existing Scottish Water Foul and Surface Water sewers, adjacent to the site in Oversman Road. The applicant has provided the relevant full flood risk assessment (FRA) and surface water management information for the site as part of the self-certification (with third party verification) process. The FRA does not identify any issues associated with flooding and concludes that the overall Flood Risk is low.

The proposals satisfy the Council's Flood Prevention requirements.

### Biodiversity

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

LDP Policy 12 (Trees) states that development will not be permitted if likely to have a damaging impact on any tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

There are a number of trees, hedges and shrubs within the site. An arboricultural assessment submitted in support of the application states that to facilitate the development the majority of woody plants on site will have to be removed. These are low quality young trees and shrubs with low life expectancy and these that can be replaced with new planting.

A condition is recommended that a future application for a scheme of hard and soft landscaping be submitted to and approved by the planning authority. Subject to this, the proposal is in accordance with NPF4 Policy 3 and LDP Policy Env 12.

NPF4 Policy (Natural Places) part 4f, states that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests.

A report on an ecological assessment of the site was submitted with the application. The report confirms that no evidence of protected species was identified.

A condition is recommended that swift bricks and bat bricks are included on elevations of new buildings and within the site.

### ***Conclusion in relation to climate mitigation and adaptation***

In conclusion, the development will meet the sustainability requirements of NPF4 Policies 1, 2 and 9 in terms of location on a brownfield site, energy efficiency and surface water management.

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



## Archaeological Remains

NPF4 Policy 7 (Historic assets and places) part o, states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts.

The application site is the site of the historic Newcraighall Colliery and Brickworks closed in the 1960's and early 1990's respectively. The site is therefore regarded as occurring within an area of archaeological potential. It is essential therefore that a programme of archaeological work is carried prior to development to ensure the appropriate excavation, recording and analysis of any surviving archaeological remains is undertaken. Accordingly, if permission is granted it is essential that a programme of archaeological works is undertaken prior to commencement of development in site.

The proposed development is in accordance with NPF4 Policy 7.

## Design, Quality and Place

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

The application is for planning permission in principle only and the site plan submitted with the application is marked as for illustrative purposes. Whilst the principle of the development is acceptable, detailed design matters, including numbers/floorspace of commercial units, heights, design and appearance of buildings, surface water drainage, sustainability and waste and recycling arrangements, are not for assessment at this stage. It is recommended that these are reserved for consideration at the further application submission stage, at which they would be assessed against NPF Policy 14 and the LDP design policies Des 1 - Des 8.

Other details matters, including the number and position of the access(s) into the site off Oversman Road, location and quantity of car parking, will also require assessment and it is also recommended that these are reserved for consideration at the further application submission stage.

## Uses

NPF4 Policy 9 (Brownfield, vacant and derelict land) states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

LDP Policy Emp 8 supports business, industrial or storage development on sites identified on the Proposals Map as part of a 'Business and Industry Area'.

NPF4 Policy 26 (Business and industry) supports development proposals for business and industry uses on sites allocated for those uses in the LDP.

The site lies within an urban area and on a site identified for business and industry as defined in the Edinburgh Local Development Plan (LDP). The proposed development of Classes 4 (business), 5 (general industrial), 6 (storage or distribution) or sui generis car showroom sale of motor vehicles), is compatible with the primary business/industrial function of the area and the business/industrial character of the area. The proposal will bring into reuse a brownfield site that has been vacant for some time. Thereby, in land use terms the principle the proposal accords with NPF Policies 9 and 26.

#### Amenity of neighbouring residents and future occupiers of the site

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

NPF4 Policy 26 Part e) i) (Business and industry) states that development proposals for business and industry will take into account the impact on surrounding residential amenity, sensitive uses and the natural historic environment. This is addressed below.

#### *Noise*

A noise impact assessment has been provided in support of the application which considers the potential noise impacts associated with the proposal on the nearest noise sensitive receptors to the site. The proposed uses will result in vehicle movements (both for servicing the site and for customers). The nearest noise sensitive properties to the loading bay are the houses nearby on the north side of Craighall Road and also, to the south on Whitehill Road. The houses to the north are directly facing onto the road that has a constant flow of traffic during the day and into the evening. The houses are shielded from the application site by existing industrial/storage facilities. The house to the south is on a road that has a regular flow of vehicles and is also shielded from the application site by existing car showroom and associated facilities. The NIA therefore concludes that there are no reasons in terms of noise impact why the times of deliveries should be restricted and that noise from car parks on the site would not cause adverse noise impact.

It is concluded that existing neighbouring residences would not be significantly adversely affected in terms of noise nuisance from the proposed development.

#### *Odour, vibration and lighting*

The proposed uses could include vehicular cosmetic repair facilities and therefore a VOC/odour/fume assessment has been provided in support of the application. The assessment advises that any odour impact potential is considered to be small. The nearest flue extraction point source within the proposed development would be located approximately 90 m from the closest sensitive residential receptor. The assessment advises that effective dispersion should be rapidly achieved from the point of exit. It is therefore expected that any associated fumes will be unlikely to impact upon residential amenity.

### *Ground Contamination*

The site may be affected by contamination and historical coal mining issues which will require assessment and remediation to ensure the site is made safe for the proposed end use. Should permission be granted a condition is recommended to ensure the site is made safe for the proposed end use.

### Transportation

#### *Access and Traffic Generation*

LDP Policy Tra 8 (Provision of Transport Infrastructure) states that development proposals relating to development sites, and which would generate a significant amount of traffic, shall demonstrate through an appropriate transport assessment and proposed mitigation that:

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal. The Roads Authority raise no objection to the application. However, they request that a full Transportation Assessment should be submitted in support of a future application for matters specified in conditions for a detailed development for the site. A condition is recommended to secure this.

#### *Car and Cycle Parking*

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

The Council's parking standards contain no minimum levels for car parking. As is explained above the applicant is committed to ensuring that 40% of whatever the final number of general parking spaces is will be EV powered from the outset. In addition, the applicant plans to install EV facilities for delivery vehicles. The exact number of the parking spaces at the proposed development can be reserved for consideration at the further application submission stage.

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

The exact number and types of cycle parking can be reserved for consideration at the further application submission stage.

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

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

### **c) Other matters to consider**

The following matters have been identified for consideration:

## Emerging policy context

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

### Equalities and human rights

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

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

### Public representations

No representations were received.

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

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

### **Overall conclusion**

The principle of use of the site for business and industrial unit(s) with trade counters (use classes 4, 5 and 6) and/or a sui generis car showroom, is acceptable and complies with the Development Plan. Matters of building quantum, density, scale, height, proportion, architectural form and materials, layout and landscaping, are all for consideration in future application(s) for matters specified in conditions. Additionally, vehicle and pedestrian accesses, levels of car and cycle parking, and specific measures to mitigate likely air quality management impacts, are also for consideration in a future application for matters specified in conditions.

There are no other material considerations which outweigh this conclusion.

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

The recommendation is subject to the following:

### **Conditions**

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

2. Application for the approval of matters specified in condition must be made before whichever is latest of the following:
  - (i) the expiration of 3 years from the date of the grant of the permission,
  - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, and
  - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed or, where the earlier application is the subject of a review by the Council's Local Review Body, the expiration of 6 months from the date of the notice of the decision to uphold the determination, and may be made for
- (a) different matters, and
- (b) different parts of the development, at different times.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
4. Notwithstanding the submitted drawings and for the avoidance of doubt, the indicative proposal plans submitted as part of this PPP application, and represented on planning drawing No.KIN-CDA-SW-ZZ-DR-A-020002 Revision P1 do not represent an approved scheme and all site layout, design and landscaping matters are reserved.

Details of all matters listed below shall be submitted for consideration by the Planning Authority in a single package of information, for each phase or phases and the development in question will not begin until the following matters have been approved by the Council as planning authority. The submission shall be in the form of a detailed layout covering points (a) - (v) below.

- a) a site development layout showing built development, footpath, cycle, and road access and connections, including landscape space provision, SUDS drainage and landscaping.
- b) the precise location and extent of individual buildings and uses within classes 4, 5, 6 or sui generis car showroom.
- c) details of the siting, form, height, and design of all buildings and external features and materials and appearance of all buildings and glazing specifications and ground floor levels in relation to Ordnance Datum.
- d) design and configuration of all external materials and finishes.
- e) existing and finished site and floor levels in relation to Ordnance Datum.
- f) layout and design of car parking, vehicle manoeuvring and service areas.
- g) details of the provision of electric vehicle charging outlets and ducting.
- h) footpaths, cycle routes and verges.
- i) waste management and recycling facilities.
- j) submission of a Safety Audit for the proposed accesses.
- k) Swept path analysis for all access points to the site and development layout, and details of all internal road and path layout(s) for vehicles, cyclists and pedestrians.
- l) Submission of a Travel Plan.

- m) Daylight, sunlight, privacy and overshadowing assessments to ensure there are no adverse impacts on neighbouring amenity.
- n) Surface water management plan, drainage arrangements, SUDS proposals and SUDS maintenance plan.
- o) full details of the landscape proposals including:
  - (i) A schedule of all plants and trees to comprise species, plant size and proposed number and density.
  - (ii) boundary treatments.
  - (iii) Tree survey and any subsequent tree removal and tree protection measures.
  - (iv) Programme of completion and subsequent maintenance.
- p) Full details of sustainability measures and onsite renewable energy.
- q) A scheme for external lighting.
- r) full details of proposed mechanical ventilation system.
- s) details of any cooking ventilation systems for Class 4 or class 5 uses.
- t) ventilation details for cooking premises.
- u) any further noise, fume, odour, dust, or light mitigation measures arising from the updated studies, including details, materials and finishes.
- v) walls, fences, gates, and any other boundary treatments.
- w) existing and proposed services such as cables, pipelines, substations.
- x) other artefacts and structures such as street furniture, including lighting columns and fittings.
- y) details of swift and bat boxes to be incorporated within the new buildings and within the site.

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

- 1. an updated Air Quality Impact Assessment including mitigation measures.
  - 2. an updated Ecology Assessment and Bat survey including mitigation measures during construction and operation.
  - 4. an updated Light Pollution Assessment including mitigation measures.
  - 5. an updated Noise Assessment including mitigation measures.
  - 6. a Transportation Assessment.
  - 7. an updated Design and Access statement, detailing the layout, buildings and spaces, accessibility, safety and security, sustainability and energy efficiency.
  - 8. an updated drainage and surface water management strategy including site levels and landscaping to ensure it safely managed exceedance surface water flow.
  - 9. details of adoption, management and maintenance of the landscaping, SUDS, and any other drainage measures.
  - 10. an updated waste management strategy.
5. Prior to the occupation of the development, air quality mitigation measures either as set out below or as set out in an updated Air Quality Assessment as part of the AMC application should be implemented. The air quality measures shall include:
- disabled car parking spaces in line with Council standards.

- a travel plan.
  - secure and under cover cycle parking in accordance with Council standards.
  - electric vehicle charging provision spaces (1 EV space per 6 spaces provided will be 'actively' powered).
  - ducting of the rest of the parking spaces provided (i.e. 'passive' provision) such that future EV charging can be retrofitted as demand dictates.
6. Noise mitigation measures (including maximum plant noise specifications) as noted within Sharps and Redmore noise impact assessment Project No 2221156 and dated 9th January 2023, shall be installed and operational prior to start of operations on site.

**Reasons: -**

1. To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure applications for approval of matters specified in condition are made timeously and in accordance with section 41 (1) (c) of the Town and Country Planning (Scotland) Act 1997.
3. In order to safeguard the interests of archaeological heritage.
4. In order to secure a satisfactory design and layout.
5. In the interest of air quality management.
6. In the interests of safeguarding the amenity of neighbouring noise sensitive properties.

**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. Notwithstanding the submitted drawings and for the avoidance of doubt, the design proposals submitted as part of the PPP application do not represent an approved scheme and all matters are reserved.

**Background Reading/External References**

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

**Further Information - Local Development Plan**

**Date Registered: 9 November 2022**

**Drawing Numbers/Scheme**

01

Scheme 1

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

Contact: Adam Thomson, Planning Officer  
E-mail: [adam.thomson@edinburgh.gov.uk](mailto:adam.thomson@edinburgh.gov.uk)



## Appendix 1

### Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: No objection. Conditions are recommended.

DATE: 31 January 2023

NAME: Archaeologist

COMMENT: No objection. A condition is recommended.

DATE: 23 November 2022

NAME: Transportation

COMMENT: No objection

A Transportation Statement is not enough. A condition is recommended requiring a Transport Assessment.

DATE: 13 January 2023

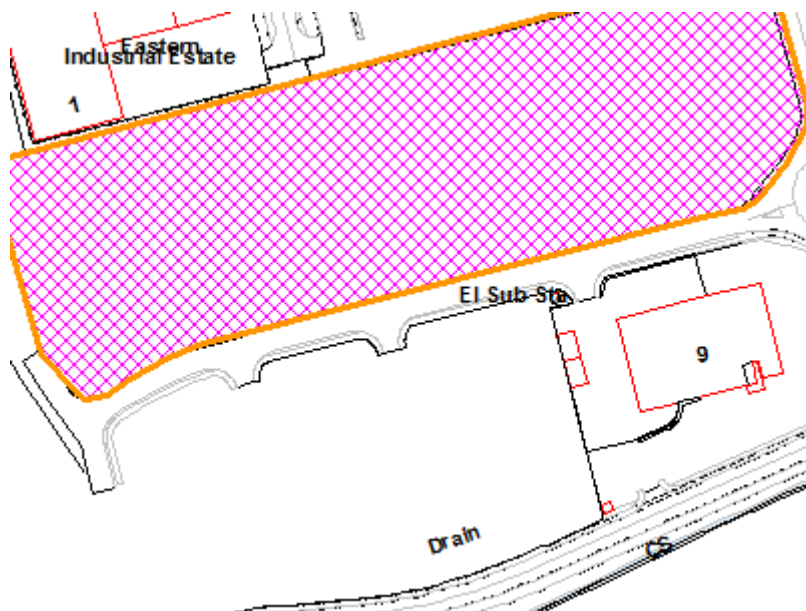
NAME: Coal Authority

COMMENT: No objection.

DATE: 18 April 2023

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

### Location Plan



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## Development Management Sub Committee

26 April 2023

### Confirmation of Tree Preservation Order No. 202 (Ravelston Dykes Road)

Item number

Report number

Wards

6 – Corstorphine/Murrayfield

#### Summary

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Tree Preservation Order No. 202 (Ravelston Dykes Road) was made on 18 November 2022 to protect a roadside woodland strip in the interests of amenity. This Order expires after 6 months unless it is confirmed within this time. The Order must be confirmed before 18 May 2023 to ensure it provides permanent tree protection.

It is recommended that Committee confirms Tree Preservation Order No. 202 (Ravelston Dykes Road) in a modified form to take account of representations.

#### Links

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[Policies and guidance for this application](#) CDP ENV12

# Report

## Confirmation of Tree Preservation Order No. 202 (Ravelston Dykes Road)

### Recommendations

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- 1.1 It is recommended that Committee confirms the Order with the modifications described in this report.

### Background

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#### 2.1 Site description

The site is a communal green area shared by the properties 69 to 85 Ravelston Dykes Road. The nine properties are residential houses, each with a small private garden to the rear, behind which is a large shared space, which falls between the houses and Ravelston Dykes Road. It is within the West Murrayfield Conservation Area. The Order applies to a strip of trees along the west side of the site.

#### 2.2 Site History

In October 2021 the planning authority received 21/05156/TPO which proposed the removal of 12 pine trees. This was submitted as a conservation area notification of tree work, but changed to an application for consent under a TPO by the planning authority as the trees were believed to be covered by TPO 15. The proposal was supported by a management plan for the site which was written in 2004. The application was refused due to the impact on the local amenity, as the trees are very prominent in the landscape from Ravelston Dykes Road.

In June 2022 the planning authority received application 22/03247/TPO which proposed the removal of eight Scots pine, three Sitka spruce and one larch. This application was refused on the same grounds as the previous application.

The refusal of 22/03247/TPO was appealed (appeal ref TWCA-230-2034). In the statement to the appeal, the appellant argued that the trees were not covered by TPO 15 as they were not planted until after the TPO was made and the wording of the Order excluded such trees. Upon reviewing the evidence provided, the planning authority agreed with this position. In order to ensure that the trees were protected pending the appeal outcome, TPO No. 202 (Ravelston Dykes Road) was made. The Order was served on 18 November 2022.

Following the service of the new Order and the Council's acceptance during the appeal that the trees in question had not been included in TPO 15 , the reporter concluded that the DPEA had no remit in the matter.

## **Main report**

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### **3.1 Description of The Proposal**

The planning authority received tree work application 22/03247/TPO for the removal of twelve conifer trees from the tree strip adjacent to Ravelston Dykes Road. The application was supported by a management plan from 2004 which proposed the removal of all large conifer species from this strip and replanting with other smaller species. The applicant has been clear that their intention is to complete this management plan and remove all the large conifers.

The Arboricultural Officer was concerned at this proposal, as the conifers are a prominent feature within the local landscape, and their removal would mean a significant loss of local amenity. The tree removals were not justified on arboricultural grounds, but were planned as part of an aesthetic re-landscaping of the site for its private users. The Arboricultural Officer took the position that a change of private aesthetic was not a strong enough reason to remove trees which have significant public amenity value and refused the tree work application.

The applicant appealed to the DEPA and submitted evidence including that the 12 trees in question were not subject to TPO No.15. The Arboricultural Officer reviewed the terms of the Order and agreed with the argument made by the appellant. The trees were still within West Murrayfield Conservation Area so subject to formal protection requiring six weeks notice to be given to the planning authority before the proposed work can commence. This notice is intended to allow the planning authority to consider the proposed work and make a TPO to prevent any work taking place. As six weeks had expired since the submission of the tree work application and it was found that the trees were not covered by a TPO it could be said that the applicant was at liberty to fell the trees as proposed.

The Arboricultural Officers considered the high amenity value of the trees to justify the making of a new Tree Preservation Order to protect the belt of trees from removal. Tree reservation Order No. 202 (Ravelston Dykes Road) was made under delegated power on 18 November 2022. This means that a previous 6 week notice of proposed tree work no longer enables the tree work to be carried out and now the express consent of the Planning Authority is required for felling or other work to the trees. After the Planning Authority conceded that the trees subject to the appeal were not protected by a TPO at the time of the tree work application the DPEA determined that there was no remit for an appeal.

There is sympathy with the applicants that an historic error had been made by the Planning Authority in considering the trees in question as being subject to TPO No.15. The amenity provided by the trees is however considered to justify their protection by an Order.

### **3.2 Determining Issues**

Section 160 of the Town and Country Planning (Scotland) Act 1997 states that a planning authority may make an order specifying any trees, groups of trees or woodlands in their district and providing for their preservation if it is a) expedient in the interests of amenity to make that provision, or b) that the trees, groups of trees or woodlands are of cultural or historical significance.

The planning authority must consider any representations made in accordance with the Tree Preservation Order and Trees in Conservation Areas Regulations before the tree preservation order is confirmed.

### **3.3 Assessment**

To address these determining issues, the Committee needs to consider whether:

- a) The making of the Order is expedient in the interests of amenity or whether the trees, groups of trees or woodlands are of cultural or historical significance;
- b) the proposal complies with the development plan;
- c) equality and human rights issues have been addressed; and
- d) any representations received indicates the Order should be confirmed, confirmed with modifications or abandoned.

#### **a) Amenity, Expediency and Cultural or Historic Interest**

The woodland strip contains a mix of broadleaved and coniferous trees, ranging in age class from young to early maturity. The taller trees within the strip are highly visible from Ravelston Dykes Road, forming half of an avenue of trees and creating a green corridor through which vehicles and pedestrians pass. The trees also act as a screen – when viewed from within the school to the east, they form a green screen where there would otherwise be a view out to a large house. Some of the trees within the strip are evergreen, so they form an attractive green feature and functional screen all year round. The strip

therefore makes a valuable contribution to the local landscape and has high amenity value.

The making of the Order is expedient because the owners of the trees have expressed their intention to remove all the large conifer species from the strip, which would radically reduce its amenity value.

The woodland is not considered to have cultural or historic interest.

#### b) Development Plan

The supporting text of Policy Env 12 (trees) of the Edinburgh Local Development Plan states that where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

In view of the amenity provided by the trees, the requirement to apply a Tree Preservation Order complies with the development plan.

#### c) Equalities and Human Rights

The proposals raise no equalities or human rights concerns.

The statutory requirement on planning authorities is to make Orders where this is in the interests of amenity. Amenity in this context is interpreted as extending beyond the amenity of an individual party and being of wider public benefit. An Order allows any person to apply for permission to carry out tree pruning, felling etc at any time; at that time the individual circumstances of the case must be assessed and a decision on tree work proposals reached. There is a right of appeal against the decision of a planning authority.

#### d) Representations

The planning authority is required to consider any objection or representation made within 28 days of making and advertising a Tree Preservation Order. The making of the TPO was advertised in the normal manner.

One representation was received, from the Tullyveolan Residents Association which represents the collective owners of the site. The full representation has been circulated to members by committee services. Objections were made to the TPO on the following grounds:

- That the work was agreed with the planning authority in 2004;
- That their application 22/03247/TPO constituted a notice of intention to carry out works within a conservation area, and that the planning authority may make a TPO only within six weeks of that notice, and because that six week period expired without a TPO being made, that the residents now have a two year period in which they may proceed with the tree works;

- That the strip of trees should not be classified as a woodland as it is “not a wild area, nor is it a forest” and that it is too small to be considered a woodland, and it is within a garden;
- That the trees are described in the first schedule as “Woodland formed primarily of conifers” although conifers do not form the majority of the trees;
- That the woodland areas have been included in the section of the table entitled “Trees specified individually”, and the “Woodlands” section had been left empty.

The residents have a letter from the Arboricultural Officer written in 2004 in which the Officer raises no objection to a programme of tree works. While the programme appears to relate to the trees subject to the most recent tree work application, the planning authority has no record of these communications and cannot verify the context of the letter or the content of the plan the letter refers to. The letter references TPO 15 and appears to have been written from the position that this TPO covered the trees. The letter did not refer to the granting of consent and contained no conditions or restriction on the length of time any permission would apply which would normally be applied to permission. Additionally, communications from 18 years ago would not restrict the planning authority when making decisions on how to best protect trees today.

The claim that the tree work application constitutes six weeks notice of intent to carry out tree works in a conservation area and therefore the TPO is ineffective because it was not made within six weeks of the application date incorrect and based on a misreading of the legislation. There is nothing which restricts the planning authority to this six week period for making a TPO. A TPO may be made at any time, and then overrides the provisions controlling trees in a conservation area.

It is appropriate to describe a strip of trees of this nature as a woodland strip within an urban space. Within cities, areas of trees do not have to be large or wild to be considered woodland. It is also the case that the trees are not within what would normally be considered a domestic garden, as it is a large greenspace shared by a number of properties which also have smaller individual private gardens. It is common for tree strips of this type to be classified as woodlands within a town and this designation is considered to be an appropriate description, fitting of the category of tree description in the Order which provides for trees to be described with reference to an Area, Individuals, Groups or Woodland.

The final two comments, identifying drafting errors in the first schedule, are accepted as valid, and two modifications are recommended to the TPO in order to correct these errors. The wording “woodland formed primarily of conifers” has been modified to “woodland formed of conifer and broadleaved species”, and the title information in the “Trees specified individually” and “Woodlands” sections are to be reversed.



## Conclusion

This woodland strip has significant landscape value contributing to public amenity and the character and attractiveness of the area. The owners have made clear their intention to remove many of the larger trees in the strip. The Order prevents the loss of these trees unless with the consent of the Planning Authority which can ensure that regard is given to the impact on amenity and the environment and that conditions can be used to require replacement tree planting to preserve the character of the woodland as far as possible.

TPO 202 was made under delegated powers to protect the trees from removal unless with the consent of the Planning Authority.

It is recommended that the Tree Preservation Order be confirmed with modifications as described in the “Representations” section above to provide permanent protection to the trees which could otherwise be felled.

The Tree Preservation Order map and Schedule are enclosed at Appendices 1 and 2 and photographs of the trees at Appendix 3.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

Costs are accommodated through existing budgets.

## **Risk, Policy, compliance and governance impact**

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**5.1** Provided Tree Preservation Orders are confirmed in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## Consultation and engagement

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### 8.1 Pre-Application Process

Not applicable.

### 8.2 Publicity summary of representations and Community Council comments

The Order was advertised in the local press on 18 November 2022 and displayed at Blackhall Library in accordance with regulatory requirements. A copy was also available to view on the Council's website.

## Background reading/external references

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- [Planning guidelines](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

### **Statutory Development**

#### **Plan Provision**

Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders (ENV12).

#### **Date registered**

N/A

#### **Drawing numbers/Scheme**

N/A

### **David Givan**

Chief Planning Officer  
PLACE  
City of Edinburgh Council

Contact: Ruthe Davies  
E-mail: [ruthe.davies@edinburgh.gov.uk](mailto:ruthe.davies@edinburgh.gov.uk)

## **Links - Policies**

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### **Relevant Policies:**

#### **Local Development Plan**

##### **LDP Policy ENV12 (Trees)**

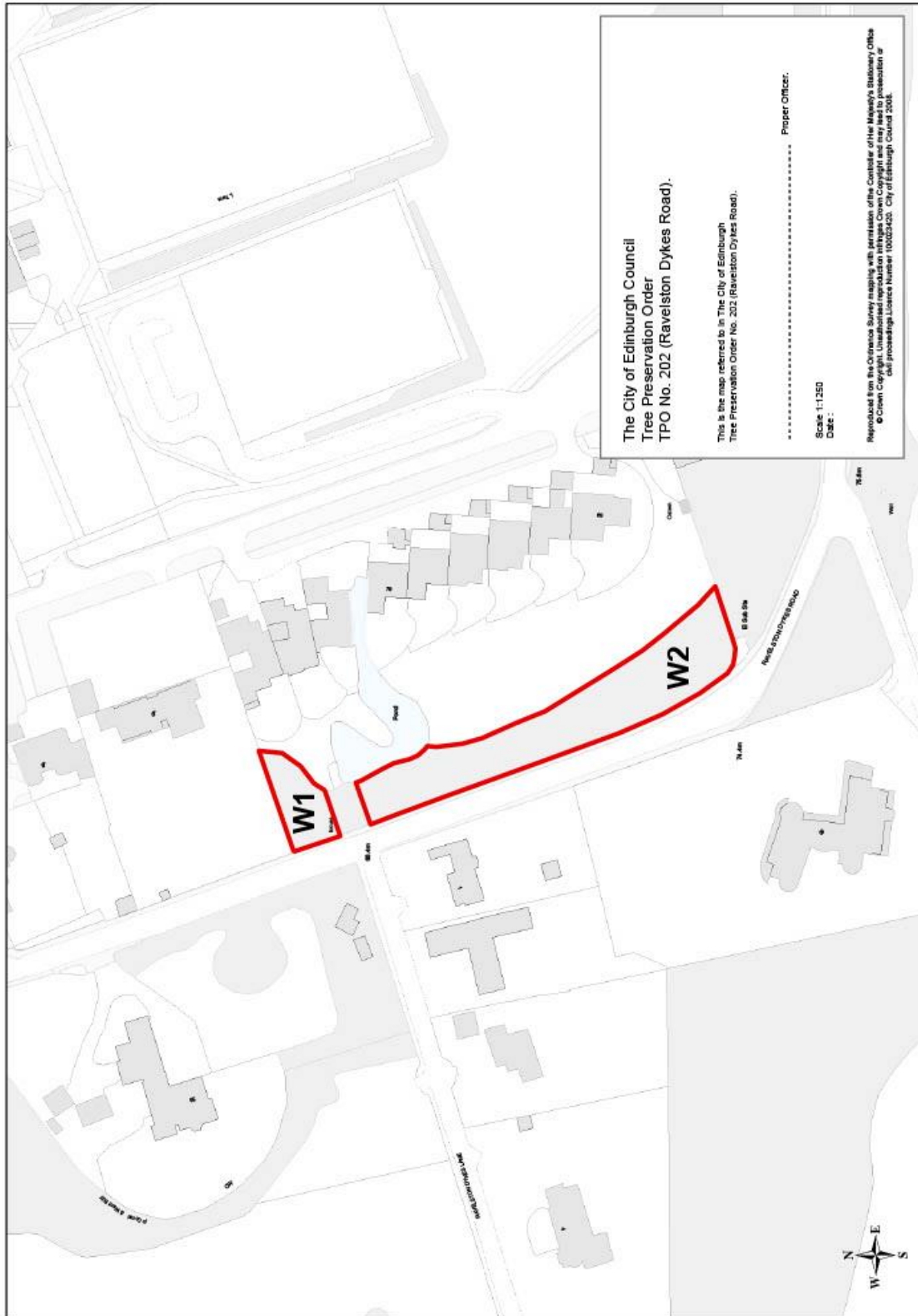
Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or other tree worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

This policy recognises the important contribution made by trees to character, biodiversity, amenity and green networks. In assessing proposals affecting trees, the Council will consider their value, taking into account status such as Tree Preservation Order, heritage tree, Ancient Woodland and Millennium Woodland, and information from tree surveys.

Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

# Appendix 1

## Tree Preservation Order Map





## APPENDIX 2

### Photographs



Fig. 1: The tree strip as viewed from the north-east



Fig. 2: Part of the tree strip from Ravelston Dykes Road

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## Development Management Sub-Committee Report

**Wednesday 26 April 2023**

**Application for Planning Permission STL  
4 Sunbury Street, Edinburgh, EH4 3BU.**

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

**Item – Committee Decision  
Application Number – 22/04981/FULSTL  
Ward – B05 - Inverleith**

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

The application has been referred to the Development Management Sub-Committee as 45 representations in support of the application have been received and the application is recommended for refusal. 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 **Refused** 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 change of use of this property to a short term let will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the adverse impact from the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion.

## SECTION A – Application Background

### Site Description

The application site is a one bedroom flat located on the eastern side of Sunbury Street. The property is accessed via an outdoor communal entrance way.

Sunbury Street is a residential street. Public Transport links are reasonably accessible from the site.

The application site is located within the Dean Conservation Area, Old and New Towns of Edinburgh World Heritage Site, and the New Town Gardens and Dean Historic Garden Designed Landscape.

### 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

- Supporting Statement
- Supporting Statement regarding National Planning Framework 4

### Relevant Site History

No relevant site history.

### Other Relevant Site History

No other relevant site 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:** 17 October 2022

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

**Press Publication Date(s):** 21 October 2022

**Site Notices Date(s):** 18 October 2022

**Number of Contributors:** 54



## 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?**

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 Dean Conservation Area 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.

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.

### **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 Sustainable Places Policies 1 and 7.
- NPF4 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 proposed change of use does not involve operational development resulting in physical changes to the property. 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 application property shares its access to the street with other properties via an outdoor communal entrance way and has its front door located up a dedicated set of stairs. The property is located within a predominantly residential area, and there is a low level of activity in the immediate vicinity of the property at any time.

The use of the property as an STL would introduce an increased frequency of movement to the property. The proposed one bedroom STL use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

This would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have an unacceptable effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

### *Loss of residential accommodation*

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

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 proposed STL use as being of benefit to the local economy, highlighting that guests are likely to spend money in local restaurants, tourist attractions and other local businesses. Further the statement claims that due to the size of the property and the low availability of storage space within it that the property is undesirable for residential use mitigating the loss of residential accommodation.

However, it is important to recognise that residential occupation of the property 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, as well as by making contributions to the local community.

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. The size of the property and lower availability of storage space does not make the property unsuitable for residential use.

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

#### Parking Standards

There is no motor vehicle or cycle parking. This is acceptable as there are no parking requirements for STLs.

The proposal complies with LDP Policies Tra 2 and Tra 3.

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

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

#### **c) 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:

7 objections  
47 in support

### *material considerations in objection*

- Impact on residential amenity. Addressed in Section B.
- Loss of housing. Addressed in Section B.
- Impact on the local community. The use of one property as a Short Term Let will not have a significant impact on the local community.
- Impact on traffic congestion. The change of use of the unit will not have a significant impact on traffic congestion in the local area.
- Impact on the availability of parking. Addressed in Section B.

### *material considerations in support*

- Lack of impact on residential amenity. Addressed in Section B.
- Benefits the character of the area. The use of one property as a Short Term Let will not have a significant impact on the character of the area.
- Positive impact on the local economy. Addressed in Section B.

### *non-material considerations*

- Guest enjoyed their stay.
- Good quality accommodation.
- Lack of visitor accommodation in Edinburgh.
- Character of the applicant.
- Impact on the cost of visitor accommodation.

## **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 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 change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the adverse impact from the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following

### Reason for Refusal: -

1. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.
2. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

## Background Reading/External References

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

**Further Information - Local Development Plan**

**Date Registered: 3 October 2022**

## Drawing Numbers/Scheme

01, 02

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

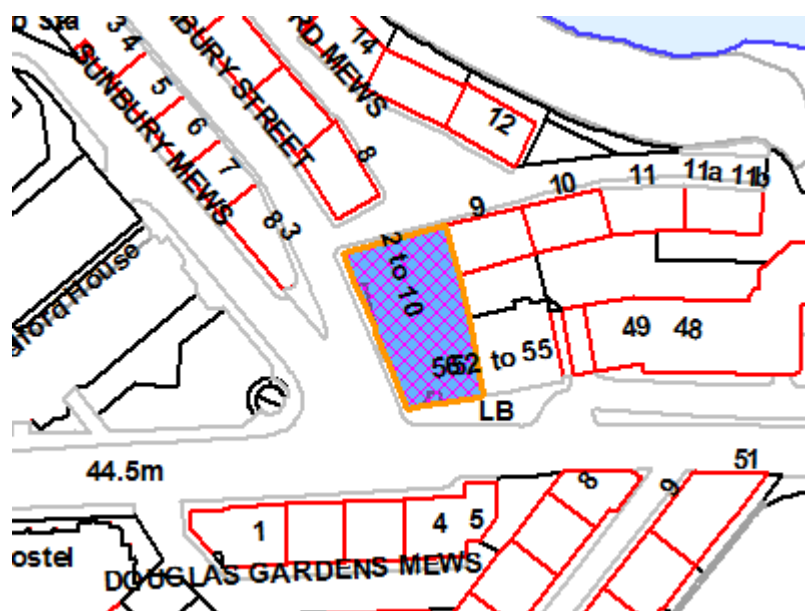
Contact: James Armstrong, Assistant Planning Officer  
E-mail: james.armstrong@edinburgh.gov.uk

## Appendix 1

### Summary of Consultation Responses

No consultations undertaken.

### Location Plan



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## Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 26 April 2023**

**Application for Planning Permission in Principle  
7-7 A Newcraighall Road, Edinburgh, EH15 3HH.**

**Proposal: Residential development (as amended)**

**Item – Local Delegated Decision  
Application Number – 21/02559/PPP  
Ward – B17 - Portobello/Craigmillar**

### **Report Returning to Committee**

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

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

### **Recommendations**

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

## **SECTION A – Assessment**

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

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

Discussions have been ongoing between the applicant's solicitor and the Council solicitor and an initial extension to the time period was granted under delegated powers. However, the applicant has passed away and the executry is unable to agree the legal agreement monies.

In these exceptional circumstances an extension to the period of time to conclude the legal agreement is acceptable. It is recommended that an extension of six months is given due to the site now being under the executry.

#### Reason for Decision

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

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**

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## Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 26 April 2023**

**Application for Planning Permission  
10 Orchard Brae, Edinburgh, EH4 1PF**

**Proposal: Proposed residential and office development comprising the change of use, extension and alteration of the existing office building to form residential accommodation and office/co-working space, demolition of the existing rear extension and erection of a new build residential development; with associated active travel routes, open space, parking and other infrastructure (as amended).**

**Item – Committee Decision  
Application Number – 21/06512/FUL  
Ward – B05 - Inverleith**

### **Report Returning to Committee**

This application was granted at the Development Management Sub-Committee on 29 June 2022 subject to a Legal Agreement to secure contributions towards education infrastructure and the delivery of affordable housing units on the site as well as planning conditions and informatives.

The legal agreement has been agreed and is ready to be concluded. The application is returned to committee due to NPF4 being adopted by Scottish Ministers on 13 February 2023. NPF 4 is now part of the development plan against which development proposals should be assessed.

### **Recommendations**

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

## **SECTION A – Assessment**

### National Planning Framework 4

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

The relevant NPF4 policies to be considered are: Policy 1, 2, 3c, 7a, 7d, 9a, 12a, 12b, 13, 14, 15, 16b, 16c, 16f, 18, 19f, 20b and 22c and are grouped together under the themes of principle, local living and quality homes and infrastructure, biodiversity and blue/green infrastructure.

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

### Principle

Policy 2 Climate mitigation and adaption states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 9 supports the sustainable reuse of brownfield land. The development proposal is for the reuse of an existing developed site to provide homes. The proposed scheme retains the frame of an existing building and will be built out in line with current Building Standards. Energy and heat demand will be met without the need for any fossil fuels. Air Source Heat Pumps via communal centralised plant will be utilised to provide heating and domestic hot water. The Energy Strategy has calculated that, the proposed development is predicted to achieve an aggregate reduction in CO2 emissions substantially lower than a baseline compliant development.

Therefore, the proposal is still acceptable in principle.

### Historic Environment

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

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

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

### Local Living, Quality Homes and Infrastructure

In line with Policy 12a, details of waste bins and a waste strategy were provided by the applicant. A waste strategy will be agreed with City of Edinburgh Council (CEC) Waste Services at least 12 weeks prior to first occupation. The proposed development will make use of the frame of an existing building and complies with Policy 12b.

In line with Policy 13 relating to sustainable transport, the proposal will reduce the level of car parking on site and exceeds the level of cycle parking recommended in Council guidance for a scheme of this size. The proposal will provide a universally accessible path which will improve connections through the site and improves links to public transport.

The site will be graded to ensure useability for wheelchair users and landscape plans have considered movement of pedestrians and cyclists in detail.

Policy 14 requires development proposals to improve the quality of an area regardless of scale. The site is within the urban area, on previously developed land, near facilities such as shops and public transport links. The proposal would contribute to the streetscape improving the appearance of a long vacant building and increasing permeability through the site. The provision of co-working space and the location of new homes near to a school and surrounding amenities will contribute to the creation of place and a 20 min neighbourhood and therefore contribute to local living and comply with policy 15.

Policy 16b sets a requirement for the provision of a Statement of Community Benefit. In terms meeting local housing requirements, the proposed scheme will deliver 151 new homes to the area; including 37 units of an affordable tenure. The proposed scheme will offer a balanced mix of unit sizes, including homes for growing families in line with CEC Guidance. The proposed scheme will provide a new accessible path, suitable for users of all abilities, improving linkages to existing public transport infrastructure. The proposed scheme will redevelopment a long vacant building and landscaping plans will increase greenspace and improve the appearance of the area.

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

Policy 16c supports developments for new homes that improve affordability and choice by being adaptable to change and diverse needs, such as accessible, adaptable and wheelchair accessible homes and affordable homes. The scheme will provide affordable housing and all buildings will be wheelchair accessible. As the scheme will be built out in line with current Building Standards and given the range of residential unit sizes to be provided, there will be suitable provision for wheelchair users and adaptations to homes will be possible.

The proposal complies with policy 16.

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

#### Biodiversity and blue/green infrastructure

Policy 3c seeks proposals for local development to include appropriate measures to conserve, restore and enhance biodiversity., in accordance with national and local guidance. Policy 20b also supports development proposals for or incorporating new or enhanced blue and/or green infrastructure.

Both refurbished and new build elements of the proposed scheme are to have green roofs. A range of private and communal green space is proposed. In total 2303 sqm. of the site will be covered by greenspace, including extensive green roof coverage on both the existing building and the new build element of the scheme. This represents twenty seven percent of the site. Landscape proposals include a range of SUDS infrastructure; including wildflower planting. A tree protection plan has been provided to ensure existing trees are protected. The removal of poor quality trees and subsequent compensatory replanting has been agreed.

The greening of the site with trees and new planting will enhance biodiversity and be an improvement on the current situation on site, which is dominated by hardstanding. The proposal will contribute to and enhance biodiversity on the site.

Policy 19f supports development proposals for buildings that will be occupied by people are designed to promote sustainable temperature management, for example natural or passive solutions. The proposal will be constructed to the most recent building regulations including requirements in terms of energy and insulation. As noted above, energy and heat demand will be met without the need for any fossil fuels.

Policy 22 relates to flood risk and water management. The proposal will comply with policy 22c as it has been demonstrated that it will not increase the risk of surface water flooding to others, or itself be at risk, Proposed landscaping incorporates Sustainable Urban Drainage Systems and includes permeable surfaces. Further survey work is required in relation to the condition of an existing culvert and this is to be secured by condition.

#### Other Material Considerations

There are no new material considerations arising from those previously considered on 29 June 2022 by this Committee and the required legal agreement is ready for conclusion. 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**

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## Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 26 April 2023**

**Application for Planning Permission**  
**28 St Andrew Square, Edinburgh, EH2 1AF.**

**Proposal: Proposed internal and external alterations to existing office building (class 4) to include removal of current extension and the provision of a new rear and rooftop extension, including cycle parking and associated facilities (as amended)**

**Item – Local Delegated Decision**  
**Application Number – 21/04282/FUL**  
**Ward – B11 - City Centre**

### **Report Returning to Committee**

A minded to grant decision notice was issued under delegated powers for an application for proposed internal and external alterations to existing office building (class 4) to include removal of the current extension and provision of a new rear and rooftop extension, including cycle parking and associated facilities (as amended) on 26th January 2022. The legal agreement was signed, and planning permission was issued on 7th November 2022.

It has since transpired that one area of the public road is required to be stopped-up to enable the development to be carried out in accordance with the permission granted.

The purpose of this report is to initiate the required legal process/es to:

- Extinguish the right of passage on the roads described in this report (a Stopping Up Order); under Section 207 of the Town and Country Planning (Scotland) Act 1997.

### **Recommendations**

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

## **SECTION A – Assessment**

To facilitate grant of full planning permission (21/04282/FUL) a Stopping Up Order requires to be progressed by the City of Edinburgh Council for one section of public road.

The area is:

1. On North St Andrew Lane (comprising approximately 14 square metres of road as detailed in the submitted site plan).

The planning permission now necessitates that a stopping up order must now be progressed in order to enable the development to be carried out. There are no adverse impacts identified on pedestrians from the proposed stopping up requirements.

Therefore, it is recommended that under Section 207 of the Town and Country Planning (Scotland) Act 1997, the Stopping-Up Order process is commenced in order to enable development to be carried out in accordance with planning permission granted under said Act.

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**

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## Development Management Sub-Committee

**10.00am, Wednesday 26 April 2023**

### **Protocol Note for Hearing**

**43 Main Street, Edinburgh, EH4 5BZ - 48 bed care home at Main Street, Davidson's Mains, Edinburgh - application no. 22/04940/FUL**

<b>Report number</b>	<b>6.1</b>
<b>Wards</b>	<b>Ward – B01 - Almond</b>

**Nick Smith**

Service Director – Legal and Assurance

Contacts: Jamie Macrae, Committee Services

Email: [jamie.macrae@edinburgh.gov.uk](mailto:jamie.macrae@edinburgh.gov.uk)

# Summary

## Protocol Note for Hearing

### Summary

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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

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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

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1	<b>Chief Planning Officer</b> - presentation of report	10.10 - 10.30
2	<b>Representors or Consultees</b> Davidson's Mains & Silverknowes Association	10.40 - 10.45
3	<b>Ward Councillors</b> Councillor Kevin Lang Councillor Norman Work Councillor Louise Young Councillor Lewis Younie	10.50 – 10.55 11.00 - 11.05 11.10 - 11.15 11.20 - 11.25
4	<b>Break</b>	11.30 - 11.40
5	<b>Applicant and Applicant's Agent</b> Derek Scott (Derek Scott Planning)	11.45 - 12.00
6	<b>Debate and Decision on Application by Sub-Committee</b>	12.05

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.

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## Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 26 April 2023**

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

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

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

**Report Returning to Committee**

### **Recommendations**

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

### **SECTION A – Assessment**

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**

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## Development Management Sub-Committee

**10.00am, Wednesday 26 April 2023**

### Protocol Note for Hearing

**139 Leith Walk (At Land to East of), Edinburgh - Demolition of the existing warehouse building and construction of Sui Generis flatted dwellings including mainstream, affordable and student accommodation with a ground floor commercial unit and associated infrastructure, landscaping, and a reconfiguration of the existing car park - application no. 22/01563/FUL**

Report number	6.3
Wards	Ward – B12 - Leith Walk

**Nick Smith**

Service Director – Legal and Assurance

Contacts: Jamie Macrae, Committee Services

Email: [jamie.macrae@edinburgh.gov.uk](mailto:jamie.macrae@edinburgh.gov.uk)

# Summary

## Protocol Note for Hearing

### Summary

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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

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1	<b>Chief Planning Officer</b> - presentation of report	14.10 - 14.30
2	<b>Representors or Consultees</b> Leith Central Community Council Sandra-Anne Marshall David Walliker	14.40 - 14.45 14.50 - 14.55 15.00 - 15.05
3	<b>Ward Councillors</b> Councillor Jack Caldwell	15.10 – 15.15
4	<b>Break</b>	15.15 - 15.25
5	<b>Applicant and Applicant's Agent</b> Ross Manson (Manson Planning)	15.25 – 15.40
6	<b>Debate and Decision on Application by Sub-Committee</b>	15.45

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.

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## Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 26 April 2023**

**Application for Planning Permission  
land to east of 139 Leith Walk, Edinburgh.**

**Proposal: Demolition of the existing warehouse building and construction of Sui Generis flatted dwellings including mainstream, affordable and student accommodation with a ground floor commercial unit and associated infrastructure, landscaping, and a reconfiguration of the existing car park.**

**Item – Committee Decision  
Application Number – 22/01563/FUL  
Ward – B12 - Leith Walk**

### **Report Returning to Committee**

At its meeting on 8th February 2023, the Development Management Sub-Committee agreed to continue consideration of application 22/01563/FUL, at land to the east of 139 Leith Walk, to allow for 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: 1 (Tackling the Climate and nature crisis), 2 (Climate mitigation and adaption), 7 (Historic assets and places), 9 (Brownfield, vacant and derelict land), 12 (Zero waste), 13 (Sustainable transport), 14 (Design, quality and place), 15 (Local Living and 20 minute neighbourhoods), 16, (Quality homes), 21 (Play, recreation and sport), 22 (Flood risk and water management), 23 (Health and safety), and 31 (Culture and creativity).

## **SUSTAINABLE PLACES**

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. It is to be applied together with the other policies in NPF4.

Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change.

Policy 9 intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and reuse of empty buildings.

The existing former warehouse building is utilitarian in character and in disrepair. If the building was to recommence in leisure use, such a comprehensive refurbishment to meet modern occupational specification requirements would involve a considerable cost that could not be justified without a significant increase in the rental values, and this would render its reuse unviable in this location. Even if it were, the build performance would preclude optimum air tightness, thermal bridging and use of Air Source Heat Pumps (ASHPs) and Solar/Photovoltaic energy sources.

Apart from the build performance identified above, the form and design of the warehouse building is utilitarian and would not lend itself to conversion to residential use. Owing to its single-storey height it is not an efficient use of the site. Also, new residences would lack high-quality amenity space.

In terms of embodied carbon, the proposed new build option is far more efficient than the existing warehouse building even with gas boilers, albeit efficient boilers, creating less total carbon emissions and targeting an Energy Performance Certificate (EPC) 'A' rating.

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision of a combination of air source heat pumps, high-efficiency boilers, and wastewater heat recovery. In addition, roof mounted photovoltaic (PV) arrays will facilitate on-site electricity generation. The proposal meets the essential criteria. 50% of the CO2 reduction target is met through low and zero carbon generating technology and will also be required to meet the approved building regulation in Scotland. Environmental Protection states that whilst the inclusion of the sustainable measures is supported by them, they are concerned that gas as an energy source to heat the premises and water is proposed as gas only serves to increase localised air pollution and impacts upon climate change. The proposal meets the essential criteria and therefore it would not be reasonable for the planning authority to refuse to grant the application on grounds that gas is being proposed as an energy source.

An Air Quality Impact Assessment was submitted in support of the planning application and due to the low number of parking spaces proposed and the introduction of electric vehicle charging points, the proposals will not have an adverse impact on the air quality in the surrounding area.

The proposed development is therefore appropriate in terms of sustainability. It includes the replacement of the existing warehouse building, which is poor in terms of current environment standards. It contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient housing within an existing community. This will contribute to climate change mitigation in the short and long term.

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

#### *Brownfield, Vacant and Derelict Land and Empty Buildings*

The proposal is for the redevelopment of a brownfield site, part of which is derelict and part of which contains an empty, redundant warehouse building and in its current condition detracts from the character and amenity of the area. The proposed development will be a sustainable, high-density development that will optimise the use of brownfield land. The proposed use of the site will bring biodiversity gains.

#### *Zero Waste*

Policy 12 states that development proposals will be supported where existing building materials and salvaged materials are reused in the project.

The applicant informs that steel from the existing warehouse building will be taken off-site and salvaged for either resale or recycling. Existing granite sets to the north east of the site will be salvaged and re-set as per the hard landscape plan accompanying the planning application. Where possible materials have been salvaged to reduce the total volume of site waste.

The Council's Waste Management Services have engaged with the applicant to agree a waste management strategy that ensures the future residents have access to four types of waste and recycling containers in each bin store. This is in line with the Council Waste Management Guidance for Architects and Developers. Dedicated storage for recycling containers will also be provided in each flat dwelling.

#### *Sustainable Transport*

Policy 13 supports development proposals which improve, enhance or provide active travel infrastructure.

The site is in an accessible location within easy walking distance to a range of local services and the city centre amenities (approximately 1.7 miles from Princes Street) and has good linkages to public transport. The nearest bus stops are adjacent to the site on Leith Walk and on Easter Road. The Tram line along Leith Walk is scheduled to be open for service in Spring 2023. An informative has been applied recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes of travel. This is in keeping with the NPF4 principles of connected and healthy places that make moving around easy and reduce car dependency.

Parking is limited to six spaces, all of which will be accessible spaces and be equipped with electric vehicle charging points. Additionally, the number of parking spaces within the NHS car park is to be reduced from 61 to 34 spaces and four of the spaces will be equipped with electric vehicle charging infrastructure. The site is close to both Leith and Leith Walk town centres and the city centre commercial core and will be well served by local public transport, so many local journeys by private car will not be necessary. Also, 366 cycle parking spaces will be provided to encourage active travel. All the cycle parking for the future residents is in an enclosed store which is secure and dry. A full breakdown of the cycle parking is contained in the Background section of the report presented to the Sub Committee on the 8 February 2023. Due to the number of cycle parking spaces required, and the relatively limited footprint of the development, the spaces are provided predominantly in two tier storage racks.

The proposed low number of car parking, and electric vehicle charging points, will facilitate a transition towards more sustainable, lower emissions travel, including active travel and public transport and will contribute to climate change mitigation in the short and long term.

### ***Conclusion in relation to Climate Mitigation and Adaption***

To conclude, the proposed development will meet the sustainability requirements of Policies 1, 2, 9, 12 and 13 in terms of location on a brownfield site, energy efficiency and sustainable transport.

### **Historic Assets and Places**

Policy 7 aims to protect and enhance historic environment assets and places.

#### ***Setting of Listed Buildings***

There are a number of listed buildings located in close proximity to the application site. These are listed in the Background section of the report presented to the Sub Committee on the 8 February 2023. The nearest listed building to the site is the C listed building at 165 Leith Walk, (reference LB26807, listed 13/03/1995). This is a two-storey austere modern movement building dating from 1938. Its principal elevation fronts directly onto Leith Walk. The building is significant for its part in maintaining the streetline. The rear of the building faces eastwards onto the NHS car park. The proposed development, although higher than this listed building, will not have a detrimental impact on its setting.

Owing to their scale, proportion, positioning, form and design, the proposals would not detract from the setting of the other listed building located close to the site.

#### ***Setting of Conservation Area***

The Leith Conservation Area at this location exhibits a range of building types and architectural styles. In the Leith Walk sub-area the traditional tenement is acknowledged as the most prevalent building type.

The Planning Committee recently approved the inclusion within the extended Leith Conservation Area of the row of railway arches to the north of the site. The proposed single-storey ancillary block on the northern part of the site is well below the height of the railway arches and so will not block views of them from within the site. The height, scale, massing and positioning of the proposed new buildings will respect Leith's railway history and will not detract from the setting of Leith Conservation Area, including its recently extended area.

### *Archaeological Remains*

The development will require significant ground breaking works which will have a significant impact upon the site's archaeological heritage. Given the significant archaeological resources expected to occur across the proposed development site, it is essential that if permission is granted that a programme of archaeological excavation is undertaken in order to fully excavate and record any significant remains occurring on this site. Additionally, the proposals will see the demolition of a warehouse building on the site. The building may contain elements of earlier 19th century structures. Accordingly, if permission is granted it is essential that a detailed historic building survey is undertaken prior to and during demolition/strip out works of the building. It is recommended that a condition is attached to any permission seeking a programme of archaeological works including appropriate historic building recording.

## **LIVEABLE PLACES**

### *Design, Quality and Place*

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.

The surrounding area contains a wide mix of building styles. The proposed buildings take their cue from the predominant traditional tenemental form within neighbouring streets. However, they are different from them as they are of modern architectural style and detailing. Another distinct difference from the traditional tenements is that the facades of the buildings are stepped in places and wall finishes are distributed such that there is a change in material and colour to provide a vertical emphasis. The saw-toothed roof form of the student block interprets the industrial part of the site and the wider area. The contemporary style of the buildings reinforces their distinctiveness, and they are complementary in their relationship to the predominant form.

The surrounding area contains a wide mix of building materials. The primary finishing materials of the proposed new buildings is a mixture of brick, fibre cement panels and grey coloured standing seam cladding, which is characteristic of modern developments in the area. The proposed finishing materials will be complimentary to the existing materials in the area, including that of the traditional tenements.

Due to the multiple land ownership, there is no immediate prospect for the redevelopment of the site in its entirety. However, the owners of the three main parts of the place brief site and their design teams have been collaborating to find cross boundary solutions to deliver co-ordinated development across the place brief site. That collaboration has informed the proposed layout for the site.

Drawings have been submitted with the application delineating/illustrating how movement routes within the site will be connected to those on adjacent land both within and out with the place brief site and addressing the changes in level across the site, thus making moving around easy and reducing car dependency. The layout therefore achieves the 'connected' quality of a successful place.

The proposed new buildings are positioned and orientated to define a series of new routes through the site. Active ground floor frontages have been created along active travel routes. The Leith Walk entrance to that active travel movement route is adjacent to pedestrian crossing points on Leith Walk and thus conveniently located. The proposed 3 commercial units are located on the east side of the southern arm of block B, providing a frontage over the north-south active travel route onto the principal public open space. The BTR building sits independently to the south east of the site. Main door flats within this block face onto an active travel route and beyond to the principal public open space. The active travel routes are attractive, through passive surveillance they feel safe and welcoming to use, are convenient, and supports woman's safety.

### *Local Living and Quality Homes*

Policy 15 supports development within existing settlement boundaries and which promotes 20 minute neighbourhoods.

Policy 16 supports development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision. This could include, but is not limited to, build to rent; affordable homes, and homes for people undertaking further and higher education.

The proposed uses are sustainable in terms of allowing people to live and stay in their area. The proposal introduces new residential accommodation and commercial space, increasing the density of housing and footfall adjacent to Leith Town Centre and bringing new public open space between Link Links and Pilrig Park. Core services and amenities are located within a 15-minute walk from the site. The location of housing on a prominent and frequented north-south route within the city will support the prioritisation of woman's safety. The provision of a range of typologies of mainstream flats, including ground floor main door flats, lift access to upper floors and affordable flats, allows for the ability to age in place and provides housing diversity, helping to ensure that the homes and wider neighbourhood needs are met.

There is a need for all types of homes in Edinburgh, including student accommodation. The proposed student accommodation use is sustainable in terms of access to local shops, services and facilities, thus helping to contribute to their viability, and will reduce car dependency.

The proposals are in accordance with Policies 15 and 16.

### *Play, Recreation and Sport*

Policy 21 seeks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport.



The combination of green space and public realm proposed will encourage, promote and facilitate opportunities for inclusive, informal and incidental recreation, and for children and young people to play and move around safely, whilst also incorporating blue and green infrastructure.

It is anticipated that families will occupy the buildings and where possible the family properties have been situated on the ground floor with access to private gardens. In addition to the private gardens there are secure communal gardens. Car use is also minimised throughout the site which should contribute to creating a safer environment for children to navigate.

On all of the above counts the open space provision complies with Policy 21.

### *Flood Risk and Water Management*

Policy 22 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process.

Proposed sustainable urban drainage (SUDs) includes a combination of surface water drains, filter trenches, a deep SUDs trench, porous paving and an underground cellular water storage tank positioned under the public open space between blocks B and C. The proposed SUDs scheme is considered an acceptable drainage solution for a high density development on a brownfield site located in an urban environment. The proposed SUDs complies with Policy 22.

### *Health and Safety*

Policy 23 seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

Conditions are recommended to mitigate potential noise from the proposed new commercial units on the ground floor of block B and the from the gymnasium, the internal plant room and bin store contained within the amenity block of the student accommodation.

The site has been in use/past use for commercial and industrial uses for a significant time. These uses have the potential to contaminate the site. Site contamination and ground gas information has been provided in support of the application. Should the application be granted, a condition is recommended to ensure that the site is made safe for the proposed end use.

### ***Conclusion in relation to Liveable Places***

The proposed development is in accordance with Policies 14, 15, 16, 21 and 23.

## PRODUCTIVE PLACES

### *Community Wealth Building*

Policy 25 seeks to provide a practical model for building a wellbeing economy at local levels. Development proposals which contribute to local community wealth building strategies and are consistent with local economic priorities will be supported. This could include, but is not limited to, increasing spending within communities and local job creation.

Policy 26 seeks to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses.

The incorporation of 139 square metres of commercial floorspace within the development will provide opportunities for job creation. The student accommodation is a managed building and will require staffing for maintenance and management, therefore bringing new jobs into the area. The proposal is therefore compliant with Policies 25 and 26.

### *City, Town, Local and Commercial Centres*

Policy 27 seeks to encourage, promote and facilitate development in the city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

The site is immediately adjacent to the Leith Town Centre identified in the LDP. The introduction of mixed residential accommodation adjacent to the town centre promotes town centre living, compact urban growth, and 20-minute neighbourhoods. The vitality and viability of town centres across Edinburgh and Scotland are affected by the level of footfall and investment. New residential development on the edge of an identified town centre such as this will bring opportunities for new and existing local business to take advantage of an increased local footfall and spending power.

### *Culture and Creativity*

Policy 31 states that development proposals within the vicinity of existing arts venues will fully reflect the agent of change principle and will only be supported where they can demonstrate that measures can be put in place to ensure that existing noise and disturbance impacts on the proposed development would be acceptable and that existing venues and facilities can continue without additional restrictions being placed on them as a result of the proposed new development.

The report on the application presented to the Sub Committee on 8 February 2023 fully considers the proposals against the agent of change principle. Planning conditions are recommended to safeguard the residential amenity of the future occupants of the residences and to ensure the proposals do not jeopardise the continued operation of neighbouring commercial uses.

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

The proposal is in compliance with Policies, 25, 26, 27 and 31.

### **Overall conclusion**

The proposed development complies with the aims and objectives of the above policies, providing sustainable uses, with good access to local facilities, without reliance on private car use. It is in compliance with Policy 1, which underpins NPF4 in seeking to tackle global climate crises.

### **Other Material Considerations**

There are no new material considerations arising from those previously considered on 8 February 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**

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## Development Management Sub-Committee Report

**Wednesday 26 April 2023**

**Application for Planning Permission**

**6 Bankhead Crossway South, Edinburgh, EH11 4EZ**

**Proposal: Change of Use from warehouse to a swimming pool to train babies and children**

**Item – Committee Decision**

**Application Number – 22/05278/FUL**

**Ward – B07 - Sighthill/Gorgie**

### **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 20 material representations in support and the recommendation is to refuse planning permission.

### **Recommendation**

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

### **Summary**

The application for development is unacceptable as it is contrary to the relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan, as it would undermine the provision of business and industry units, to the detriment of the economy of the city. The proposal would have no adverse effect on the character of the area or on neighbouring residential amenity. A total of 26 representations were received in support of the application, specifically in relation to the use being beneficial, and some weight has been given to these comments. However, these comments do not outweigh the provisions of the development plan and there are no other material planning considerations which outweigh this conclusion.

## SECTION A – Application Background

### Site Description

The application site is a large warehouse that is situated within a defined Business and Industry area of the city, to the north of Calder Road and the east of the City Bypass. The surrounding area is characterised by large business and industry commercial units.

### Description Of The Proposal

The proposal is for a change of use from a Class 4 (administration office) to a Class 11 (swimming pool) to include additional windows and signage.

### Relevant Site History

No relevant site history.

### Other Relevant Site History

There is no other relevant planning history.

### Pre-Application process

There is no pre-application process history.

### Consultation Engagement

Roads Authority.

Economic Development

Environmental Protection

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

### Publicity and Public Engagement

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

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

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

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

**Number of Contributors:** 26

## 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 Place - Policy 1
- NPF4 Liveable Places - Policy 21
- NPF4 Business and industry - Policy 26
- LDP Design Policies Des 1, Des 5 and Des 12.
- LDP Entertainment and Leisure Developments - Other Locations Policy Ret 8.
- LDP Employment Policy Emp 8.
- LDP Transport Policies Tra 2 and Tra 3.

## Principle

The units within the area primarily operate within business or industrial uses (Use Class 4 and Class 5), which is reflected in the development plan allocation for the area. These areas are designated as Business and Industry areas as they are strategically important to the economy of the city, the type of employment they provide for and the access to infrastructure that the areas are served by.

Policy Emp 8 Business and Industry Areas states that proposals in these strategically designated areas that are not within a Business and/or Industry use would be unacceptable. NPF 4 Policy 26 reinforces this by stating that other employment uses in such areas will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.

It is recognised that the proposed use would have significant benefits and would underpin other policies, particularly those contained with NPF 4 that promote healthy living and wellbeing. This is reflected in the number of representations that are supportive of the development. However, it also has to be recognised that the proposal would undermine the effective supply of large scale industrial units that have been located in specific areas, identified as being appropriate for such uses.

It would dilute the effectiveness of the supply of these units, would prejudice the primary function(s) of the specifically designated area and would have the potential to create pressure to develop alternative business and industry units in other, less appropriate locations.

The proposal is contrary to NPF4 Policy 26 and LDP Policy Emp 8 as it would result in the loss of a business and industry unit of significant size (approximately 750 sqm) by virtue of the use not being a Class 4 or Class 5.

Policy Ret 8 sets out the criteria for assessing proposals for entertainment and leisure developments in other locations, such as commercial centres, local centres and elsewhere in the urban area. Key considerations include accessibility by public transport, design quality and impact on the character of the area and local residents.

The supporting statement highlights that it is anticipated that most journeys to the site would be made by private vehicles. Although there are some public transport options nearby, the reliance on the private vehicle would be contrary to Policy Ret 8 in that one of the key considerations for the site, public transport, has not been addressed.

In terms of NPF4 Policy 1, the proposal would have a neutral impact.

The proposal would be unacceptable as it is contrary to NPF4 Policy 26 and LDP policies Emp 8 Business and Industry Areas and Ret 8 Entertainment and Leisure Developments - Other Locations.

## Scale, Form and Design

The proposed external alterations would not constitute development under Section 26 of The Town and Country Planning Act (Scotland) 1997.



### Amenity

The proposal was assessed in terms of amenity.

Environmental Protection was consulted in relation to the proposal and no concerns were raised.

The proposal would not have a detrimental impact in relation to amenity.

This complies with NPF4 Policy 14c) and LDP Policy Des 5 Amenity.

### Roads Authority

The Roads Authority was consulted in relation to the proposal and raised no objections to the proposal providing their recommended conditions were attached. These are detailed below:

1. Cycle parking for seven cycles to be provided, to comply with the Councils standards (refer cycle parking factsheet C7);
2. Two motorcycle parking spaces to be provided;
3. Electric vehicle charging points to be provided for two of the car parking spaces;
4. Two of the car parking spaces to be designated for accessible users.

Please see the consultations section for further detail.

This would comply with Tra 2 Private Car Parking and Tra 3 Private Cycle Parking.

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

The proposal is contrary to NPF 4 Policy 26c), LDP Policies Emp 8 Business and Industry Areas and Ret 8 Entertainment and Leisure Developments, as it would erode the provision of business and industry units, to the detriment of the local economy and there would be a reliance on the site being accessed by private vehicles.

### **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.

Age is a protected characteristic and while the facility would provide a service primarily directed at young children, there is no way of controlling this through Planning and the benefits of the use would not outweigh the considerations above.

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

### Public representations

Twenty six comments were received, which are all in support of the proposal.

The main theme of the representations is focused on the proposed use being beneficial and welcomed within the surrounding area.

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

The potential benefits of the proposal do not outweigh the longer-term negative impact that the loss of allocated space for business and industry floorspace within the city.

### **Overall conclusion**

The application for development is unacceptable as it is contrary to the relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan, as it would undermine the provision of business and industry units, to the detriment of the economy of the city. The proposal would have no adverse effect on the character of the area or on neighbouring residential amenity. A total of 26 representations were received in support of the application, specifically in relation to the use being beneficial, and some weight has been given to these comments. However, these comments do not outweigh the provisions of the development plan and there are no other material planning considerations which outweigh this conclusion.

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

The recommendation is subject to the following;

### **Reasons:**

1. The proposal is contrary to the Local Development Plan Policy Emp 8 in respect of Business and Industry Areas, as it would result in the loss of a significant Business and Industry unit.
2. The proposal would be contrary to Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) as all potential City Centre, or town centre options have not been thoroughly assessed and discounted and the supporting

statement recognises that the site is not easily accessible by public transport and is likely to generate journeys which are primarily car-borne.

3. The proposal would be contrary to NPF 4 Policy 26 (Productive Places), as it would result in the loss of business and industry floorspace, to the detriment of the city's economy.

## **Background Reading/External References**

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

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

**Date Registered: 18 October 2022**

## **Drawing Numbers/Scheme**

01-05

Scheme 2

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

Contact: Conor MacGreevy, Planning Officer  
E-mail: [conor.macgreevy@edinburgh.gov.uk](mailto:conor.macgreevy@edinburgh.gov.uk)

Appendix 1

## **Summary of Consultation Responses**

NAME: Roads Authority.

COMMENT: No objections providing the below conditions are attached:

1. Cycle parking for seven cycles to be provided, to comply with the Councils standards (refer cycle parking factsheet C7);
2. Two motorcycle parking spaces to be provided;
3. Electric vehicle charging points to be provided for two of the car parking spaces;
4. Two of the car parking spaces to be designated for accessible users.
5. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles.

The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard BS 8300-2:2018 as approved.

Note - The total number of car parking spaces within the site exceeds the parking standards, however given that this is an existing car park, transport have no objections to this subject to the motorcycle and cycle parking as stated being provided.  
DATE: 2 December 2022

NAME: Economic Development

COMMENT: There is a persistent shortage of industrial space in Edinburgh and significant space is being lost to the redevelopment of existing industrial estates. It is therefore important that the Business and Industry Areas identified in the LDP/City Plan are protected for this use. Changes of use to leisure or other uses will place further pressure on the supply.

DATE: 23 March 2023

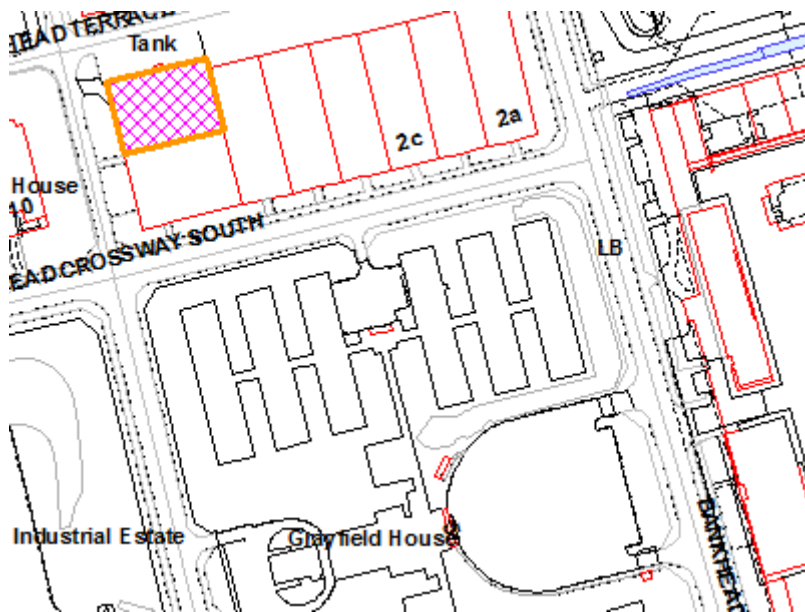
NAME: Environmental Protection

COMMENT: No comments.

DATE: 15 December 2022

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

## Location Plan



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## Development Management Sub-Committee Report

**Wednesday 26 April 2023**

**Application for Planning Permission  
land 177 metres west of Bonnington Mains Quarry, Cliftonhall Road,  
Newbridge.**

**Proposal: Development of field for ancillary quarrying operations.**

**Item – Presentation Item at Committee  
Application Number – 22/02513/FUL  
Ward – B02 - Pentland Hills**

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

#### **Recommendation**

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

#### **Summary**

The proposed development is in accordance with the Local Development Plan and NPF4.

The proposals do not conflict with equalities & human rights.

The proposals are acceptable and there are no material considerations that outweigh this conclusion.

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

#### **Site Description**

The site is located 650 metres to the south west of Ratho village, on the northern side of Wilkieston Road.

It is bounded to the west and north by agricultural fields, to the north east by the former Craigpark Quarry and to the south by Wilkieston Road, with agricultural fields beyond.

The application site is a hard rock quarry that extends to an overall site area of 15.3 hectares of which the extraction area extends to 11.29 hectares.

There is a deep excavation within the southern part of the site and raised area at the end of the access drive in the northern part.

Access to the site is from Cliftonhall Road (B7030), to the west of the site. The site access is angled at 30 degrees to the line of Cliftonhall Road such that vehicles can only enter and leave the site in a northerly direction, towards Newbridge.

The nearest inhabited buildings are; Bonnington Mains Farm, 347 metres, and Bonnington Cottage, 442 metres, to the south west, with Bonnington Village beyond, 517 metres; Clifton Cottage, 584 metres, to the west; the consented Craigpark Country Park Ranger Lodge, 140 metres; the Cala housing development, at Old Quarry Road, 395 metres, to the north east; and Ratho Mains Farm, 797 metres to the east.

The former Craigpark quarry to the north of the site is in the process of being restored with the use of inert fill materials and planning permission has been granted to develop an outdoor leisure complex (planning permission reference: 17/02471/FUL).

### **Description of the Proposal**

The proposal is for ancillary quarrying operations, mainly in the northern portion of the field immediately west of the existing site. This includes a site office and associated car parking, water attenuation and settlement ponds, aggregate processing and storage, including aggregate storage sheds and an asphalt plant (previously approved to be developed within the existing quarry boundary). Primary crushing and some stockpiling would continue to be undertaken within the quarry void, whilst secondary crushing, screening and stockpiling would be undertaken within the Field Extension Area. No mineral extraction is proposed within the western field. In addition, it is proposed to develop a workshop and aggregate storage sheds within the existing quarry boundary alongside the concrete plant. Furthermore, it is proposed to import 'RAP' (Reclaimed Asphalt Pavement) for recycling and reuse within the asphalt plant. This material would be removed from old worn roads and surfaces and imported into the site where it would be processed and stocked within the site prior to use within the proposed asphalt plant. No change has been proposed to the extraction limit of 375,000 tonnes per annum (as outlined in Condition 17 of the 2017 application).

### **Supporting information**

An EIA Report was submitted to support the application topics scoped in include:

- Landscape and visual impact
- Ecology
- Soils and agricultural land
- Water environment
- Noise
- Dust & air quality
- Socio-economic
- Human health
- Vulnerability to accidents & disasters
- Cumulative effects

## Supporting Information

The following documents were submitted in support of the application:

- Environmental Statement;
- Extractive Waste Management Plan;
- Planning Statement;
- PAC Report;
- Site plans;
- Elevational drawings;
- Field Site Restoration Plan

These documents can all be viewed on the Planning and Building Standards Online Service.

## Relevant Site History

22/02514/FUL

Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Extraction of Quartz-Dolerite and erection of plant and ancillary structure (Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL).

22/00035/SCO

Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Request for EIA Scoping Opinion

23 February 2022

21/06730/PAN

Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Development of field located immediately West of Bonnington Mains Quarry for ancillary quarry operations including formation of Screening Bund and Overburden Storage, Water Settlement Ponds, Construction of Workshop and Aggregate Storage Sheds, Aggregate Processing and Storage Area and formation of Carpark and Weighbridge.

Pre-application Consultation approved.  
10 January 2022

17/05930/FUL

Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
EH28 8PW

Section 42 application for proposed variation to conditions 5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4 September 1990) to amend noise + vibration limits, postpone submission of final restoration plan + clarify period for completion of all mineral operations to 31 December 2050

Granted

6 September 2018

12/01430/MWD

Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
EH28 8PW

Application for the management of extractive waste.

Granted

20 June 2012

99/00654/FUL

Bonnington  
Kirknewton  
Edinburgh

Use of land for the storage and recycling of inert waste construction materials

Granted

16 August 2000

## **Other Relevant Site History**

### Bonnington Mains Quarry

12 January 1989 - planning permission was refused for hard rock quarry extraction and associated plant and machinery for the production of asphalt and cement from the site (application number 1693/87/32).

Reasons for refusal were:

- visual amenity impact given the exposed position;
- a premature loss of resource;
- loss of prime agricultural land and
- impact on the amenity of nearby residential properties.

4 September 1990 - an appeal to the Scottish Office Inquiry Reporters Unit was upheld.

The Reporter concluded; the need for a new hard rock quarry had been substantiated, that that need justified the loss of prime agricultural land subject to a restoration scheme that would encompass a return to agricultural use, and that the operation could be suitably mitigated to an acceptable level so as to protect amenity of nearby residents (appeal reference P/PPA/LA/643).



## Neighbouring Site History- Craigpark Quarry; located immediately to the north east of the site

14 August 2009 - planning permission was granted for the erection of 117 houses on 5.93 hectares (18%) and the restoration of the remaining 27.02ha (82%) of the quarry for public amenity use. Those works anticipated a total quantity of material, to restore the quarry, of approximately 343,500 cubic metres; with some 96,000 cubic metres of imported infill material (application number 05/01229/FUL).

9 May 2018 - planning permission for the development of the former quarry site as an outdoor leisure complex, including water sport facilities, pedestrian and vehicular access, landscaping works, ancillary class 1 (retail) and class 3 (food and drink) uses, and tourism accommodation (application number 17/02471/FUL).

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Edinburgh Airport

Scottish Water

SEPA

NatureScot

West Lothian Council

Environmental Protection

Archaeology

Natural Environment

Flood Planning

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 27 June 2022

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

**Press Publication Date(s):** 8 July 2022 1 July 2022 1 July 2022

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

**Number of Contributors:** 360

## Section B - Assessment

### Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

### Assessment

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

#### a) The proposals comply with the development plan?

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

The relevant NPF4 and LDP policies to be considered are:

- NPF4 climate and nature crises policies 1, 2
- NPF4 natural places policy 4
- NPF4 soils policy 5
- NPF4 Policy 33 Minerals
- NPF4 historic assets and places 7h and 7o
- LDP design policies -Des 4, Des 5
- LDP environment policy -Env 10, Env 12, Env 21 & Env 22
- LDP resources policy- RS 5

The non-statutory 'Development in the Countryside & Green Belt Guidance' & 'Surface Water Management and Flood Risk Guidance' are material considerations that are relevant when considering policies Env 10 & Env 21.

#### **NPF4/ Local Development Plan Position**

##### Principle

NPF4 Policy 33 Minerals requires LDPs to support a landbank of construction aggregates of at least 10-years at all times in the relevant market areas, whilst promoting sustainable resource management, safeguarding important workable mineral resources, which are of economic or conservation value, and take steps to ensure these are not sterilised by other types of development.

Policy 33d) requires that development proposals for the sustainable extraction of minerals will only be supported where they:

- i. will not result in significant adverse impacts on biodiversity, geodiversity and the natural environment, sensitive habitats and the historic environment, as well as landscape and visual impacts;
- ii. provide an adequate buffer zone between sites and settlements taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, and the characteristics of the various environmental effects likely to arise;
- iii. can demonstrate that there are no significant adverse impacts (including cumulative impact) on any nearby homes, local communities and known sensitive receptors and designations;
- iv. demonstrate acceptable levels (including cumulative impact) of noise, dust, vibration and potential pollution of land, air and water;
- v. minimise transport impacts through the number and length of lorry trips and by using rail or water transport wherever practical;
- vi. have appropriate mitigation plans in place for any adverse impacts;
- vii. include schemes for a high standard of restoration and aftercare and commitment that such work is undertaken at the earliest opportunity. As a further safeguard a range of financial guaranteed options are available, and the most effective solution should be considered and agreed on a site-by-site basis. Solutions should provide assurance and clarity over the amount and period of the guarantee and in particular, where it is a bond, the risks covered (including operator failure) and the triggers for calling in a bond, including payment terms.

Policy RS 5 of the LDP seeks to safeguard defined, economically viable mineral resources from sterilisation, including Bonnington Mains Quarry and to ensure that there is a sufficient 10-year reserve of construction aggregates. These policies include ensuring adequate and appropriate site restoration schemes. While the expansion of existing facilities in preference to the provision of new quarries is supported in principle, specific alterations to the original conditions and the wider concerns and impacts of the operation of the quarry site should be fully assessed here as part of this application.

The development of the field for ancillary quarrying operations would be considered as effective development of adjacent land as this area of land is immediately west of the main quarry and is already constrained, therefore the scope of potential development is limited to the current operations of the quarry.

As stated in the applicant's planning statement, access to the remaining mineral reserve at Bonnington Mains Quarry is constrained due to a lack of space as the large proportion of the remaining reserve is located along the south-western boundary. By relocating the overburden material on the western boundary and the stocking operations currently at the base of the quarry to the adjacent western field it would allow the remaining mineral deposits to be developed. Additionally, the asphalt plant, previously approved to be developed within the existing quarry boundary would be acceptable in principle in the adjacent field.

As a result, it is considered that the principle of development is acceptable and in compliance with NPF4 Policy 33d and RS5 as the proposal would help safeguard economically viable mineral resources from sterilisation and contribute to the supply of construction aggregates to the Edinburgh and Lothians region.

#### *Loss of Countryside*

Policy Env 10 (Development in the Green Belt and Countryside) states that development will only be permitted where it would not detract from the landscape quality and/or rural character of the area for the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use.

Criterion C of LDP policy Env 10 states "For development relating to an existing use or building(s) such as an extension to a site or building, ancillary development or intensification of use, provided the proposal is appropriate in type in terms of existing use, of appropriate scale, of high-quality design and acceptable in terms of traffic impact".

The proposed extension to the quarry is minimal in terms of its incursion into land defined as 'countryside', and in practical terms is an area already constrained by near-by quarrying operations. Additionally, appropriate mitigatory measures have been proposed to screen aspects of the proposals such as the asphalt plant to protect the rural character of the area. Consequently, the loss and impact on the countryside would be considered insignificant and complies with Criterion C of LDP policy Env 10.

### Impacts on Biodiversity, Geodiversity and the Natural environment, Sensitive Habitats

The ecology of the site and its immediately surrounding area was fully assessed as part of the Environmental Statement (ES), this included various surveys and field studies of protected species.

The proposal is not envisaged to have any detrimental impact on protected species or ecology within the application site. The site consists of arable agricultural land of limited ecological value and is not located within an area designated for the protection of natural habitats. The adjacent land has been in use for mineral extraction since the 1990s therefore it is not considered that there are ecological constraints introduced as part of this proposal.

NatureScot have stated that while pink footed geese may be foraging in the field , the field itself is relatively small and is surrounded by abundant arable fields , therefore there are ample opportunities for foraging resources within the locality. It is also concluded that although this field will be lost for the duration of the quarry, it will be restored post-quarrying.

Two mature trees have been identified on the site which have bat roost potential. However, these trees will be unaffected by the development.

The proposal is acceptable in terms of its ecology impact and is in compliance with NPF4 policy 4 and NPF4 policy 33d.

### Adequate Buffer Zone

An adequate buffer zone has already been established as part of the existing use of the site for quarrying operations. Furthermore, the relocation of the asphalt plant from the original quarry site to the field extension area has further increased the separation distance between the proposals and sensitive receptors such as nearby residential development at Old Quarry Road and the Wavegarden development under construction.

The proposals comply with NPF4 policy 33d.

### Impacts (including Cumulative Impact) on any Nearby Homes, Local Communities and known Sensitive Receptors and Designations

#### *Noise, Dust, Vibration and Potential Pollution of Land, Air and Water*

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

Policy Env 22 (Pollution and Air, Water and Soil Quality) states that planning permission will only be granted for development where: there will be no significant adverse effects for health, the environment and amenity and either; there will be no significant adverse effects on: air, and soil quality; the quality of the water environment; or on ground stability; and appropriate mitigation to minimise any adverse effects can be provided.

The applicant's noise consultant carried out a series of noise predictions, based upon the guidance contained within the 'Code of Practice for Noise and Vibration Control on Construction and Open Sites' (BS 5228) and Planning Advice Note 50: controlling the environmental effects of surface mineral workings (PAN 50) on several noise sensitive receptors (where nominal noise limits were measured free field over any one-hour period and applied to the extant 2017 planning permission). They are as follows:

- Clifton Cottage 45 dB(A) LAeq,
- Bonnington Mains Farm 52 dB(A) LAeq,
- Craigpark Housing Development 52 dB(A) LAeq,
- Park Ranger Lodge 52 dB(A) LAeq,
- Ratho Mains Farm 51 dB(A) LAeq,

The results of this study (detailed in the accompanying Environmental Impact Statement for this application) states that all routine daytime operations in progress meet the limits imposed by the 2017 application and the justifiable night-time limit at surface mineral workings of 42 dB LAeq,1h (PAN 50, Annex A).

Following discussions with Environmental Protection and concerns regarding impact on neighbouring amenity, the nominal noise limits for each noise sensitive receptor would remain in place.

A fugitive dust and air quality assessment were undertaken by the applicant which confirmed with the recommended dust control measures in place, that it was unlikely that there would be significant dust impact on nearby sensitive receptors. Regarding air quality impact on the surrounding area, the new proposals would not create an additional air quality 'load' on the environment nor would National Air Quality Objectives for PM10 and PM2.5 be exceeded at nearby receptors.

Regarding the quality of soil and agricultural land, a soil analysis of the field was carried out which established that the soils were of LCA (Land Capability for Agriculture) Class 2. A soils management plan has been prepared to ensure that the land is returned to LCA Class 2 following the cessation of quarrying operations.

No issues have been identified by Environmental Protection.

The proposals comply with Des 5 and Env 22 & NPF4 policy 5 and 33d.

## Mitigation Plans

### *Climate Mitigation and Adaptation*

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

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change.

It is proposed to import 'RAP' (Reclaimed Asphalt Pavement) for recycling and reuse within the asphalt plant. This material would be removed from old worn roads and surfaces and imported into the site where it would be processed and stocked within the site prior to use within the proposed asphalt plant. The importation and recycling of construction waste would ensure that construction material is re-used within the construction industry as opposed to waste being disposed of in landfill.

Furthermore, the proposed restoration scheme will ensure that the application site is returned to the pre-existing ecological environment that existed before the original consent.

The proposals are in compliance with NPF4 Policy 1, 2 and 33d.

### *Landscape & Visual Impact*

Policy Des 4 (Development Design - Impact on Setting) states that Planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views.

The proposal for ancillary operations is situated in the lower portion of a field to the east of a belt of trees adjacent to the B7030 with the increase in elevation to the south screening the lower elements of the proposal. Land to the east of the site consists of a quarry void/restored quarry with mitigation planting (this area is part of the Wavegarden development).

Ratho Hills Special Landscape Area (SLA) is located to the south-east of the application site at the northern boundary to Wilkieston Road. Furthermore, the area is situated within the Rolling Farmland Landscape Character Type and Bonnington Farmland (25) Landscape Character Area (LCA) as stipulated by the Edinburgh Landscape Character Assessment.

The EIA report assessed the visual impact of the proposals on nearby residential and recreational receptors. These include: Bonnington, Wilkieston and Ratho; Cala Homes Development; Bonnington Mains Farm; Clifton Mains Farm and Cottages; 114 and 118 Clifton Road; Bonnington House and Farmstead; National Trail, Union Canal Towpath and NCN route 754 and the Local Footpath at Tormain Hill.

This proposal includes mitigation in terms of the establishment of a permanent screening bund and with planting to the west, south and east, with the site location also being set low within the landscape. However, the EIA statement does identify that whilst the proposed asphalt plant would be largely screened by landform, the upper parts of the 29.5 m stack would remain visible across the wider landscape, whereas the 2017 application within the original quarry site considered an asphalt plant of 15.2m in height.

Following discussions with the applicant, the asphalt plant was reduced in height to 20.9 metres with additional planting and permanent bunds further reducing the extent of the structure which would be visible compared with the initial iteration which would have protruded noticeably in the landscape.

These mitigatory measures would ensure compliance with policy Des 4 and would not overly impact on the pre-existing landscape character or the nearby identified receptors.

### *Water Environment*

Policy Env 21 (Flood Protection) states planning permission will not be granted for development that would: increase a flood risk or be at risk of flooding itself; impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management; and be prejudicial to existing or planned flood defence systems.

The relevant section within the Environmental Statement, submitted with the application, identifies potential hydrogeological and hydrological impacts of the quarry operations.

These matters considered by the Scottish Environmental Protection Authority (SEPA) and the internal Flooding team; the proposed mitigation measures identified were deemed as acceptable. The proposals comply with LDP policy Env 21.

### *Archaeology*

NPF4 policy 7h (natural assets and places) states that development proposals affecting scheduled monuments will only be supported where:

- i. direct impacts on the scheduled monument are avoided;
- ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided or
- iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

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



Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

It is recommended that the applicant secure the implementation of a programme of archaeological works before the construction of works onsite to ensure compliance with NPF4 policy 7h and 7o.

### Transport Issues

A Transport Statement was submitted by the applicant which illustrated that the predicted movements associated with the existing and proposed development would fall below the peak worst-case scenario of 365 HGV movements per day stipulated in the application 17/05930/FUL.

As a result, no traffic or road safety issues were identified by the Roads Authority and the proposals are acceptable and comply with NPF4 policy 33d.

### Restoration and Aftercare

The proposed restoration plan for the field site area is acceptable. A restoration guarantee bond was submitted as part of the 2017 Section 42 application which the planning authority can draw upon in the event restoration works are not satisfactorily completed. An updated Performance Guarantee Bond referring to this application and the accompanying s42 application (22/02514/FUL) shall be submitted by the applicant following the granting of this permission.

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

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

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

The following material planning considerations have been identified:

#### Emerging policy context

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

#### Equalities and human rights

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

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

## Public representations

A summary of the representations is provided below:

### *material considerations*

Representations: Objections

### Ratho & District Community Council

- Impact on amenity of surrounding area (air quality, odour, noise levels, night-time working, light pollution, dust dispersion) -Addressed Section B a).
- Landscape/visual impact (height of asphalt plant, loss of local views, scale/design of bund)- Addressed in Section B a).
- Loss of potential green belt/countryside- Addressed Section B a).

### General Comments

- Principle of development unacceptable/lack of coordinated development- Addressed Section B a).
- Impact on amenity of surrounding area (air quality, odour, noise levels, night-time working, light pollution, dust dispersion) Addressed Section B a).
- Landscape/visual impact (height of asphalt plant, loss of local views, scale/design of bund) Addressed Section B a).
- Loss of potential green belt/countryside- Addressed Section B a).
- Ecology (impact on migratory birds & deer, loss of farmland, loss of trees)- Addressed Section B a).
- Increased levels of traffic- Addressed Section B a).

Representations: Support

- Mineral reserves on site
- Jobs creation
- EIA findings

### *non-material considerations*

- Will make Ratho less desirable place to live
- Impact property prices

- Lack of consultation
- Impact on biodiversity of Wavegarden
- Vibrational effects of quarrying operations

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

No further material considerations have been identified.

### **Overall conclusion**

The proposed development is in accordance with the Local Development Plan and NPF4.

The proposals do not conflict with equalities & human rights.

The proposals are acceptable and 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 hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. The hours of operation shall be restricted to:
  - a) for normal quarry operations:  
Monday - Friday: 07:00 - 19:00  
Saturday: 07:00 - 19:00
  - b) for fixed plant only:  
Monday - Friday: 07:00 - 19:00  
Saturday: 07:00 - 19:00  
Sunday: 10:00 - 14:00

or such longer times as may be agreed with the Planning Authority if lower noise emission levels from the fixed plant permits.

- c) For avoidance of doubt, operations associated with the asphalt plant operational at the quarry shall be unrestricted - 24-hour operations permitted.
3. That with respect to the control of noise resulting from the operations during the permitted daytime hours of operation, the nominal noise limit from site operations shall not exceed the following, when measured free field over any one-hour period:

- Clifton Cottage 45 dB(A) LAeq,
  - Bonnington Mains Farm 52 dB(A) LAeq,
  - Craigpark Housing Development 52 dB(A) LAeq,
  - Park Ranger Lodge 52 dB(A) LAeq,
  - Ratho Mains Farm 51 dB(A) LAeq,
- b) During night-time operations the nominal noise limit from the asphalt plant and associated operations shall not exceed NR25 when measured within the nearest noise sensitive receptor.
- c) Notwithstanding the terms of part (a), that during temporary operations, such as soil stripping operations, the nominal daytime noise limit from site operations, shall be no more than 70dB LAeq over any one hour period for a maximum of 8 weeks per year.
- d) Details of all noise measuring and monitoring records shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
4. Suitable modern dust suppression or collection equipment shall be installed on all relevant plant and shall be regularly maintained in accordance with the manufacturers' recommendations, to ensure its efficient operation.
5. All conveyors shall be adequately enclosed.
6. An adequate number of portable water sprayers shall be provided for the damping down of stockpiles, areas around the asphalt plant and internal haul roads.
7. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
8. No structure may be erected, unless and until such time as the Local Planning Authority receive confirmation from the Airport Operator in writing that: (a) an IFP Assessment has demonstrated that an IFP Scheme is not required; or (b) if an IFP Scheme is required such a scheme has been approved by the Airport Operator; and (c) if an IFP Scheme is required the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and (d) if an IFP Scheme is required the scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.
9. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
- monitoring of any standing water within the site temporary or permanent.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

10. An obstacle light shall be placed on the highest part of the structures. The obstacle light must be a Type B low intensity steady state red light with a minimum of 32 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome)).
11. An updated Performance Guarantee Bond referring to this application and the accompanying s42 application (22/02514/FUL) shall be submitted by applicant to the satisfaction of the Planning Authority following the granting of this permission

### **Reasons**

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect the amenity of the occupiers of neighbouring properties.
3. In order to protect the amenity of the occupiers of neighbouring properties.
4. In order to protect the amenity of the occupiers of neighbouring properties.
5. In order to protect the amenity of the occupiers of neighbouring properties.
6. In order to protect the amenity of the occupiers of neighbouring properties.
7. To ensure that no significant archaeological features are likely to be affected by the development.
8. In the interests of aviation safety.
9. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
10. Permanent illuminated obstacle lights are required to avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport.
11. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.

## **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. In order to prevent spillage and windblown dust from lorries, all such loads shall be adequately sheeted prior to leaving the site.
4. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

## **Background Reading/External References**

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

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

**Date Registered: 20 June 2022**

**Drawing Numbers/Scheme**

01,02,03(A)-06(A),07,08

Scheme 2

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

Contact: Adam Cairns, Planning Officer  
E-mail: [adam.cairns@edinburgh.gov.uk](mailto:adam.cairns@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Edinburgh Airport  
COMMENT: No objections  
DATE: 8 November 2022

NAME: Scottish Water  
COMMENT:  
DATE: 18 July 2022

NAME: SEPA  
COMMENT: No objections  
DATE: 24 August 2022

NAME: NatureScot  
COMMENT: No objections  
DATE: 11 August 2022

NAME: West Lothian Council  
COMMENT: No objections  
DATE: 17 August 2022

NAME: Environmental Protection  
COMMENT: No objections  
DATE: 7 March 2023

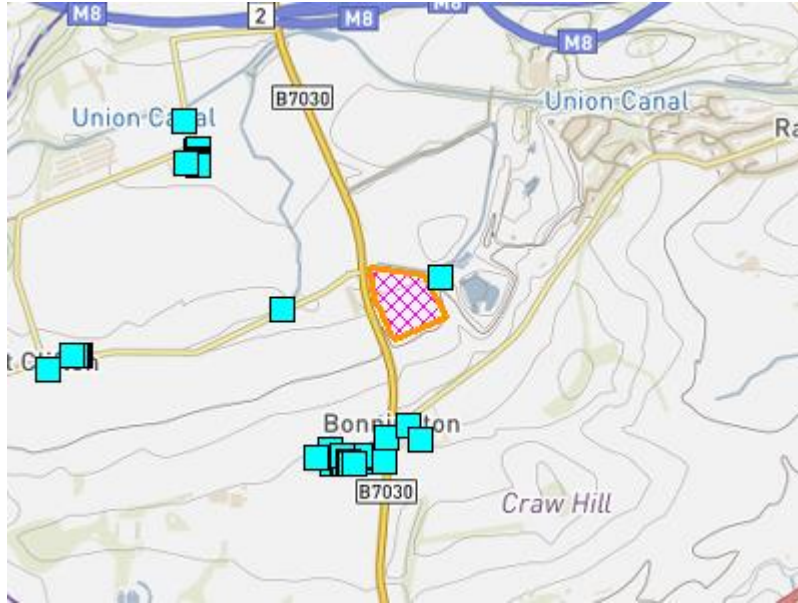
NAME: Archaeology  
COMMENT: It is recommended that the applicant secure the implementation of a programme of archaeological works to ensure compliance with NPF4 policy 7h and 7o.  
DATE: 18 July 2022

NAME: Natural Environment  
COMMENT: No objections  
DATE: 25 October 2022

NAME: Flood Planning  
COMMENT: No objections  
DATE: 21 July 2022

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

## Location Plan



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## Development Management Sub-Committee Report

**Wednesday 26 April 2023**

**Application for Planning Permission**

**land 177 metres west of Bonnington Mains Quarry, Cliftonhall Road, Newbridge.**

**Proposal: Extraction of Quartz-Dolerite and erection of plant and ancillary structure (Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL).**

**Item – Presentation Item at Committee**

**Application Number – 22/02514/FUL**

**Ward – B02 - Pentland Hills**

<b>Reasons for Referral to Committee</b>
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**Recommendation**

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

**Summary**

This is an application under section 42 of the Town and Country Planning (Scotland) Act 1997 that seeks to vary conditions 2, 13, 15, 16 and 18 of planning application 17/05930/FUL.

The proposed variations are in compliance with the Edinburgh Local Development Plan (LDP) and NPF4 Policy 33.

As the effect of granting permission for a section 42 is to create a separate permission there is the need to attach the conditions from the previous approval.

There are no other material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The site is located to the southwest of Ratho village, on the northern side of Wilkieston Road.

It is bounded to the west and north by agricultural fields, to the northeast by the former Craigpark Quarry and to the south by Wilkieston Road, with agricultural fields beyond.

The application site is a hard rock quarry that extends to an overall site area of 15.3 hectares of which the extraction area extends to 11.29 hectares.

There is a deep excavation within the southern part of the site and raised area at the end of the access drive in the northern part.

Access to the site is from Cliftonhall Road (B7030), to the west of the site. The site is accessed from Cliftonhall Road such that vehicles can only enter and leave the site in a northerly direction, towards Newbridge.

The nearest inhabited buildings are; Bonnington Mains Farm, 347 metres, and Bonnington Cottage, 442 metres, to the south west, with Bonnington Village beyond, 517 metres; Clifton Cottage, 584 metres, to the west; the consented Craigpark Country Park Ranger Lodge, 140 metres; the Cala housing development, at Old Quarry Road, 395 metres, to the north east; and Ratho Mains Farm, 797 metres to the east.

The former Craigpark quarry to the north of the site is in the process of being restored with the use of inert fill materials and planning permission has been granted to develop an outdoor leisure complex.

### **Description of the Proposal**

The application is made under section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to continue quarrying and ancillary operations at the site without compliance with a number of conditions outlined in planning application 17/05930/FUL.

Proposed changes relate to conditions:

Condition 2- Changes to the placement of the environmental bund/overburden along the western boundary of the quarry site;

Condition 13- Hours of operation where the asphalt plant is to include night-time working (24 hour working);

Condition 15- Noise levels from nominal operations increased to a uniform 55dB(A)LAeq at noise sensitive properties and the introduction of a 42dB(A)LAeq during nighttime operations (outwith hours (i.e. all hours outwith Monday-Friday: 07:00-19:00; Saturday: 07:00-19:00 and Sunday: 10:00-14:00);

Condition 16- Changes to the site access involving the introduction of a dual entry weighbridge/office and internal circle/roundabout

18. Site restoration conditions whereby within 5 years of the date of this permission, a plan illustrating the proposed final restoration of the site shall be submitted and approved by the Planning Authority.

An EIA Report was submitted to support the application, topics scoped in include:

- Landscape and visual impact
- Ecology
- Soils and agricultural land
- Water environment
- Noise
- Dust & air quality
- Socio-economic
- Human health
- Vulnerability to accidents & disasters
- Cumulative effects

### **Supporting Information**

The following documents were submitted in support of the application:

- Environmental Statement;
- Extractive Waste Management Plan;
- Planning Statement;
- PAC Report;
- Site plans;
- Elevational drawings;
- Field Site Restoration Plan
- Sections

These documents can all be viewed on the Planning and Building Standards Online Service.

### **Relevant Site History**

22/02513/FUL  
Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Development of field for ancillary quarrying operations.

22/00035/SCO  
Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Request for EIA Scoping Opinion

23 February 2022

21/06730/PAN  
Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Development of field located immediately West of Bonnington Mains Quarry for ancillary quarry operations including formation of Screening Bund and Overburden Storage, Water Settlement Ponds, Construction of Workshop and Aggregate Storage Sheds, Aggregate Processing and Storage Area and formation of Carpark and Weighbridge.

Pre-application Consultation approved.

10 January 2022

17/05930/FUL  
Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
EH28 8PW

Section 42 application for proposed variation to conditions 5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4 September 1990) to amend noise + vibration limits, postpone submission of final restoration plan + clarify period for completion of all mineral operations to 31 December 2050

Granted

6 September 2018

12/01430/MWD  
Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
EH28 8PW

Application for the management of extractive waste.

Granted

20 June 2012

99/00654/FUL  
Bonnington  
Kirknewton  
Edinburgh

Use of land for the storage and recycling of inert waste construction materials

Granted

16 August 2000

## **Other Relevant Site History**

### Bonnington Mains Quarry

12 January 1989 - planning permission was refused for hard rock quarry extraction and associated plant and machinery for the production of asphalt and cement from the site (application number 1693/87/32).

Reasons for refusal were:

- visual amenity impact given the exposed position;
- a premature loss of resource;
- loss of prime agricultural land; and
- impact on the amenity of nearby residential properties.

4 September 1990 - an appeal to the Scottish Office Inquiry Reporters Unit was upheld.

The Reporter concluded; the need for a new hard rock quarry had been substantiated, that that need justified the loss of prime agricultural land subject to a restoration scheme that would encompass a return to agricultural use, and that the operation could be suitably mitigated to an acceptable level so as to protect amenity of nearby residents (appeal reference P/PPA/LA/643).

Neighbouring Site History- Craigpark Quarry; located immediately to the north east of the site

14 August 2009 - planning permission was granted for the erection of 117 houses on 5.93 hectares (18%) and the restoration of the remaining 27.02ha (82%) of the quarry for public amenity use. Those works anticipated a total quantity of material, to restore the quarry, of approximately 343,500 cubic metres; with some 96,000 cubic metres of imported infill material (application number 05/01229/FUL).

9 May 2018 - planning permission for the development of the former quarry site as an outdoor leisure complex, including water sport facilities, pedestrian and vehicular access, landscaping works, ancillary class 1 (retail) and class 3 (food and drink) uses, and tourism accommodation (application number 17/02471/FUL).

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Roads Authority

Edinburgh Airport

Scottish Water

NatureScot

Historic Environment

Archaeology

West Lothian Council

Environmental Protection

Natural Environment

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 27 June 2022

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

**Press Publication Date(s):** 8 July 2022 1 July 2022 1 July 2022

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

**Number of Contributors:** 326

## **Section B - Assessment**

### **Determining Issues**

Section 42 of the Town and Country Planning (Scotland) Act 1997 (the Act) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

On such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and:

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly;
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

If an application under Section 42 of the Act is granted it creates a new planning permission with a new default time period for implementation unless otherwise determined. Accordingly, the proposals also require to be determined under Sections 25, 37 and 59 of the 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?

Therefore, consideration shall be given to the proposed change to the condition and any other conditions attached, in particular whether:

- i) the proposed change to the condition would result in a development that is in accordance with the development plan; or
- ii) an alternative condition or conditions would result in a development that is in accordance with the development plan and

- iii) there are any material considerations that outweigh the conclusions in respect of i) and ii) above.

## **Assessment**

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

### **a) The proposals under Section 42 of the 1997 Act**

In considering applications under section 42 it is not considered appropriate to grant planning permission subject to the same conditions, which would be tantamount to refusing planning permission. Equally, it is not considered appropriate to grant planning permission unconditionally given potential environmental impacts including amenity. It is therefore necessary to consider the matter of conditions having regard to the development plan and this is addressed further below.

### **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 Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Design policies Des 5
- LDP Resources policy- RS 5
- NPF4 Policy 33 Minerals
- NPF4 Policy 1
- NPF4 Policy 2

## **Local Development Plan Position**

### Principle

NPF4 Policy 33 Minerals requires that LDPs support a landbank of construction aggregates of at least 10-years at all times in the relevant market areas, whilst promoting sustainable resource management, safeguarding important workable mineral resources, which are of economic or conservation value, and take steps to ensure these are not sterilised by other types of development.

Policy 33d) requires that development proposals for the sustainable extraction of minerals will only be supported where they:

- i. will not result in significant adverse impacts on biodiversity, geodiversity and the natural environment, sensitive habitats and the historic environment, as well as landscape and visual impacts;

- ii. provide an adequate buffer zone between sites and settlements taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, and the characteristics of the various environmental effects likely to arise;
- iii. can demonstrate that there are no significant adverse impacts (including cumulative impact) on any nearby homes, local communities and known sensitive receptors and designations;
- iv. demonstrate acceptable levels (including cumulative impact) of noise, dust, vibration and potential pollution of land, air and water;
- v. minimise transport impacts through the number and length of lorry trips and by using rail or water transport wherever practical;
- vi. have appropriate mitigation plans in place for any adverse impacts;

Policy RS 5 Minerals states that planning permission will be granted for development to extract minerals from the quarries identified on the Proposals Map: Hillwood, Bonnington Mains, Ravelrig and Craigiehall Quarry. Development which would prevent or significantly constrain the potential to extract minerals from these sites with economically viable mineral deposits will not be allowed.

The original grant of planning permission for the mineral extraction at this site was determined at appeal.

Policy RS 5 of the LDP seeks to safeguard defined, economically viable mineral resources from sterilisation, including Bonnington Mains Quarry and to ensure that there is a sufficient 10 year reserve of construction aggregates. These policies include ensuring adequate and appropriate site restoration schemes. While the expansion of existing facilities in preference to the provision of new quarries is supported in principle, specific alterations to the original conditions and the wider concerns and impacts of the operation of the quarry site should be fully assessed here as part of this application.

The LDP policy position for the development has not altered since the application was originally approved and development continues to comply with the identified LDP policies, therefore the changes to Condition 2 and Condition 18 are acceptable.

#### Impacts on Biodiversity, Geodiversity and the Natural Environment, Sensitive Habitats

The proposals are not envisaged to have any detrimental impact on biodiversity, geodiversity, the natural environment or sensitive habitats and comply with NPF4 policy 33d.

#### Adequate Buffer Zone

An adequate buffer zone has already been established as part of the existing use of the site for quarrying operations.

The proposals are acceptable and comply with NPF4 policy 33d.



## Impacts (including Cumulative Impact) on any Nearby Homes, Local Communities and known Sensitive Receptors and Designations

### *Noise, Dust, Vibration and Potential Pollution of Land, Air and Water*

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

The applicant's noise consultant carried out a series of noise predictions, based upon the guidance contained within the 'Code of Practice for Noise and Vibration Control on Construction and Open Sites' (BS 5228) and Planning Advice Note 50: controlling the environmental effects of surface mineral workings (PAN 50) on several noise sensitive receptors (where nominal noise limits were measured free field over any one-hour period and applied to the extant 2017 planning permission). They are as follows:

- Clifton Cottage 45 dB(A) LAeq,
- Bonnington Mains Farm 52 dB(A) LAeq,
- Craigpark Housing Development 52 dB(A) LAeq,
- Park Ranger Lodge 52 dB(A) LAeq,
- Ratho Mains Farm 51 dB(A) LAeq,

The results of this study (detailed in the accompanying Environmental Impact Statement for this application) states that all routine daytime operations in progress meet the limits imposed by the 2017 application and the justifiable night-time limit at surface mineral workings of 42 dB LAeq,1h (PAN 50, Annex A).

Following discussions with Environmental Protection, the requested varying of Condition 15 to apply a uniform noise limit of 55db(A) LAeq across all noise sensitive receptors was deemed to have a detrimental impact on amenity. As a result, the nominal noise limits for each noise sensitive receptor would remain in place.

No further amenity issues have been identified by Environmental Protection, the changes to Condition 13 and 15 are acceptable and comply with Des 5 and NPF4 policy 33d.

### Transport Issues

A Transport Statement was submitted by the applicant which illustrated that the predicted movements associated with the existing and proposed development would fall below the peak worst-case scenario of 365 HGV movements per day stipulated in the application 17/05930/FUL.

No road safety issues have been identified by the Roads Authority , therefore the proposed changes to Condition 16 are acceptable and comply with NPF4 policy 33d.

## Mitigation Plans

### *Climate Change and Adaptation*

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

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change.

The proposals will support the sustainable extraction of minerals for the Edinburgh and Lothians region. Furthermore, the reuse and recycling of construction waste (reclaimed asphalt pavement) within the asphalt plan would ensure that construction material is re-used within the construction industry as opposed to waste being disposed of in landfill, thus contributing to circular economy principles.

## Restoration and Aftercare

The change in the date of the submission of restoration/aftercare plan is acceptable. A restoration guarantee bond was submitted as part of the 2017 application which the planning authority can draw upon in the event restoration works are not satisfactorily completed. An updated Performance Guarantee Bond referring to this application and the accompanying application (22/02513/FUL) shall be submitted by the applicant following the granting of this permission.

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

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

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

The following material planning considerations have been identified:

#### Emerging policy context

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

#### Equalities and human rights

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

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

## Public representations

A summary of the representations is provided below:

### *material considerations*

Representations: Objections

#### Ratho & District Community Council

- Impact on amenity of surrounding area ( noise levels, night-time working, light pollution)- Addressed in Section B a) and accompanying application 22/02513/FUL.
- Increased traffic on local roads (Addressed in Section B a) and accompanying application 22/02513/FUL).

#### General comments

Principle of development /lack of coordinated development - Addressed Section B a) and in accompanying application 22/02513/FUL.

- Impact on amenity of surrounding area (air quality, odour, noise levels, night-time working, light pollution, dust dispersion)- Addressed in Section B a) and accompanying application 22/02513/FUL.
- Landscape/visual impact (height of asphalt plant, loss of local views, scale/design of bund)- Addressed in accompanying application 22/02513/FUL.
- Loss of potential green belt/countryside- Addressed in accompanying application 22/02513/FUL.
- Ecology (impact on migratory birds & deer, loss of farmland, loss of trees)- Addressed in accompanying application 22/02513/FUL.
- Road safety (noise levels of HGV, impact of increased traffic on local roads)- Addressed in accompanying application 22/02513/FUL.

Representations: Support

- Mineral reserves on site
- Jobs creation
- EIA findings

### *non-material considerations*

- Will make Ratho less desirable place to live
- Impact property prices

- Lack of consultation
- -Impact on biodiversity of wave garden
- -Vibrational effects of quarrying operations

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

No further issues were identified.

### **Overall conclusion**

This is an application under section 42 of the Town and Country Planning (Scotland) Act 1997 that seeks to vary conditions 2, 13, 15, 16 and 18 of planning application 17/05930/FUL.

The proposals comply with the development plan and NPF4 subject to conditions below.

As the effect of granting permission for a section 42 is to create a separate permission there is the need to attach the conditions from the previous approval.

There are no other material considerations which outweigh this conclusion.

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

The recommendation is subject to the following;

### **Conditions**

1. The developer shall comply in full of the provisions of the 'Mineral Working Conditions' (conditions 21-31 below) as recommended by the Department for Agriculture and Fisheries Scotland (DAFS).
2. The development hereby approved shall be undertaken in accordance with the terms of this permission and in accordance with the following drawings;

B23 BON 2202 005: Location Plan

B23 BON 2202 006: Location Plan

B23 BON 2202 007: Existing Site Plan

B23 BON 2202 008: Quarry Development Plan: Existing Site Plan

B23 BON 2202 009: Quarry Development Plan: Phase 2 Overburden Extraction

B23 BON 2202 010: Quarry Development Plan: Phase 2 Mineral Extraction

B23 BON 2202 011: Quarry Development Plan: Full Extraction

B23 BON 2202 012: Quarry Development Plan: Sections A-A and B-B

B23 BON 2202 013: Quarry Development Plan: Indicative Plan Site Plan

B23 BON 2202 014: Quarry Development Plan: Indicative Plant Site Location Plan

B23 BON 2202 015: Ready Mix Plant Elevations

3. No blasting or drilling operations shall be carried out on the site except between the following times:
  - Mondays to Fridays: 10:00 and 16:00 hours.

There shall be no blasting or drilling operations on Saturdays or Sundays.

This condition shall not apply in cases of emergency when it is considered necessary to carry out blasting operations in the interests of safety. The planning authority shall be notified of such events as soon as practicable after such an event including details of the nature and circumstances justifying such an emergency event.

4. There shall be a maximum of 3 blasts per week, with an average over any period of 12 months of 2 blasts per week.
5. Prior to the commencement of blasting, monitoring points of approved mobile equipment shall be provided, subject to the following:
  - a) the location of the monitoring points shall be those as agreed with the Planning Authority.
  - b) the monitoring process shall be carried out for the duration of blasting at the quarry including the 15 minutes immediately prior to and the 15 immediately following the duration of any blasts.
  - c) all record sheets shall be available at the quarry office for inspection at all reasonable times and be submitted to the Planning Authority on a quarterly basis.
  - d) the Planning Authority shall be afforded reasonable access to the equipment insofar as such access is subject to statutory regulations.
6. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of  $6 \text{ mms}^{-1}$  in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of  $12 \text{ mm}^{-1}$  as measured at vibration sensitive buildings. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building. Details of the results of all on site blasting operations, including those required by the provisions of conditions 7 and 8 below, shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
7. The gas pipeline which passes near the southwest of the appeal site shall not be subjected to a resolved peak particle velocity in excess of 25mm/s measured as the maximum in any one plane on the pipe. Compliance with this criterion shall be ascertained by measurement on the ground surface immediately above the buried pipeline, where a resolved peak particle velocity of 37.5mm/s shall not be exceeded.
8. Blasting practices shall be such that under appropriate measurement conditions the peak linear overpressure level of 120dB shall not be exceeded as measured at the nearest noise sensitive premises.
9. Suitable modern dust suppression or collection equipment shall be installed on all relevant plant and shall be regularly maintained in accordance with the manufacturers' recommendations, to ensure its efficient operation.

10. All conveyors shall be adequately enclosed.
11. An adequate number of portable water sprayers shall be provided for the damping down of stockpiles, areas adjacent to the crushing plant and internal haul roads.
12. In order to prevent spillage and wind-blown dust from lorries, all such loads shall be adequately sheeted prior to leaving the site.
13. The hours of operation shall be restricted to:
  - a) for normal quarry operations:  
Monday - Friday: 07:00 - 19:00  
Saturday: 07:00 - 19:00
  - b) for fixed plant only:  
Monday - Friday: 07:00 - 19:00  
Saturday: 07:00 - 19:00  
Sunday: 10:00 - 14:00

or such longer times as may be agreed with the Planning Authority if lower noise emission levels from the fixed plant permits.

- c) For avoidance of doubt, operations associated with the asphalt plant operational at the quarry shall be unrestricted - 24-hour operations permitted.
14. All plant and machinery will operate only in the permitted hours, except in emergency, and shall be silenced at all times in accordance with the manufacturers' recommendations. Details of all cases of emergency operation on site shall be recorded by the developer and be submitted to the Planning Authority as soon as practicable after such an event including details of the nature and circumstances justifying such an event.
15. That with respect to the control of noise resulting from the operations during the permitted hours of operation stated in Condition 14, the nominal noise limit from site operations shall not exceed the following, when measured free field over any one-hour period:
  - Clifton Cottage 45 dB(A) LAeq,
  - Bonnington Mains Farm 52 dB(A) LAeq,
  - Craigpark Housing Development 52 dB(A) LAeq,
  - Park Ranger Lodge 52 dB(A) LAeq,
  - Ratho Mains Farm 51 dB(A) LAeq,
- b) During night-time operations the nominal noise limit from the asphalt plant and associated operations shall not exceed NR25 when measured within the nearest noise sensitive receptor.
- c) Notwithstanding the terms of part (a), that during temporary operations, such as soil stripping operations, the nominal daytime noise limit from site operations, shall be no more than 70dB LAeq over any one hour period for a maximum of 8 weeks per year.

- d) Details of all noise measuring and monitoring records shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
16. Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1 as constructed on site so as to provide that heavy goods vehicles may leave the site only by turning tight to, and enter the site only turning left from, the B7030 road.
17. The rate of extraction of material shall be restricted to 375,000 tonnes per annum. Details of the quantity of all extracted material from the quarry shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
18. That prior to the 5th of September 2023, a plan illustrating the proposed final restoration of the site, incorporating all of the requirements contained within the provisions of Conditions 32-45 below (the Restoration Conditions), shall be submitted for the approval of the Council as Planning Authority. If the final restoration plan is not submitted, then extraction works shall cease on the site until a revised scheme has been submitted to the Council as Planning Authority. Thereafter, the approved restoration plan shall be reviewed every 10 years. The site shall then be restored in accordance with the last approved restoration plan within 24 months of cessation of the permitted operations.
19. That all extraction operations on the site shall be discontinued on or before 3 September 2050, as stipulated by the provisions of paragraph 1(2) of Schedule 3 of the Town and Country Planning (Scotland) Act 1997, and no later than a date 24 months from that discontinuance date, the entire site shall be restored in accordance with the approved Restoration Plan as agreed by the provisions of Condition 18 above. In the event that extraction operations cease well in advance of the above date, the site operator shall begin restoration works within 3 months of the cessation of operations.
20. Within 12 months from the completion of operations, all plant, machinery and buildings shall be removed from the plant site and stockpile areas, which shall be left in a neat and tidy condition.
21. Restoration following completion of extraction operations shall comply with 'Restoration Conditions' (conditions 32-44 below) as recommended by the Department for Agriculture and Fisheries Scotland (DAFS).
22. The Applicant shall make stock proof and maintain until the restoration is completed, all the existing perimeter hedges, fences and walls, and shall protect the same from damage.

Where the site boundary does not coincide with an existing hedge, fence or wall, the Applicant shall provide and maintain, until the restoration is completed, stock proof fencing with gates or cattle grids at every opening.

Hedgerows within or bounding the site shall be carefully maintained, cut and trimmed at the proper season throughout the period of working and restoration of the site.

23. Topsoil and subsoil must only be stripped when these soils are in such a condition of dryness which will enable the soils to be moved without damaging the structure of the soils.
24. Bind-free soil forming material found during the course of the proposed operations shall be recovered where practicable and stored for use in the final restoration of the land. This material shall be used to replace shortages of subsoil or used to cap the overburden where there is adequate subsoil and topsoil. This material to be used to achieve a minimum topsoil and subsoil depth of 1.0 metre at restoration.
25. Topsoil, subsoil, soil forming material and overburden shall be carefully stored in separate dumps and prevented from mixing. Topsoil dumps shall not exceed 6 metres in height.

Topsoil and subsoil dumps shall be evenly graded, and tops shaped to prevent water ponding. Topsoil dumps shall be seeded to grass.

The soil storage mounds, haul roads and site access roads shall be fenced off so that during construction of the mounds and operation of the quarry no traffic will have access to the remainder of Field 2100/3174. Upon completion of stripping operations, the haul roads within Field 2100/3174 should be rooted and soil retained. Any disrupted field drains shall be reinstated. These areas should be rooted at each stage and stones exceeding 200mm in any one direction removed from the topsoil. Fencing should then be removed from reinstated haul road routes.

26. Topsoil shall be retained on the site, and none shall be sold off or removed from the site. After stripping and formation of storage dumps, they shall be fenced off and the quantities shall be measured, and the volumes and locations made known to the Planning Authority and to the agricultural occupier concerned.
27. All weeds on the site, including particularly those on the topsoil and subsoil dumps, shall be treated with weed killer or cut to prevent spreading within the site or to adjoining agricultural land.
28. Throughout the period of working, agricultural restoration and aftercare, the applicant shall protect and maintain any ditch, stream, water course or culvert padding through the site so as not to impair the flow nor render less effective drainage on to and from adjoining land.
29. Provision shall be made at all times to ensure that underdrainage is maintained for land outwith the working area. Standing water must not be allowed to gather on any areas with the whole site where the topsoil and subsoil have not been stripped.
30. Alternative arrangements shall be made for any interruption of drainage systems serving land adjacent to the site.

New interceptor leaders shall be laid, or ditches cut, where required, to ring the site and bleed-in existing lateral drains from adjoining undisturbed land.



31. Any oil, fuel, lubricant, paint or solvent within the site shall be stored within a suitable bund or other means of enclosure to prevent such material from contaminating topsoil or subsoil or reaching any water course.
32. On completion of extraction to the approved levels, the quarry floor shall be rooted to break up compacted layers. Haul roads from the soil storage mounds within Fields 2100/3478 shall be fenced off to deny traffic access to the remainder of the field.
33. Progressive and even respreading of overburden shall be carried out following mineral extraction. The overburden shall be levelled and graded in accordance with the approved restoration contours and shall have slopes adjusted to be free from the risk of both ponding and erosion. The overburden shall be rooted and cross-rooted to a depth of 300 millimetre with boulders and other impediments, exceeding 500 millimetre in any one direction, removed, carted off the site or buried in a stone hole.
34. Prior to the replacement of the subsoil all soil forming material conserved shall be spread evenly over the overburden and any large stones removed as described at Condition 35 above.
35. At least 600 millimetres of subsoil shall be spread on top of the over-burden. The subsoil shall be replaced in even layers. Each layer shall be separately rooted and cross-rooted with a heavy duty winged rooting machine with tines set no wider than 450 millimetres apart. Each rooting operation shall be sufficiently deep to penetrate at least 150 millimetres into the preceding layer. Any stones or boulders exceeding 200 millimetres in any one direction, or other material which would prevent or impede normal agricultural or land drainage operations, or the use of machinery for subsoiling or mole ploughing, shall be removed before topsoil is replaced. The surface of all layers shall be left in a loosened state to prevent sealing.
36. Topsoil shall be replaced to the original depth to achieve agreed land levels and configuration. The topsoil shall be rooted and cross-rooted to its full depth with stones exceeding 150 millimetres in any one direction being removed from the site or buried in a stone hole. All operations following replacement of topsoil shall be carried out by suitable agricultural machinery.
37. All operations to remove topsoil and subsoil from dump and to respreads in accordance with Conditions 36 and 37 shall be carried out when the ground and dump are dry, and conditions are otherwise judged by the Planning Authority or their agent to be suitable. Earth moving machinery should travel to and from the soil dumps along clearly defined routes. These routes must be rooted before being covered with the next layer of subsoil or topsoil. When the vehicle is emptied after spreading subsoil or topsoil, the driver must immediately turn off on to overburden or subsoil areas respectively. On sloping land, the direction of travel of machines should be parallel to the contours to minimise erosion.
38. Upon completion of extraction works, all site access roads, fixed plant, machinery and buildings, shall be removed from the site. All areas involved shall be subject to the full restoration treatment.

39. The site shall be restored only in accordance with the Restoration Plan approved in accordance with Condition 19 and the works and specification outlined in that Plan.

Facilities installed in accordance with the Restoration Plan shall be maintained to the satisfaction of the Planning Authority until the end of the Aftercare Period.

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Facilities installed in accordance with the Restoration Plan shall be maintained to the satisfaction of the Planning Authority until the end of the Aftercare Period.

41. Diverted water courses shall be restored to the original or agreed alternative line and measures shall be taken to prevent erosion of banks and beds.
42. After replacement of topsoil in accordance with Conditions, chemical analyses of the soils shall be carried out by an approved agency to assess the fertiliser, lime and other major and minor nutrients required to promote the establishment and growth of appropriate plants for the agreed land use.

The land shall be cultivated using agricultural machinery, to prepare a seed bed suitable for the sowing of grass seeds. During the cultivation process, any stones with a dimension larger than 150 millimetres shall be removed together with other obstructions to future cultivation. Lime, fertilisers and other plant nutrients shall be applied in accordance with the recommendations of the approved agency carrying out the soil chemical analyses so that the soil is sufficiently fertile to permit the chosen programme of restoration.

Where no soil analyses results are available, a minimum of 7.5 tonnes of ground limestone, 190 kilograms of phosphoric acid ( $P_2O_5$ ) and 400 kilograms of balanced compound fertiliser shall be applied per hectare.

The land will be sown to a short-term grass seeds mixture, the basis of which should be perennial rye grass and white clover.

43. Restoration shall not be considered to have been completed until all the aforementioned operations have been carried out to the satisfaction of the Planning Authority.
44. An Aftercare Scheme shall be submitted in accordance with the Act for the approval of the Planning Authority, when final restoration contours have been achieved.
45. An updated Performance Guarantee Bond referring to this s42 application and the accompanying application (22/02513/FUL) shall be submitted by applicant to the satisfaction of the Planning Authority following the granting of this permission.

## Reasons

1. In order that the quarry workings on the site are carried out in full accordance with best practice and the provisions of Planning Advice Note 50: "Controlling the Environmental Effects of Surface Mineral Workings."
2. In order to control the times when blasting can be carried out on site so as to protect the amenity of the occupiers of neighbouring properties and to ensure safe blasting practice is carried out on the site at all times.
3. In order to control the number of blasting events that area carried out on site so as to protect the amenity of the occupiers of neighbouring properties.
4. In order to control the times when blasting can be carried out on site so as to protect the amenity of the occupiers of neighbouring properties.
5. In order to control vibrations from blasting within the site so as to protect the amenity of the occupiers of neighbouring properties.
6. In order to protect existing gas infrastructure within proximity of the quarry site.
7. In order to control vibrations from blasting within the site so as to protect the amenity of the occupiers of neighbouring properties.
8. In order to protect the amenity of the occupiers of neighbouring properties.
9. In order to protect the amenity of the occupiers of neighbouring properties.
10. In order to protect the amenity of the occupiers of neighbouring properties.
11. In order to protect the amenity of the occupiers of neighbouring properties.
12. In order to protect the amenity of the occupiers of neighbouring properties.
13. In order to protect the amenity of the occupiers of neighbouring properties.
14. In order to protect the amenity of the occupiers of neighbouring properties.
15. In order to ensure that heavy goods vehicles entering and leaving the site are suitably routed to the principal road network.
16. In order to control the numbers of heavy goods vehicles generated by the site and to protect the amenity of the occupiers of neighbouring properties.
17. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
18. In order to suitably control the duration of the quarrying operations on the site and in order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.

19. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
20. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
21. In order to ensure that the site is suitably secured for Health and Safety reasons.
22. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
23. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
24. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
25. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
26. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land outwith the site so as to mitigate disruption from the quarrying operations on the site.
27. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land outwith the site so as to mitigate disruption from the quarrying operations on the site.
28. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land outwith the site so as to mitigate disruption from the quarrying operations on the site.
29. In order to mitigate potential pollution events from the quarrying operation on the site.
30. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
31. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
32. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
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34. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.

35. In order to prevent damage to soil structure due to trafficking with heavy vehicles, plant or machinery and to ensure that there is an acceptable means of restoration plan for the site and its after use.
36. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
37. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
38. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
39. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land outwith the site so as to mitigate disruption from the quarrying operations on the site.
40. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
41. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
42. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
43. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.

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

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

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

**Date Registered: 20 June 2022**

### **Drawing Numbers/Scheme**

01-04, 05(A)-07(A), 08, 09(A)-10(A), 11-12

Scheme 2

**David Givan**

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

Contact: Adam Cairns, Planning Officer  
E-mail:adam.cairns@edinburgh.gov.uk

## Appendix 1

### Summary of Consultation Responses

NAME: Roads Authority

COMMENT: P.9 of planning statement confirms that there is no increase in HGV movements as a result of this application. Rate of extraction of quarry materials to remain at maximum of 375k per annum.

DATE: 2 December 2022

NAME: Edinburgh Airport

COMMENT: No objections

DATE: 8 November 2022

NAME: Scottish Water

COMMENT: No objections

DATE: 18 July 2022

NAME: NatureScot

COMMENT: No objections

DATE: 11 August 2022

NAME: Historic Environment

COMMENT: No objections

DATE: 5 September 2022

NAME: Archaeology

COMMENT: No objections

DATE: 18 July 2022

NAME: West Lothian Council

COMMENT: No objections

DATE: 17 August 2022

NAME: Environmental Protection

COMMENT: No objections

DATE: 7 March 2023

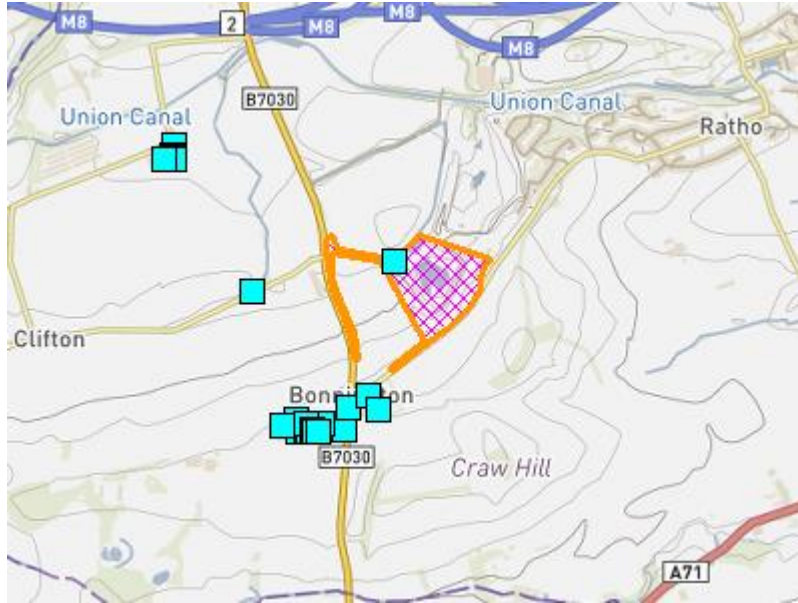
NAME: Natural Environment

COMMENT: No objections

DATE: 25 October 2022

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

## Location Plan



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